

1 Forces for an aggregate period of more than 180
2 days.

3 (2) For each noncitizen described in paragraph
4 (1)—

5 (A) the country of nationality or last habit-
6 ual residence of the noncitizen;

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

9 (C) each ground on which the noncitizen
10 was ordered removed under section 237(a) of
11 the Immigration and Nationality Act (8 U.S.C.
12 1227(a)) or section 212(a) of the Immigration
13 and Nationality Act (8 U.S.C. 1182(a)), as ap-
14 plicable; and

15 (D) whether the noncitizen appealed the
16 removal order to the Board of Immigration Ap-
17 peals.

18 (3) Each of the following enumerations:

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

22 (B) The number of noncitizens described
23 in paragraph (1) who were discharged or re-
24 leased from service under other than honorable
25 conditions.

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

3 (D) The number of noncitizens described
4 in paragraph (1) who served on active duty in
5 the Armed Forces in an overseas contingency
6 operation.

7 (E) The number of noncitizens described
8 in paragraph (1) who were awarded decorations
9 or medals.

10 (F) The number of noncitizens described
11 in paragraph (1) who applied for benefits under
12 laws administered by the Secretary of Veterans
13 Affairs.

14 (G) The number of noncitizens described
15 in paragraph (1) who receive benefits described
16 in subparagraph (F).

17 (4) A description of the reasons preventing any
18 of the noncitizens who applied for benefits described
19 in paragraph (3)(F) from receiving such benefits.

20 (b) REPORT.—Not later than 90 days after the date
21 of the completion of the study required under subsection
22 (a), the Secretary of Defense, the Secretary of Homeland
23 Security, and the Secretary of Veterans Affairs shall joint-
24 ly submit a report containing the results of such study
25 to the appropriate congressional committees.

1 **SEC. 3. INFORMATION SYSTEM ON VETERANS SUBJECT TO**
2 **REMOVAL.**

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

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

8 (2) a system for maintaining information about
9 noncitizen veterans identified pursuant to the pro-
10 tocol created under paragraph (1) and information
11 provided by the Under Secretary of Defense for Per-
12 sonnel and Readiness under section 4(d).

13 (b) INFORMATION SHARING.—The system shall be
14 shared across all components of the Department of Home-
15 land Security, including Enforcement and Removal Oper-
16 ations, the Office of the Principal Legal Advisor, Home-
17 land Security Investigations, and the Military Family Im-
18 migration Advisory Committee.

19 (c) CONSIDERATION OF VETERAN STATUS.—The
20 Secretary of Homeland Security shall ensure that, in the
21 case of any noncitizen veteran who is potentially remov-
22 able, and in any removal proceeding against such a noncit-
23 izen veteran, information available under this system is
24 taken into consideration, including for purposes of any ad-
25 judication on the immigration status of such veteran.

1 (d) USE OF SYSTEM REQUIRED.—The Secretary of
2 Homeland Security may not initiate removal proceedings
3 against an individual prior to using the system established
4 under subsection (a) to attempt to determine whether the
5 individual is a veteran. If the Secretary of Homeland Se-
6 curity determines that such an individual is or may be a
7 veteran, the Secretary shall notify the Military Family Im-
8 migration Advisory Committee concurrently upon initi-
9 ating removal proceedings against such individual.

10 (e) TRAINING.—Beginning in the first fiscal year that
11 begins after the Secretary of Homeland Security completes
12 the requirements under subsection (a), personnel of U.S.
13 Immigration and Customs Enforcement shall participate,
14 on an annual basis, in a training on the protocol developed
15 under this section.

16 **SEC. 4. MILITARY FAMILY IMMIGRATION ADVISORY COM-**
17 **MITTEE.**

18 (a) ESTABLISHMENT.—Not later than 180 days after
19 the date of the enactment of this Act, the Secretary of
20 Homeland Security shall establish an advisory committee,
21 to be known as the “Military Family Immigration Advi-
22 sory Committee”, to provide recommendations to the Sec-
23 retary of Homeland Security on the exercise of discretion
24 in any case involving removal proceedings for—

25 (1) a member of the Armed Forces;

1 (2) a veteran; or

2 (3) a covered family member.

3 (b) MEMBERSHIP.—The Advisory Committee shall be
4 composed of 9 members, appointed by the Secretary of
5 Homeland Security.

6 (c) CASE REVIEWS.—

7 (1) IN GENERAL.—Not later than 30 days after
8 the Advisory Committee identifies or is notified
9 about the case of an individual described in sub-
10 section (a), the Advisory Committee shall meet to re-
11 view the case and to provide a written recommenda-
12 tion to the Secretary of Homeland Security on
13 whether—

14 (A) an exercise of discretion is warranted,
15 including—

16 (i) termination of removal pro-
17 ceedings;

18 (ii) parole;

19 (iii) deferred action;

20 (iv) a stay of removal;

21 (v) administrative closure; or

22 (vi) authorization to apply for any
23 other form of relief; or

24 (B) to continue seeking the removal of
25 such individual.

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

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

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

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

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

18 (iii) is a national of a country that
19 prohibits repatriation of an individual after
20 any service in the Armed Forces; or

21 (iv) contributed to his or her local
22 community during his or her service in the
23 Armed Forces;

24 (B) with respect to a veteran, whether the
25 individual—

1 (i) was an enlisted member or officer
2 of the Armed Forces;

3 (ii) completed a period of service in
4 the Armed Forces and was discharged
5 under conditions other than dishonorable;

6 (iii) received a medal or decoration,
7 was deployed, or was otherwise evaluated
8 for merit in service during his or her serv-
9 ice in the Armed Forces;

10 (iv) is a national of a country that
11 prohibits repatriation of an individual after
12 any service in the Armed Forces of another
13 country; or

14 (v) contributed to his or her local
15 community during or after his or her serv-
16 ice in the Armed Forces; and

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

19 (i) supported a member of the Armed
20 Forces serving on active duty or a veteran,
21 including through financial support, emo-
22 tional support, or caregiving; or

23 (ii) contributed to his or her local
24 community during or after the military
25 service of the member or of the veteran.

1 (d) BRIEFINGS ON NONCITIZEN VETERANS.—The
2 Under Secretary of Defense for Personnel and Readiness
3 shall provide detailed briefings to the Advisory Committee
4 regarding the service of a noncitizen veteran when that
5 individual's case is being considered by the Advisory Com-
6 mittee.

7 (e) BRIEFINGS ON ACTIONS IN RESPONSE TO REC-
8 OMMENDATIONS.—Not less frequently than quarterly, the
9 Secretary of Homeland Security shall provide detailed
10 briefings to the Advisory Committee regarding actions
11 taken in response to the recommendations of the Advisory
12 Committee, including detailed explanations for any cases
13 in which a recommendation of the Advisory Committee
14 was not followed.

15 (f) TRANSFER OF CASE FILES.—For any individual
16 with respect to whom the Advisory Committee is con-
17 ducting a case review under this section, the Secretary of
18 Defense and Secretary of Homeland Security shall provide
19 to the Advisory Committee a copy of any available record
20 pertaining to that individual, including such individual's
21 alien file, that is relevant to the case review.

22 (g) LIMITATION ON REMOVAL.—Notwithstanding
23 any other provision of law, an individual described in sub-
24 section (a) may not be ordered removed until the Advisory

1 Committee has provided a recommendation with respect
2 to that individual to the Secretary of Homeland Security.

3 **SEC. 5. PROGRAM OF CITIZENSHIP THROUGH MILITARY**
4 **SERVICE.**

5 (a) IN GENERAL.—

6 (1) PROGRAM ESTABLISHED.—The Secretary of
7 Homeland Security, acting through the Director of
8 U.S. Citizenship and Immigration Services, and in
9 coordination with the Secretary of Defense, shall
10 jointly implement a program to ensure that—

11 (A) each eligible noncitizen is afforded the
12 opportunity to file an application for naturaliza-
13 tion at any point on or after the first day of
14 service on active duty or first day of service as
15 a member of the Selected Reserve pursuant to
16 section 329 of the Immigration and Nationality
17 Act (8 U.S.C. 1440); and

18 (B) the duly authenticated certification (or
19 any other successor form) required under sec-
20 tion 329(b)(3) of the Immigration and Nation-
21 ality Act (8 U.S.C. 1140(b)(3)) is issued to
22 each noncitizen not later than 30 days after the
23 individual makes a request for such certifi-
24 cation.

1 (2) ELIGIBLE NONCITIZEN.—For purposes of
2 this subsection, the term “eligible noncitizen” means
3 a noncitizen who serves or has served in the Armed
4 Forces of the United States during any period that
5 the President by Executive order designates as a pe-
6 riod during which the Armed Forces of the United
7 States are or were engaged in military operations in-
8 volving armed conflict with a hostile foreign force.

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. 6. 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 an 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. 7. 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 residence, or
11 admit such noncitizen for lawful permanent residence 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 in the public in-
2 terest.

3 (2) PUBLIC INTEREST CONSIDERATIONS.—In
4 determining whether a waiver described in para-
5 graph (1) is in the public interest, the Secretary of
6 Homeland Security shall consider factors including
7 the noncitizen's service in the Armed Forces, and
8 the recency and severity of any offense or conduct
9 that forms the basis of a finding of inadmissibility
10 under section 212(a) of the Immigration and Na-
11 tionality Act (8 U.S.C. 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 residence, or if such noncitizen is lawfully admitted for
24 permanent residence, 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 of Homeland Security approves the
21 application, the Secretary shall notify the Attorney
22 General of such approval, and the Attorney General
23 shall cancel the order of removal. If the Secretary
24 renders a final administrative decision to deny the
25 application, the order of removal or permission to

1 depart shall be effective and enforceable to the same
2 extent as if the application had not been made, only
3 after all available administrative and judicial rem-
4 edies have been exhausted.

5 **SEC. 8. ADJUSTMENT OF STATUS FOR CERTAIN IMMEDIATE**
6 **RELATIVES OF UNITED STATES CITIZEN**
7 **SERVICE MEMBERS OR VETERANS.**

8 (a) IN GENERAL.—For purposes of an application for
9 adjustment of status pursuant to an approved petition for
10 classification under section 204(a)(1)(A) of the Immigra-
11 tion and Nationality Act (8 U.S.C. 1154(a)(1)(A)), an
12 alien described in subsection (b)—

13 (1) is be deemed to have been inspected and ad-
14 mitted into the United States; and

15 (2) shall not be subject to paragraphs (6)(A),
16 (6)(C), (7)(A), and (9) of section 212(a) of such Act
17 (8 U.S.C. 1182(a)).

18 (b) ALIEN DESCRIBED.—An alien is described in sub-
19 section (a) if the alien is the beneficiary of an approved
20 petition for classification under section 204(a)(1)(A) of
21 the Immigration and Nationality Act (8 U.S.C.
22 1154(a)(1)(A)) as an immediate relative (as defined in
23 section 201(b)(2)(A)(i) of such Act (8 U.S.C.
24 1151(b)(2)(A)(i))) of a citizen of the United States who—

1 (1) served, for a minimum of 2 years, on active
2 duty in the Armed Forces or in a reserve component
3 of the United States Armed Forces; and

4 (2) if discharged or released from service in the
5 Armed Forces, was discharged or released under
6 honorable conditions.

7 **SEC. 9. DEFINITIONS.**

8 In this Act:

9 (1) **ADVISORY COMMITTEE.**—The term “Advi-
10 sory Committee” means the Military Family Immi-
11 gration Advisory Committee established pursuant to
12 section 4.

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

16 (A) the Committee on Armed Services of
17 the Senate;

18 (B) the Committee on Homeland Security
19 and Governmental Affairs of the Senate;

20 (C) the Committee on the Judiciary of the
21 Senate;

22 (D) the Committee on Veterans’ Affairs of
23 the Senate;

24 (E) the Committee on Armed Services of
25 the House of Representatives;

1 (F) the Committee on Homeland Security
2 of the House of Representatives;

3 (G) the Committee on the Judiciary of the
4 House of Representatives; and

5 (H) the Committee on Veterans' Affairs of
6 the House of Representatives.

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

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

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

15 (B) a veteran.

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

20 (6) NONCITIZEN.—The term “noncitizen”
21 means an individual who is not a citizen or national
22 of the United States (as defined in section 101(a) of
23 the Immigration and Nationality Act (8 U.S.C.
24 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.

