

114TH CONGRESS  
2D SESSION

# H. R. 5012

To amend the Immigration and Nationality Act to limit the grounds of deportability for certain alien members of the United States Armed Forces, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2016

Mr. GALLEGRO (for himself, Mr. TED LIEU of California, Mr. SERRANO, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To amend the Immigration and Nationality Act to limit the grounds of deportability for certain alien members of the United States 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 “Restoring Respect for  
5 Immigrant Service in Uniform Act”.

6 **SEC. 2. READMISSION OF DEPORTED VETERANS.**

7 (a) IN GENERAL.—It is the sense of Congress that  
8 the Secretary of Homeland Security should exercise the

1 Secretary’s discretion, including under subsections  
2 (a)(9)(A)(iii), (a)(9)(B)(v), (d)(3)(A), and (d)(5)(A) of  
3 section 212 of the Immigration and Nationality Act (8  
4 U.S.C. 1182) in order to admit to the United States an  
5 alien who is inadmissible under such section 212, was pre-  
6 viously subject to an order of removal or has been re-  
7 moved, is outside of the United States, and is seeking ad-  
8 mission to the United States, if the alien—

9           (1) has been a member of the United States  
10        Armed Forces for a period of not less 180 days, and  
11        has not received a discharge other than an honorable  
12        discharge;

13           (2) has not been convicted of—

14                (A) a felony;

15                (B) a significant misdemeanor; or

16                (C) 3 or more misdemeanors that are not  
17        significant misdemeanors, each of which oc-  
18        curred on a different date, and arose out of sep-  
19        arate conduct; and

20           (3) is not otherwise a threat to national secu-  
21        rity or public safety.

22        (b) SIGNIFICANT MISDEMEANOR DEFINED.—In this  
23        section, the term “significant misdemeanor” means a mis-  
24        demeanor—

1           (1) which is a crime of domestic violence (as  
2           such term is defined in section 237(a)(2)(E)(i) of  
3           the Immigration and Nationality Act (8 U.S.C.  
4           1227(a)(2)(E)(i));

5           (2) which is a sexual assault (as such term is  
6           defined in section 40002(a) of the Violent Crime  
7           Control and Law Enforcement Act of 1994 (42  
8           U.S.C. 13925(a));

9           (3) which involved the unlawful possession of a  
10          firearm (as such term is defined in section 921 of  
11          title 18, United States Code); or

12          (4) for which the alien was sentenced to a term  
13          of imprisonment of longer than 90 days.

14 **SEC. 3. LIMITING GROUNDS OF DEPORTABILITY FOR**  
15 **SERVICEMEMBERS AND VETERANS.**

16          Section 237 of the Immigration and Nationality Act  
17 (8 U.S.C. 1227) is amended by adding at the end the fol-  
18 lowing:

19          “(e) ALIEN MEMBERS OF THE UNITED STATES  
20 ARMED FORCES.—The provisions of this section shall not  
21 apply to an alien who has been a member of the United  
22 States Armed Forces for a period of not less than 180  
23 days, and who has not received a discharge other than an  
24 honorable discharge, except in the case of an alien who—

25               “(1) has been convicted of—

1           “(A) a felony;

2           “(B) a significant misdemeanor (as such  
3 term is defined in section 2 of the Restoring  
4 Respect for Immigrant Service in Uniform Act);  
5 or

6           “(C) 3 or more misdemeanors that are not  
7 significant misdemeanors, each of which oc-  
8 curred on a different date, and arose out of sep-  
9 arate conduct; and

10          “(2) is otherwise a threat to national security  
11 or public safety.”.

○