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2D SESSION

H. R. 7946

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2022

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veteran Service Rec-
3 ognition Act of 2022”.

4 **SEC. 2. STUDY AND REPORT ON NONCITIZEN VETERANS**
5 **REMOVED FROM THE UNITED STATES.**

6 (a) STUDY REQUIRED.—Not later than 1 year after
7 the date of the enactment of this Act, the Secretary of
8 Defense, the Secretary of Homeland Security, and the
9 Secretary of Veterans Affairs shall jointly carry out a
10 study on noncitizen veterans and noncitizen former mem-
11 bers of the Armed Forces who were removed from the
12 United States during the period beginning on January 1,
13 1990, and ending on the date of the enactment of this
14 Act, which shall include the following:

15 (1) The number of noncitizens removed by U.S.
16 Immigration and Customs Enforcement or the Im-
17 migration and Naturalization Service during the pe-
18 riod covered by the report who served in the Armed
19 Forces for an aggregate period of more than 180
20 days.

21 (2) For each noncitizen described in paragraph
22 (1)—

23 (A) the country of nationality or last habit-
24 ual residence of the noncitizen;

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

1 (C) each ground on which the noncitizen
2 was ordered removed under section 237(a) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1227(a)) or section 212(a) of the Immigration
5 and Nationality Act (8 U.S.C. 1182(a)), as ap-
6 plicable; and

7 (D) whether the noncitizen appealed the
8 removal order to the Board of Immigration Ap-
9 peals.

10 (3) Each of the following enumerations:

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

14 (B) The number of noncitizens described
15 in paragraph (1) who were discharged or re-
16 leased from service under other than honorable
17 conditions.

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

20 (D) The number of noncitizens described
21 in paragraph (1) who served on active duty in
22 the Armed Forces in an overseas contingency
23 operation.

1 (E) The number of noncitizens described
2 in paragraph (1) who were awarded decorations
3 or medals.

4 (F) The number of noncitizens described
5 in paragraph (1) who applied for benefits under
6 laws administered by the Secretary of Veterans
7 Affairs.

8 (G) The number of noncitizens described
9 in paragraph (1) who receive benefits described
10 in subparagraph (F).

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

14 (b) REPORT.—Not later than 90 days after the date
15 of the completion of the study required under subsection
16 (a), the Secretary of Defense, the Secretary of Homeland
17 Security, and the Secretary of Veterans Affairs shall joint-
18 ly submit a report containing the results of such study
19 to the appropriate congressional committees.

20 **SEC. 3. INFORMATION SYSTEM ON VETERANS SUBJECT TO**
21 **REMOVAL.**

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

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

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

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

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

21 (d) USE OF SYSTEM REQUIRED.—The Secretary of
22 Homeland Security may not initiate removal proceedings
23 against an individual prior to using the system established
24 under subsection (a) to attempt to determine whether the
25 individual is a veteran. If the Secretary of Homeland Se-

1 curity determines that such an individual is or may be a
 2 veteran, the Secretary shall notify the Military Family Im-
 3 migration Advisory Committee concurrently upon initi-
 4 ating removal proceedings against such individual.

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

11 **SEC. 4. MILITARY FAMILY IMMIGRATION ADVISORY COM-**
 12 **MITTEE.**

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

20 (1) a member of the Armed Forces;

21 (2) a veteran; or

22 (3) a covered family member.

23 (b) MEMBERSHIP.—The Advisory Committee shall be
 24 composed of 9 members, appointed by the Secretary of
 25 Homeland Security.

1 (c) CASE REVIEWS.—

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

9 (A) an exercise of discretion is warranted,
10 including—

11 (i) termination of removal pro-
12 ceedings;

13 (ii) parole;

14 (iii) deferred action;

15 (iv) a stay of removal;

16 (v) administrative closure; or

17 (vi) authorization to apply for any
18 other form of relief; or

19 (B) to continue seeking the removal of
20 such individual.

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

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

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

7 (i) was an enlisted member or officer
8 of the Armed Forces;

9 (ii) received a medal or decoration,
10 was deployed, or was otherwise evaluated
11 for merit in service during his or her serv-
12 ice in the Armed Forces;

13 (iii) is a national of a country that
14 prohibits repatriation of an individual after
15 any service in the Armed Forces; or

16 (iv) contributed to his or her local
17 community during his or her service in the
18 Armed Forces;

19 (B) with respect to a veteran, whether the
20 individual—

21 (i) was an enlisted member or officer
22 of the Armed Forces;

23 (ii) completed a period of service in
24 the Armed Forces and was discharged
25 under conditions other than dishonorable;

1 (iii) received a medal or decoration,
2 was deployed, or was otherwise evaluated
3 for merit in service during his or her serv-
4 ice in the Armed Forces;

5 (iv) is a national of a country that
6 prohibits repatriation of an individual after
7 any service in the Armed Forces of another
8 country; or

9 (v) contributed to his or her local
10 community during or after his or her serv-
11 ice in the Armed Forces; and

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

14 (i) supported a member of the Armed
15 Forces serving on active duty or a veteran,
16 including through financial support, emo-
17 tional support, or caregiving; or

18 (ii) contributed to his or her local
19 community during or after the military
20 service of the member or of the veteran.

21 (4) PRECLUDING FACTOR.—In conducting each
22 case review under paragraph (1), the Advisory Com-
23 mittee shall consider, as a factor requiring a rec-
24 ommendation under paragraph (1)(B), whether the
25 member of the Armed Forces, veteran, or covered

1 family member has been convicted of 5 offenses for
2 driving while intoxicated (including a conviction
3 under the influence of or impaired by alcohol or
4 drugs), unless the conviction is older than 25 years.

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

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

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

1 (g) LIMITATION ON REMOVAL.—Notwithstanding
2 any other provision of law, an individual described in sub-
3 section (a) may not be ordered removed until the Advisory
4 Committee has provided a recommendation with respect
5 to that individual to the Secretary of Homeland Security.

6 (h) LIMITATION ON ELIGIBILITY FOR CASE RE-
7 VIEW.—An individual who is inadmissible based on a con-
8 viction of an aggravated felony described in subparagraph
9 (A) of section 101(a)(43) of the Immigration and Nation-
10 ality Act (8 U.S.C. 1101(a)(43)) shall be ineligible for a
11 case review under this section.

12 **SEC. 5. PROGRAM OF CITIZENSHIP THROUGH MILITARY**
13 **SERVICE.**

14 (a) IN GENERAL.—

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

20 (A) each eligible noncitizen is afforded the
21 opportunity to file an application for naturaliza-
22 tion at any point on or after the first day of
23 service on active duty or first day of service as
24 a member of the Selected Reserve pursuant to

1 section 329 of the Immigration and Nationality
2 Act (8 U.S.C. 1440); and

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

10 (2) ELIGIBLE NONCITIZEN.—For purposes of
11 this subsection, the term “eligible noncitizen” means
12 a noncitizen who serves or has served in the Armed
13 Forces of the United States during any period that
14 the President by Executive order designates as a pe-
15 riod during which the Armed Forces of the United
16 States are or were engaged in military operations in-
17 volving armed conflict with a hostile foreign force.

18 (b) JAG TRAINING.—The Secretary of Defense shall
19 ensure that appropriate members of the Judge Advocate
20 General Corps of each Armed Force receive training to
21 function as liaisons with U.S. Citizenship and Immigration
22 Services with respect to applications for citizenship of non-
23 citizen members of the Armed Forces.

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

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

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

8 (3) points of contact at the Department of
9 Homeland Security to resolve emergency immigration-
10 tion-related situations with respect to such individ-
11 uals and their family members.

12 (d) ANNUAL REPORTS.—The Secretary of each mili-
13 tary department shall annually submit to the appropriate
14 congressional committees a report on the number of all
15 noncitizens who enlisted or were appointed in the military
16 department concerned, all members of the Armed Forces
17 in their department who naturalized, and all members of
18 the Armed Forces in their department who were dis-
19 charged or released without United States citizenship
20 under the jurisdiction of such Secretary during the pre-
21 ceding year.

22 (e) FURTHER FACILITATION NATURALIZATION FOR
23 MILITARY PERSONNEL IN CONTINGENCY OPERATIONS.—
24 Any person who has served honorably as a member of the
25 Armed Forces of the United States in support of a contin-

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

8 (f) 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. 6. INFORMATION FOR MILITARY RECRUITS REGARD-**
17 **ING NATURALIZATION THROUGH SERVICE IN**
18 **THE ARMED FORCES.**

19 The Secretary of Defense, in coordination with the
20 Secretary of Homeland Security, shall ensure that there
21 is stationed or employed at each Military Entrance Proc-
22 essing Station—

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

1 (2) in the case that the Secretary determines
2 that it is impracticable to station or employ a person
3 described in paragraph (1) at a Military Entrance
4 Processing Station, a member of the Armed Forces
5 or an employee of the Department of Defense—

6 (A) whom the Secretary determines is
7 trained in the immigration laws; and

8 (B) who shall inform each military recruit
9 who is not a citizen of the United States proc-
10 essed at such Military Entrance Processing Sta-
11 tion regarding naturalization through service in
12 the Armed Forces under sections 328 and 329
13 of the Immigration and Nationality Act (8
14 U.S.C. 1439–1440).

15 **SEC. 7. RETURN OF ELIGIBLE VETERANS REMOVED FROM**
16 **THE UNITED STATES; ADJUSTMENT OF STA-**
17 **TUS.**

18 (a) ELIGIBLE VETERANS.—In the case of a noncit-
19 izen who has been issued a final order of removal, the Sec-
20 retary of Homeland Security, may, notwithstanding such
21 order of removal, adjust that noncitizen’s status to that
22 of an alien lawfully admitted for permanent residence, or
23 admit such noncitizen for lawful permanent residence if
24 the Secretary determines that such noncitizen is a veteran
25 and, consistent with subsection (b), is not inadmissible.

1 (b) WAIVER.—

2 (1) AUTHORITY.—In the case of a noncitizen
3 veteran described in subsection (a), the Secretary of
4 Homeland Security may waive any applicable ground
5 of inadmissibility under section 212(a) of the Immi-
6 gration and Nationality Act (8 U.S.C. 1182(a))
7 (other than paragraphs (3) and (2)(H) of such sec-
8 tion 212(a), a finding of inadmissibility under para-
9 graph (2)(A) based on a conviction of an aggravated
10 felony described in subparagraph (A), (I), or (K) of
11 section 101(a)(43) (8 U.S.C. 1101(a)(43)), or 5 con-
12 victions for driving while intoxicated (including a
13 conviction for driving while under the influence of or
14 impaired by alcohol or drugs) unless the conviction
15 is older than 25 years, if the Secretary determines
16 that it is in the public interest.

17 (2) PUBLIC INTEREST CONSIDERATIONS.—In
18 determining whether a waiver described in para-
19 graph (1) is in the public interest, the Secretary of
20 Homeland Security shall consider factors including
21 the noncitizen's service in the Armed Forces, and
22 the recency and severity of any offense or conduct
23 that forms the basis of a finding of inadmissibility
24 under section 212(a) of the Immigration and Na-
25 tionality Act (8 U.S.C. 1182(a)).

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

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

10 (e) CLARIFICATION.—If a noncitizen veteran’s status
11 is adjusted under this section to that of an alien lawfully
12 admitted for permanent residence, or if such noncitizen
13 is lawfully admitted for permanent residence, such adjust-
14 ment or admission shall create a presumption that the
15 noncitizen has established good moral character under
16 paragraphs (1) through (8) of section 101(f) of the Immi-
17 gration and Nationality Act (8 U.S.C. 1101(f)).

18 (f) LIMITATION ON REMOVAL.—

19 (1) IN GENERAL.—A noncitizen who appears to
20 be prima facie eligible for lawful permanent resident
21 status under this section shall be given a reasonable
22 opportunity to apply for such status. Such noncit-
23 izen shall not be removed from the United States
24 until a final administrative decision establishing in-
25 eligibility for such status is rendered.

1 (2) EFFECT OF FINAL ORDER.—A noncitizen
2 present in the United States who has been ordered
3 removed or has been permitted to depart voluntarily
4 from the United States may, notwithstanding such
5 order or permission to depart, apply for lawful per-
6 manent resident status under this section. Such non-
7 citizen shall not be required to file a separate motion
8 to reopen, reconsider, or vacate the order of removal.
9 If the Secretary of Homeland Security approves the
10 application, the Secretary shall notify the Attorney
11 General of such approval, and the Attorney General
12 shall cancel the order of removal. If the Secretary
13 renders a final administrative decision to deny the
14 application, the order of removal or permission to
15 depart shall be effective and enforceable to the same
16 extent as if the application had not been made, only
17 after all available administrative and judicial rem-
18 edies have been exhausted.

19 **SEC. 8. ADJUSTMENT OF STATUS FOR CERTAIN IMMEDIATE**
20 **RELATIVES OF UNITED STATES CITIZEN**
21 **SERVICE MEMBERS OR VETERANS.**

22 (a) IN GENERAL.—For purposes of an application for
23 adjustment of status pursuant to an approved petition for
24 classification under section 204(a)(1)(A) of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1154(a)(1)(A)), an
2 alien described in subsection (b)—

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

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

8 (b) ALIEN DESCRIBED.—An alien is described in sub-
9 section (a) if the alien is the beneficiary of an approved
10 petition for classification under section 204(a)(1)(A) of
11 the Immigration and Nationality Act (8 U.S.C.
12 1154(a)(1)(A)) as an immediate relative (as defined in
13 section 201(b)(2)(A)(i) of such Act (8 U.S.C.
14 1151(b)(2)(A)(i))) of a citizen of the United States who—

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

18 (2) if discharged or released from service in the
19 Armed Forces, was discharged or released under
20 honorable conditions.

21 **SEC. 9. DEFINITIONS.**

22 In this Act:

23 (1) ADVISORY COMMITTEE.—The term “Advi-
24 sory Committee” means the Military Family Immi-

1 gration Advisory Committee established pursuant to
2 section 4.

3 (2) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Armed Services of
7 the Senate;

8 (B) the Committee on Homeland Security
9 and Governmental Affairs of the Senate;

10 (C) the Committee on the Judiciary of the
11 Senate;

12 (D) the Committee on Veterans’ Affairs of
13 the Senate;

14 (E) the Committee on Armed Services of
15 the House of Representatives;

16 (F) the Committee on Homeland Security
17 of the House of Representatives;

18 (G) the Committee on the Judiciary of the
19 House of Representatives; and

20 (H) the Committee on Veterans’ Affairs of
21 the House of Representatives.

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

1 (4) COVERED FAMILY MEMBER.—The term
2 “covered family member” means the noncitizen
3 spouse or noncitizen child of—

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

5 (B) a veteran.

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

10 (6) NONCITIZEN.—The term “noncitizen”
11 means an individual who is not a citizen or national
12 of the United States (as defined in section 101(a) of
13 the Immigration and Nationality Act (8 U.S.C.
14 1101(a))).

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

1 **SEC. 10. REGULATIONS.**

2 Not later than 90 days after the date of the enact-
3 ment of this Act, the Secretary of Homeland shall promul-
4 gate regulations to implement this Act.

 Passed the House of Representatives December 6,
2022.

Attest:

CHERYL L. JOHNSON,

Clerk.