

117TH CONGRESS
1ST SESSION

H. R. 3881

To amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2021

Mr. THOMPSON of California introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Support and Defend
5 Our Military Personnel and Their Families Act”.

6 **SEC. 2. FACILITATING NATURALIZATION FOR MILITARY**
7 **PERSONNEL.**

8 (a) IN GENERAL.—Any person who has served honor-
9 ably as a member of the Armed Forces of the United
10 States in support of a contingency operation (as defined

1 in section 101(a)(13) of title 10, United States Code), and
 2 who, if separated from the Armed Forces, was separated
 3 under honorable conditions, may be naturalized as pro-
 4 vided in section 329 of the Immigration and Nationality
 5 Act (8 U.S.C. 1440) as though the person had served dur-
 6 ing a period designated by the President under such sec-
 7 tion.

8 (b) NATURALIZATION THROUGH SERVICE IN THE
 9 ARMED FORCES OF THE UNITED STATES.—Section 328
 10 of the Immigration and Nationality Act (8 U.S.C. 1439)
 11 is amended—

12 (1) in subsection (a), by striking “six months”
 13 and inserting “one year”; and

14 (2) in subsection (d), by striking “six months”
 15 and inserting “one year”.

16 **SEC. 3. TIMELY REUNIFICATION OF MILITARY PERSONNEL**
 17 **AND THEIR NUCLEAR FAMILIES.**

18 Section 201(b)(1) of the Immigration and Nationality
 19 Act (8 U.S.C. 1151(b)(1)) is amended by adding at the
 20 end the following:

21 “(F) Aliens who are eligible for an immigrant
 22 visa under paragraph (2) of section 203(a) and are
 23 the spouse, child, son, or daughter of an alien who
 24 is serving in the Armed Forces of the United
 25 States.”.

1 **SEC. 4. RELIEF FOR IMMEDIATE FAMILY MEMBERS OF AC-**
2 **TIVE DUTY PERSONNEL.**

3 Section 245 of the Immigration and Nationality Act
4 (8 U.S.C. 1255) is amended by adding at the end the fol-
5 lowing:

6 “(n) RELIEF FOR IMMEDIATE FAMILY MEMBERS OF
7 ACTIVE DUTY PERSONNEL.—

8 “(1) IN GENERAL.—The Secretary of Homeland
9 Security may adjust the status of an alien described
10 in paragraph (2) to that of an alien lawfully admit-
11 ted for permanent residence if—

12 “(A) the alien makes an application for
13 such adjustment, and is physically present in
14 the United States on the date the application is
15 filed;

16 “(B) the alien is eligible to receive an im-
17 migrant visa and is admissible under section
18 212(a) (except that paragraphs (4), (6)(A),
19 (7)(A), and (9)(B) of such section shall not
20 apply for purposes of this subsection);

21 “(C) an immigrant visa is immediately
22 available to the alien at the time the application
23 is filed; and

24 “(D) the alien pays a fee, as determined by
25 the Secretary, for the processing of such appli-
26 cation.

1 “(2) ELIGIBLE ALIENS.—

2 “(A) IN GENERAL.—The benefits provided
3 in paragraph (1) shall apply only to an alien
4 who is a parent, spouse, child, son, daughter, or
5 minor sibling of an eligible member of the
6 Armed Forces.

7 “(B) POSTHUMOUS BENEFITS.—An alien
8 described in subparagraph (A) shall continue to
9 be eligible for adjustment under this subsection
10 for 2 years after the death of an eligible mem-
11 ber of the Armed Forces whose death was the
12 result of injury or disease incurred in or aggra-
13 vated by his or her service in the Armed Forces
14 or, if such death occurred prior to the date of
15 enactment of this paragraph, for 2 years after
16 such date of enactment.

17 “(3) ELIGIBLE MEMBERS OF THE ARMED
18 FORCES.—In this subsection, ‘eligible member of the
19 Armed Forces’ means any person who—

20 “(A) has served honorably in an active
21 duty status in the Armed Forces of the United
22 States; and

23 “(B) if separated from the service de-
24 scribed in subparagraph (A), was separated
25 under honorable conditions.”.

1 **SEC. 5. FACTORS TO CONSIDER IN INITIATING REMOVAL**
2 **PROCEEDINGS AGAINST ACTIVE DUTY MILI-**
3 **TARY PERSONNEL AND VETERANS.**

4 Section 239 of the Immigration and Nationality Act
5 (8 U.S.C. 1229) is amended by adding at the end the fol-
6 lowing:

7 “(f) CONSIDERATIONS FOR ACTIVE DUTY MILITARY
8 PERSONNEL AND VETERANS.—

9 “(1) IN GENERAL.—A notice to appear shall
10 not be issued against an alien who has served honor-
11 ably at any time in the Armed Forces of the United
12 States, and who, if separated from the Armed
13 Forces, separated under honorable conditions, with-
14 out prior approval from the Secretary of Homeland
15 Security.

16 “(2) FACTORS.—In determining whether to
17 issue a notice to appear against such an alien, the
18 Secretary shall consider the alien’s eligibility for nat-
19 uralization under section 328 or 329, as well as the
20 alien’s record of military service, grounds of deport-
21 ability applicable to the alien, and any hardship to
22 the Armed Forces, the alien, and his or her family
23 if the alien were to be placed in removal proceedings.

24 “(3) PROHIBITION.—An alien who has served
25 honorably in the Armed Forces of the United States,
26 and who, if separated from the Armed Forces, sepa-

1 rated under honorable conditions, shall not be re-
2 moved from the United States under subparagraph
3 (A)(i) or (B)(iii) of section 235(b)(1), section 238,
4 or section 241(a)(5).”.

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