

117TH CONGRESS  
1ST SESSION

# H. R. 1183

To establish a military family immigration advisory committee, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

Mr. TAKANO (for himself, Mr. VARGAS, Mr. GRIJALVA, Mr. GALLEG0, Mrs. WATSON COLEMAN, Mr. HASTINGS, Ms. SCHAKOWSKY, Ms. GARCIA of Texas, and Ms. NORTON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Veterans' Affairs, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a military family immigration advisory committee, 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 “Honoring the Oath  
5 Act of 2021”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1           (1) military service to the United States is a  
2           sacrifice that demonstrates loyalty to the Nation;

3           (2) a noncitizen who takes an oath of enlist-  
4           ment or an oath of office to join the United States  
5           Armed Forces—promising to support and defend the  
6           Constitution of the United States against all en-  
7           emies, foreign and domestic—deserves facilitated ac-  
8           cess to naturalization;

9           (3) such noncitizen and his or her family mem-  
10          bers deserve consideration for the exercise of pros-  
11          ecutorial discretion in immigration removal pro-  
12          ceedings; and

13          (4) a noncitizen veteran who is deported after  
14          consideration under this Act should be provided the  
15          same veterans’ benefits to which a similarly situated  
16          United States citizen veteran would be entitled.

17 **SEC. 3. DEFINITIONS.**

18       In this Act:

19           (1) **ADVISORY COMMITTEE.**—The term “Advi-  
20           sory Committee” means the Military Family Immi-  
21           gration Advisory Committee established pursuant to  
22           section 5.

23           (2) **APPROPRIATE CONGRESSIONAL COMMIT-**  
24           **TEES.**—The term “appropriate congressional com-  
25           mittees” means—

1 (A) the Committee on Armed Services of  
2 the Senate;

3 (B) the Committee on Homeland Security  
4 and Governmental Affairs of the Senate;

5 (C) the Committee on the Judiciary of the  
6 Senate;

7 (D) the Committee on Veterans' Affairs of  
8 the Senate;

9 (E) the Committee on Armed Services of  
10 the House of Representatives;

11 (F) the Committee on Homeland Security  
12 of the House of Representatives;

13 (G) the Committee on the Judiciary of the  
14 House of Representatives; and

15 (H) the Committee on Veterans' Affairs of  
16 the House of Representatives.

17 (3) ARMED FORCES.—The term “Armed  
18 Forces” has the meaning given that term in section  
19 101 of title 10, United States Code.

20 (4) COVERED FAMILY MEMBER.—The term  
21 “covered family member” means the noncitizen  
22 spouse or noncitizen minor child of—

23 (A) a member of the Armed Forces serving  
24 on active duty or in a reserve component; or

25 (B) a veteran, as defined in paragraph (4).

1           (5) NONCITIZEN.—The term “noncitizen”  
 2       means an individual who is not a national of the  
 3       United States (as defined in section 101(a)(22) of  
 4       the Immigration and Nationality Act (8 U.S.C.  
 5       1101(a)(22))).

6           (6) VETERAN.—The term “veteran” has the  
 7       meaning given that term in section 101 of title 38,  
 8       United States Code.

9   **SEC. 4. IDENTIFICATION OF MEMBERS OF THE ARMED**  
 10                   **FORCES, VETERANS, AND COVERED FAMILY**  
 11                   **MEMBERS IN REMOVAL PROCEEDINGS.**

12       (a) IN GENERAL.—Not later than the time of the  
 13       Master Calendar Hearing for any individual in removal  
 14       proceedings, the Director of U.S. Immigration and Cus-  
 15       toms Enforcement shall identify whether the individual  
 16       is—

17           (1) a member of the Armed Forces serving on  
 18       active duty or in a reserve component;

19           (2) a veteran; or

20           (3) a covered family member.

21       (b) TRANSFER OF CASE FILES.—The Director of  
 22       U.S. Immigration and Customs Enforcement shall trans-  
 23       fer a copy of the complete case file of any individual identi-  
 24       fied under subsection (a), immediately after such identi-  
 25       fication, to the Advisory Committee.

1 (c) LIMITATION ON REMOVAL.—Notwithstanding any  
2 other provision of law, an individual described in sub-  
3 section (a) may not be removed until the Military Family  
4 Immigration Advisory Committee has provided rec-  
5 ommendations with respect to that individual to the Sec-  
6 retary of Homeland Security and the Attorney General  
7 under section 5.

8 **SEC. 5. MILITARY FAMILY IMMIGRATION ADVISORY COM-**  
9 **MITTEE.**

10 (a) ESTABLISHMENT.—The Secretary of Homeland  
11 Security, in consultation with the Secretary of Defense  
12 and in cooperation with the Secretary of the Army, the  
13 Secretary of the Navy, the Secretary of the Air Force, and  
14 the Commandant of the Coast Guard, shall establish an  
15 advisory committee, to be known as the “Military Family  
16 Immigration Advisory Committee”, to provide rec-  
17 ommendations to the Secretary of Homeland Security and  
18 the Attorney General on the exercise of prosecutorial dis-  
19 cretion in cases involving removal proceedings of individ-  
20 uals described in section 4(a).

21 (b) MEMBERSHIP.—The Advisory Committee shall be  
22 composed of—

23 (1) the Deputy Commanding General of Army  
24 Human Resources Command, or designee;

1           (2) the Judge Advocate of the Army, or des-  
2       ignee;

3           (3) the Deputy Commander of Navy Personnel  
4       Command, or designee;

5           (4) the Judge Advocate of the Navy, or des-  
6       ignee;

7           (5) the Vice Chief of Staff of the Air Force;

8           (6) the Judge Advocate of the Air Force, or  
9       designee;

10          (7) the Deputy Commandant for Mission Sup-  
11       port of the Coast Guard;

12          (8) the Judge Advocate of the Coast Guard, or  
13       designee; and

14          (9) the Deputy Commandant of Manpower and  
15       Reserve Affairs of the Marine Corps, or designee.

16       (c) CASE REVIEWS.—

17           (1) IN GENERAL.—Not later than 30 days after  
18       the Director of U.S. Immigration and Customs En-  
19       forcement notifies the Advisory Committee of the  
20       case of an individual described in section 4(a), the  
21       Advisory Committee shall meet to review the case  
22       and to provide a written recommendation to the Sec-  
23       retary of Homeland Security on whether the indi-  
24       vidual—

(A) notwithstanding the grounds for removal asserted by U.S. Immigration and Customs Enforcement, should be granted—

(i) a stay of removal and allowed to apply for asylum;

(ii) deferred action; or

(iii) parole; or

(B) should be removed from the United States.

(2) SUBMISSION OF INFORMATION.—An individual who is the subject of a case review under paragraph (1) may submit information to the Advisory Committee, and the Advisory Committee shall consider such information.

(3) PROCEDURES.—In conducting each case review under paragraph (1), the Advisory Committee shall consider, as factors weighing in favor of a recommendation under paragraph (1)(A)—

(A) with respect to a member of the Armed Forces serving on active duty or in a reserve component, whether the individual—

(i) took an oath of enlistment or an oath of office;

(ii) received military decorations, campaign medals, or service medals, was de-

1           ployed, or was otherwise evaluated for  
2           merit in service during his or her service in  
3           the Armed Forces;

4           (iii) is a national of a country that  
5           prohibits repatriation of an individual after  
6           any service in the Armed Forces; or

7           (iv) contributed to his or her local  
8           community during his or her service in the  
9           Armed Forces;

10          (B) with respect to a veteran, whether the  
11          individual—

12           (i) took an oath of enlistment or an  
13           oath of office;

14           (ii) completed a term of service in the  
15           Armed Forces and was discharged under  
16           conditions other than dishonorable;

17           (iii) received military decorations,  
18           campaign medals, or service medals, was  
19           deployed, or was otherwise evaluated for  
20           merit in service during his or her service in  
21           the Armed Forces;

22           (iv) is a national of a country that  
23           prohibits repatriation of an individual after  
24           any service in the Armed Forces; or



1 (v) contributed to his or her local  
2 community during or after his or her serv-  
3 ice in the Armed Forces; and

4 (C) with respect to a covered family mem-  
5 ber, whether the individual—

6 (i) supported a member of the Armed  
7 Forces serving on active duty or a veteran,  
8 including through financial support, emo-  
9 tional support, or caregiving; or

10 (ii) contributed to his or her local  
11 community during or after the military  
12 service of the member or of the veteran.

13 (d) CONSULTATION WITH U.S. IMMIGRATION AND  
14 CUSTOMS ENFORCEMENT PRINCIPAL LEGAL ADVISOR.—  
15 The Principal Legal Advisor of U.S. Immigration and  
16 Customs Enforcement, or designee, shall consult with the  
17 Advisory Committee at the request of members of the Ad-  
18 visory Committee.

19 (e) BRIEFINGS ON UNSUITABILITY OF NONCITIZEN  
20 MEMBERS OF THE ARMED FORCES.—The Under Sec-  
21 retary of Defense for Personnel and Readiness shall pro-  
22 vide detailed briefings to the Advisory Committee regard-  
23 ing the reasons for determining the unsuitability of noncit-  
24 izen members of the Armed Forces whose cases are being  
25 considered by the Advisory Committee.

1 (f) BRIEFINGS ON ACTIONS IN RESPONSE TO REC-  
2 OMMENDATIONS.—Not less frequently than quarterly, the  
3 Secretary of Homeland Security shall provide detailed  
4 briefings to the Advisory Committee regarding actions  
5 taken in response to the recommendations of the Advisory  
6 Committee, including detailed explanations for any cases  
7 in which a recommendation of the Advisory Committee  
8 was not followed.

9 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated such sums as may be nec-  
11 essary to carry out this section.

12 **SEC. 6. LIST OF COUNTRIES UNWILLING TO REPATRIATE**  
13 **UNITED STATES VETERANS.**

14 The Secretary of Homeland Security, in consultation  
15 with the Secretary of State, shall compile and annually  
16 update a list of countries that refuse to repatriate nation-  
17 als of such country who have enlisted or been appointed  
18 in the United States Armed Forces.

19 **SEC. 7. PROGRAM OF CITIZENSHIP THROUGH MILITARY**  
20 **SERVICE.**

21 (a) IN GENERAL.—The Secretary of Homeland Secu-  
22 rity, acting through the Director of U.S. Citizenship and  
23 Immigration Services, and the Secretary of Defense shall  
24 jointly carry out a program under which any individual  
25 noncitizen who serves on active duty in the Armed Forces,

1 and the noncitizen spouse and any noncitizen minor child  
2 of such individual, shall be naturalized as a United States  
3 citizen if such individual, and such spouse or child, is not  
4 otherwise ineligible for citizenship under the immigration  
5 laws (as that term is defined in section 101(a)(17) of the  
6 Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

7 (b) JAG TRAINING.—The Secretary of Defense shall  
8 ensure that appropriate members of the judge advocate  
9 general corps of the Armed Forces shall receive training  
10 to function as liaisons with U.S. Citizenship and Immigra-  
11 tion Services with respect to applications for citizenship  
12 of noncitizen members of the Armed Forces assigned to  
13 units in such areas.

14 (c) TRAINING FOR RECRUITERS.—The Secretary of  
15 Defense shall ensure that all recruiters in the Armed  
16 Forces receive training regarding—

17 (1) the steps required for a noncitizen member  
18 of the Armed Forces to receive citizenship;

19 (2) limitations on the path to citizenship for  
20 family members of such individuals; and

21 (3) points of contact at the Department of  
22 Homeland Security to resolve emergency immigra-  
23 tion-related situations with respect to such individ-  
24 uals and their family members.

25 (d) APPLICATION FOR NATURALIZATION.—

1 (1) BIOMETRICS.—

2 (A) SUBMISSION OF BIOMETRIC INFORMA-  
3 TION.—The Secretary of Defense shall ensure  
4 that, at the time of accession into the Armed  
5 Forces, biometric information of an individual  
6 who has applied, or who plans to apply, for nat-  
7 uralization is submitted to U.S. Citizenship and  
8 Immigration Services for the purposes of such  
9 application.

10 (B) ACCEPTANCE OF BIOMETRIC INFORMA-  
11 TION.—The Director of U.S. Citizenship and  
12 Immigration Services shall accept any biometric  
13 information submitted pursuant to subpara-  
14 graph (A).

15 (2) FILING OF APPLICATION.—The Secretary of  
16 Homeland Security, in coordination with the Sec-  
17 retary of Defense, shall ensure that each noncitizen  
18 individual who accesses into the Armed Forces is  
19 permitted to file an application for naturalization as  
20 part of the accessions process.

21 (3) ADJUDICATION OF APPLICATION.—The Sec-  
22 retary of Homeland Security, in coordination with  
23 the Secretary of Defense, shall ensure that the appli-  
24 cation for naturalization of any individual who ap-  
25 plies for naturalization during the accessions process

1 into the Armed Forces is adjudicated not later than  
2 the last day of active service of the individual in the  
3 Armed Forces.

4 (e) ANNUAL REPORTS.—The Secretary of each mili-  
5 tary department shall annually submit to the appropriate  
6 congressional committees a report on the number of all  
7 noncitizens who enlisted or were appointed in their depart-  
8 ment, all members of the Armed Forces in their depart-  
9 ment who naturalized, and all members of the Armed  
10 Forces in their department who were discharged or re-  
11 leased without United States citizenship under the juris-  
12 diction of such Secretary during the preceding year.

13 **SEC. 8. STUDY AND REPORT ON NONCITIZEN VETERANS**  
14 **REMOVED FROM THE UNITED STATES.**

15 (a) STUDY REQUIRED.—Not later than 1 year after  
16 the date of the enactment of this Act, the Secretary of  
17 Defense, the Secretary of Homeland Security, and the  
18 Secretary of Veterans Affairs shall jointly carry out a  
19 study on noncitizen veterans of the Armed Forces who  
20 were removed from the United States during the period  
21 beginning on January 1, 1990, and ending on the date  
22 of the enactment of this Act, which shall include—

23 (1) the number of noncitizens removed by U.S.  
24 Immigration and Customs Enforcement or the Im-  
25 migration and Naturalization Service during the pe-

1       riod covered by the report who served on active duty  
2       in the Armed Forces or in a reserve component of  
3       the Armed Forces for a period of more than 180  
4       days;

5               (2) for each noncitizen described in paragraph  
6       (1)—

7                       (A) the country of origin of the noncitizen;

8                       (B) the length of time the noncitizen  
9       served as a member of the Armed Forces;

10                      (C) the grounds for removal under section  
11       237(a) of the Immigration and Nationality Act  
12       (8 U.S.C. 1227) or section 212(a) of the Immi-  
13       gration and Nationality Act (8 U.S.C. 1182), as  
14       applicable; and

15                      (D) whether the noncitizen appealed the  
16       removal order;

17               (3) the number of noncitizens described in  
18       paragraph (1) who—

19                      (A) were discharged or released from serv-  
20       ice under honorable conditions;

21                      (B) were deployed overseas;

22                      (C) served on active duty in the Armed  
23       Forces in an overseas contingency operation;

24                      (D) were awarded military decorations,  
25       campaign medals, or service medals;

1 (E) applied for benefits under laws admin-  
2 istered by the Secretary of Veterans Affairs; or

3 (F) are receiving benefits described in sub-  
4 paragraph (E); and

5 (4) a description of the reasons preventing any  
6 of the noncitizens who applied for benefits described  
7 in paragraph (3)(E) from receiving such benefits.

8 (b) REPORT.—Not later than 90 days after the date  
9 of the completion of the study required under subsection  
10 (a), the Secretary of Defense, the Secretary of Homeland  
11 Security, and the Secretary of Veterans Affairs shall joint-  
12 ly submit a report containing the results of such study  
13 to the appropriate congressional committees.

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