

117TH CONGRESS
2D SESSION

H. R. 7946

To provide benefits for noncitizen members of the Armed Forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2022

Mr. TAKANO (for himself, Ms. LOFGREN, Mr. NADLER, Mr. VARGAS, Mr. CORREA, and Mr. RUIZ) 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

A BILL

To provide benefits for noncitizen members of the Armed Forces, 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 “Veteran Service Rec-
5 ognition Act of 2022”.

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 a noncitizen and his or her family
10 members deserve consideration for the exercise of
11 discretion in immigration removal proceedings; and

12 (4) a noncitizen veteran who is removed should
13 continue to be eligible for the same veterans’ bene-
14 fits to which a similarly situated veteran in the
15 United States would be entitled.

16 **SEC. 3. STUDY AND REPORT ON NONCITIZEN VETERANS**
17 **REMOVED FROM THE UNITED STATES.**

18 (a) **STUDY REQUIRED.**—Not later than 1 year after
19 the date of the enactment of this Act, the Secretary of
20 Defense, the Secretary of Homeland Security, and the
21 Secretary of Veterans Affairs shall jointly carry out a
22 study on noncitizen veterans and noncitizen former mem-
23 bers of the Armed Forces who were removed from the
24 United States during the period beginning on January 1,

1 1990, and ending on the date of the enactment of this
2 Act, which shall include the following:

3 (1) The number of noncitizens removed by U.S.
4 Immigration and Customs Enforcement or the Im-
5 migration and Naturalization Service during the pe-
6 riod covered by the report who served in the Armed
7 Forces for an aggregate period of more than 180
8 days.

9 (2) For each noncitizen described in paragraph
10 (1)—

11 (A) the country of nationality or last habit-
12 ual residence of the noncitizen;

13 (B) the total length of time the noncitizen
14 served as a member of the Armed Forces;

15 (C) each ground on which the noncitizen
16 was ordered removed under section 237(a) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1227(a)) or section 212(a) of the Immigration
19 and Nationality Act (8 U.S.C. 1182(a)), as ap-
20 plicable; and

21 (D) whether the noncitizen appealed the
22 removal order to the Board of Immigration Ap-
23 peals.

24 (3) Each of the following enumerations:

1 (A) The number of noncitizens described in
2 paragraph (1) who were discharged or released
3 from service under honorable conditions.

4 (B) The number of noncitizens described
5 in paragraph (1) who were discharged or re-
6 leased from service under honorable conditions.

7 (C) The number of noncitizens described in
8 paragraph (1) who were deployed overseas.

9 (D) The number of noncitizens described
10 in paragraph (1) who served on active duty in
11 the Armed Forces in an overseas contingency
12 operation.

13 (E) The number of noncitizens described
14 in paragraph (1) who were awarded decorations
15 or medals.

16 (F) The number of noncitizens described
17 in paragraph (1) who applied for benefits under
18 laws administered by the Secretary of Veterans
19 Affairs.

20 (G) The number of noncitizens described
21 in paragraph (1) who receive benefits described
22 in subparagraph (E).

23 (4) A description of the reasons preventing any
24 of the noncitizens who applied for benefits described
25 in paragraph (3)(E) from receiving such benefits.

1 (b) REPORT.—Not later than 90 days after the date
2 of the completion of the study required under subsection
3 (a), the Secretary of Defense, the Secretary of Homeland
4 Security, and the Secretary of Veterans Affairs shall joint-
5 ly submit a report containing the results of such study
6 to the appropriate congressional committees.

7 **SEC. 4. INFORMATION SYSTEM ON VETERANS SUBJECT TO**
8 **REMOVAL.**

9 (a) ESTABLISHMENT.—Not later than 180 days after
10 the date of the enactment of this Act, the Secretary of
11 Homeland Security shall create—

12 (1) a protocol for identifying noncitizens who
13 are or may be veterans; and

14 (2) a system for maintaining information about
15 noncitizen veterans identified pursuant to the pro-
16 tocol created under paragraph (1) and information
17 provided by the Secretary of Defense under section
18 5(d).

19 (b) INFORMATION SHARING.—The system shall be
20 shared across all components of the Department of Home-
21 land Security, including Enforcement and Removal Oper-
22 ations, the Office of the Principal Legal Advisor, Home-
23 land Security Investigations, and the Military Family Im-
24 migration Advisory Committee.

1 (c) CONSIDERATION OF VETERAN STATUS.—The
2 Secretary shall ensure that, in the case of any noncitizen
3 veteran who is potentially removable, and in any removal
4 proceeding against such a noncitizen veteran, information
5 available under this system is taken into consideration, in-
6 cluding for purposes of any adjudication on the immigra-
7 tion status of such veteran.

8 (d) USE OF SYSTEM REQUIRED.—The Secretary may
9 not initiate removal proceedings against an individual
10 prior to using the system established under subsection (a)
11 to attempt to determine whether the individual is a vet-
12 eran. If the Secretary determines that such an individual
13 is or may be a veteran, the Secretary shall notify the Mili-
14 tary Family Immigration Advisory Committee concur-
15 rently upon initiating removal proceedings against such in-
16 dividual.

17 (e) TRAINING.—Beginning in the first fiscal year that
18 begins after the Secretary of Homeland Security completes
19 the requirements under subsection (a), personnel of U.S.
20 Immigration and Customs Enforcement shall participate,
21 on an annual basis, in a training on the protocol and best
22 practices developed under subsection (a).

1 **SEC. 5. MILITARY FAMILY IMMIGRATION ADVISORY COM-**
2 **MITTEE.**

3 (a) ESTABLISHMENT.—Not later than 180 days after
4 the date of enactment of this Act, the Secretary of Home-
5 land Security shall establish an advisory committee, to be
6 known as the “Military Family Immigration Advisory
7 Committee”, to provide recommendations to the Secretary
8 of Homeland Security on the exercise of discretion in any
9 case involving removal proceedings for—

10 (1) a member of the Armed Forces;

11 (2) a veteran; or

12 (3) a covered family member.

13 (b) MEMBERSHIP.—The Advisory Committee shall be
14 composed of 9 members, appointed by the Secretary of
15 Homeland Security.

16 (c) CASE REVIEWS.—

17 (1) IN GENERAL.—Not later than 30 days after
18 the Advisory Committee identifies or is notified
19 about the case of an individual described in sub-
20 section (a), the Advisory Committee shall meet to re-
21 view the case and to provide a written recommenda-
22 tion to the Secretary of Homeland Security on
23 whether—

24 (A) an exercise of discretion is warranted,
25 including—

- 1 (i) termination of removal pro-
2 ceedings;
3 (ii) parole;
4 (iii) deferred action;
5 (iv) a stay of removal;
6 (v) administrative closure; or
7 (vi) authorization to apply for any
8 other form of relief; or

9 (B) to continue seeking the removal of
10 such individual.

11 (2) SUBMISSION OF INFORMATION.—An indi-
12 vidual who is the subject of a case review under
13 paragraph (1) may submit information to the Advi-
14 sory Committee, and the Advisory Committee shall
15 consider such information.

16 (3) PROCEDURES.—In conducting each case re-
17 view under paragraph (1), the Advisory Committee
18 shall consider, as factors weighing in favor of a rec-
19 ommendation under paragraph (1)(A)—

20 (A) with respect to a member of the
21 Armed Forces, whether the individual—

- 22 (i) was an enlisted member or officer
23 of the Armed Forces;
24 (ii) received a medal or decoration,
25 was deployed, or was otherwise evaluated

1 for merit in service during his or her serv-
2 ice in the Armed Forces;

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

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

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

11 (i) was an enlisted member or officer
12 of the Armed Forces;

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

16 (iii) received a medal or decoration,
17 was deployed, or was otherwise evaluated
18 for merit in service during his or her serv-
19 ice in the Armed Forces;

20 (iv) is a national of a country that
21 prohibits repatriation of an individual after
22 any service in the Armed Forces of another
23 country; 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) BRIEFINGS ON NONCITIZEN VETERANS.—The
14 Under Secretary of Defense for Personnel and Readiness
15 shall provide detailed briefings to the Advisory Committee
16 regarding the service of a noncitizen veteran when that
17 individual's case is being considered by the Advisory Com-
18 mittee.

19 (e) BRIEFINGS ON ACTIONS IN RESPONSE TO REC-
20 OMMENDATIONS.—Not less frequently than quarterly, the
21 Secretary of Homeland Security shall provide detailed
22 briefings to the Advisory Committee regarding actions
23 taken in response to the recommendations of the Advisory
24 Committee, including detailed explanations for any cases

1 in which a recommendation of the Advisory Committee
2 was not followed.

3 (f) TRANSFER OF CASE FILES.—For any individual
4 with respect to whom the Advisory Committee is con-
5 ducting a case review under this section, the Secretary of
6 Defense and Secretary of Homeland Security shall provide
7 to the Advisory Committee a copy of any available record
8 pertaining to that individual, including such individual's
9 alien file, that is relevant to the case review.

10 (g) LIMITATION ON REMOVAL.—Notwithstanding
11 any other provision of law, an individual described in sub-
12 section (a) may not be ordered removed until the Military
13 Family Immigration Advisory Committee has provided a
14 recommendation with respect to that individual to the Sec-
15 retary of Homeland Security.

16 **SEC. 6. PROGRAM OF CITIZENSHIP THROUGH MILITARY**
17 **SERVICE.**

18 (a) IN GENERAL.—

19 (1) PROGRAM ESTABLISHED.—The Secretary of
20 Homeland Security, acting through the Director of
21 U.S. Citizenship and Immigration Services, and in
22 coordination with the Secretary of Defense, shall
23 jointly implement a program to ensure that—

24 (A) each eligible noncitizen is afforded the
25 opportunity to file an application for naturaliza-

tion at any point on or after the first day of service on active duty or first day of service as a member of the Selected Reserve pursuant to section 329 of the Immigration and Nationality Act (8 U.S.C. 1440); and

(B) the duly authenticated certification (or any other successor form) required under section 329(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1140(b)(3)) is issued to each noncitizen not later than 30 days after the individual makes a request for such certification.

(2) ELIGIBLE NONCITIZEN.—For purposes of this paragraph, the term “eligible noncitizen” means a noncitizen who—

(A) serves or has served in the Armed Forces of the United States during any period that the President by Executive order designates as a period during which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force; or

(B) serves or has served as a member of the Armed Forces of the United States in support of a contingency operation (as defined in

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

9 (b) JAG TRAINING.—The Secretary of Defense shall
10 ensure that appropriate members of the Judge Advocate
11 General Corps of each Armed Force receive training to
12 function as liaisons with U.S. Citizenship and Immigration
13 Services with respect to applications for citizenship of non-
14 citizen members of the Armed Forces.

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

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

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

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

1 (d) ANNUAL REPORTS.—The Secretary of each mili-
2 tary department shall annually submit to the appropriate
3 congressional committees a report on the number of all
4 noncitizens who enlisted or were appointed in the military
5 department concerned, all members of the Armed Forces
6 in their department who naturalized, and all members of
7 the Armed Forces in their department who were dis-
8 charged or released without United States citizenship
9 under the jurisdiction of such Secretary during the pre-
10 ceding year.

11 (e) FURTHER FACILITATION NATURALIZATION FOR
12 MILITARY PERSONNEL IN CONTINGENCY OPERATIONS.—
13 Any person who has served honorably as a member of the
14 Armed Forces of the United States in support of a contin-
15 gency operation (as defined in section 101(a)(13) of title
16 10, United States Code), and who, if separated from the
17 Armed Forces, was separated under honorable conditions,
18 may be naturalized as provided in section 329 of the Im-
19 migration and Nationality Act (8 U.S.C. 1440) as though
20 the person had served during a period designated by the
21 President under such section.

22 (f) NATURALIZATION THROUGH SERVICE IN THE
23 ARMED FORCES OF THE UNITED STATES.—Section 328
24 of the Immigration and Nationality Act (8 U.S.C. 1439)
25 is amended—

- 1 (1) in subsection (a), by striking “six months”
2 and inserting “one year”; and
3 (2) in subsection (d), by striking “six months”
4 and inserting “one year”.

5 **SEC. 7. INFORMATION FOR MILITARY RECRUITS REGARD-**
6 **ING NATURALIZATION THROUGH SERVICE IN**
7 **THE ARMED FORCES.**

8 The Secretary of Defense, in coordination with the
9 Secretary of Homeland Security, shall ensure that there
10 is stationed or employed at each Military Entrance Proc-
11 essing Station—

12 (1) an employee of U.S. Citizenship and Immi-
13 gration Services; or

14 (2) in the case that the Secretary determines
15 that it is impracticable to station or employ a person
16 described in paragraph (1) at a Military Entrance
17 Processing Station, a member of the Armed Forces
18 or employee of the Department of Defense—

19 (A) whom the Secretary determines is
20 trained in the immigration laws; and

21 (B) who shall inform each military recruit
22 who is not a citizen of the United States proc-
23 essed at such Military Entrance Processing Sta-
24 tion regarding naturalization through service in
25 the Armed Forces under sections 328 and 329

1 of the Immigration and Nationality Act (8
2 U.S.C. 1439–1440).

3 **SEC. 8. RETURN OF ELIGIBLE VETERANS REMOVED FROM**
4 **THE UNITED STATES; ADJUSTMENT OF STA-**
5 **TUS.**

6 (a) ELIGIBLE VETERANS.—In the case of a noncit-
7 izen who has been issued a final order of removal, the Sec-
8 retary of Homeland Security, may, notwithstanding such
9 order of removal, adjust that noncitizen’s status to that
10 of an alien lawfully admitted for permanent residency, or
11 admit such noncitizen for lawful permanent residency if
12 the Secretary determines that such noncitizen is a veteran
13 and, consistent with subsection (b), is not inadmissible.

14 (b) WAIVER.—

15 (1) AUTHORITY.—In the case of a noncitizen
16 veteran described in subsection (a), the Secretary of
17 Homeland Security may waive any applicable ground
18 of inadmissibility under section 212(a) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1182(a))
20 (other than paragraphs (3) and (2)(H) of such sec-
21 tion 212(a), or a finding of inadmissibility under
22 paragraph (2)(A) based on a conviction of an aggra-
23 vated felony described in subparagraph (A), (I), or
24 (K) of section 101(a)(43) (8 U.S.C. 1101(a)(43)) if

1 the Secretary determines that it is the public inter-
2 est.

3 (2) PUBLIC INTEREST CONSIDERATIONS.—In
4 determining whether a waiver described in para-
5 graph (1) is in the public interest, the Secretary
6 shall consider factors including the noncitizen's serv-
7 ice in the Armed Forces, and the recency and sever-
8 ity of any offense or conduct that form the basis of
9 a finding of inadmissibility under section 212(a) of
10 the Immigration and Nationality Act (8 U.S.C.
11 1182(a)).

12 (c) PROCEDURES.—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary of Home-
14 land Security shall, by rule, establish procedures to carry
15 out this section.

16 (d) NO NUMERICAL LIMITATIONS.—Individuals who
17 are granted lawful permanent residence under this section
18 shall not be subject to the numerical limitations under sec-
19 tion 201, 202, or 203 of the Immigration and Nationality
20 Act (8 U.S.C. 1151, 1152, or 1153).

21 (e) CLARIFICATION.—If a noncitizen's status is ad-
22 justed to that of an alien lawfully admitted for permanent
23 residency, or if such noncitizen is lawfully admitted for
24 permanent residency, such adjustment or admission shall
25 create a presumption that the noncitizen has established

1 good moral character under paragraphs (1) through (8)
2 of section 101(f) of the Immigration and Nationality Act
3 (8 U.S.C. 1101(f)).

4 (f) LIMITATION ON REMOVAL.—

5 (1) IN GENERAL.—A noncitizen who appears to
6 be prima facie eligible for lawful permanent resident
7 status under this section shall be given a reasonable
8 opportunity to apply for such status. Such noncit-
9 izen shall not be removed from the United States
10 until a final administrative decision establishing in-
11 eligibility for such status is rendered.

12 (2) EFFECT OF FINAL ORDER.—A noncitizen
13 present in the United States who has been ordered
14 removed or has been permitted to depart voluntarily
15 from the United States may, notwithstanding such
16 order or permission to depart, apply for lawful per-
17 manent resident status under this section. Such non-
18 citizen shall not be required to file a separate motion
19 to reopen, reconsider, or vacate the order of removal.
20 If the Secretary approves the application, the Sec-
21 retary shall notify the Attorney General of such ap-
22 proval, and the Attorney General shall cancel the
23 order of removal. If the Secretary renders a final ad-
24 ministrative decision to deny the application, the
25 order of removal or permission to depart shall be ef-

1 fective and enforceable to the same extent as if the
2 application had not been made, only after all avail-
3 able administrative and judicial remedies have been
4 exhausted.

5 **SEC. 9. DEFINITIONS.**

6 In this Act:

7 (1) **ADVISORY COMMITTEE.**—The term “Advi-
8 sory Committee” means the Military Family Immi-
9 gration Advisory Committee established pursuant to
10 section 5.

11 (2) **APPROPRIATE CONGRESSIONAL COMMIT-**
12 **TEES.**—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Armed Services of
15 the Senate;

16 (B) the Committee on Homeland Security
17 and Governmental Affairs of the Senate;

18 (C) the Committee on the Judiciary of the
19 Senate;

20 (D) the Committee on Veterans’ Affairs of
21 the Senate;

22 (E) the Committee on Armed Services of
23 the House of Representatives;

24 (F) the Committee on Homeland Security
25 of the House of Representatives;

1 (G) the Committee on the Judiciary of the
2 House of Representatives; and

3 (H) the Committee on Veterans' Affairs of
4 the House of Representatives.

5 (3) ARMED FORCES.—The term “Armed
6 Forces” has the meaning given the term “armed
7 forces” in section 101 of title 10, United States
8 Code.

9 (4) COVERED FAMILY MEMBER.—The term
10 “covered family member” means the noncitizen
11 spouse or noncitizen child of—

12 (A) a member of the Armed Forces; or

13 (B) a veteran, as defined in paragraph (7).

14 (5) IMMIGRATION LAWS.—The term “immigra-
15 tion laws” has the meaning given that term in sec-
16 tion 101 of the Immigration and Nationality Act (8
17 U.S.C. 1101).

18 (6) NONCITIZEN.—The term “noncitizen”
19 means an individual who is not a citizen or national
20 of the United States (as defined in section 101(a) of
21 the Immigration and Nationality Act (8 U.S.C.
22 1101(a))).

1 (7) VETERAN.—The term “veteran” has the
2 meaning given such term in section 101 of title 38,
3 United States Code.

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