

117TH CONGRESS
1ST SESSION

S. 3212

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2021

Mr. PADILLA (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. MARKEY, Mr. BOOKER, Mr. BLUMENTHAL, Ms. WARREN, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 Deportation
5 Prevention and Reform Act”.

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

7 It is the sense of Congress that—

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

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

7 (3) each noncitizen described in paragraph (2)
8 and his or her immediate family members deserve
9 consideration for the exercise of prosecutorial discre-
10 tion in immigration removal proceedings; and

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

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) **ADVISORY COMMITTEE.**—The term “Advi-
18 sory Committee” means the Military Family Immi-
19 gration Advisory Committee established pursuant to
20 section 8.

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

24 (A) the Committee on Armed Services of
25 the Senate;

1 (B) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 (C) the Committee on the Judiciary of the
4 Senate;

5 (D) the Committee on Veterans' Affairs of
6 the Senate;

7 (E) the Committee on Armed Services of
8 the House of Representatives;

9 (F) the Committee on Homeland Security
10 of the House of Representatives;

11 (G) the Committee on the Judiciary of the
12 House of Representatives; and

13 (H) the Committee on Veterans' Affairs of
14 the House of Representatives.

15 (3) ARMED FORCES.—The term “Armed
16 Forces” has the meaning given the term “armed
17 forces” in section 101(a)(4) of title 10, United
18 States Code, and includes the reserve components of
19 the Armed Forces.

20 (4) ADVISORY COMMITTEE.—The term “Advi-
21 sory Committee” means the Military Family Immi-
22 gration Advisory Committee established pursuant to
23 section 8.

24 (5) COVERED FAMILY MEMBER.—The term
25 “covered family member” means the noncitizen

1 spouse, noncitizen parent, or noncitizen minor child
2 of—

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

5 (B) a veteran.

6 (6) CRIME OF VIOLENCE.—The term “crime of
7 violence” means an offense defined in section 16(a)
8 of title 18, United States Code—

9 (A) that is not a purely political offense;

10 and

11 (B) for which a noncitizen has served a
12 term of imprisonment of at least 5 years.

13 (7) ELIGIBLE VETERAN.—

14 (A) IN GENERAL.—The term “eligible vet-
15 eran” means a veteran who—

16 (i) is a noncitizen; and

17 (ii) meets the criteria described in sec-
18 tion 12(e).

19 (B) INCLUSION.—The term “eligible vet-
20 eran” includes a veteran who—

21 (i) was removed from the United
22 States; or

23 (ii) is abroad and is inadmissible
24 under section 212(a) of the Immigration
25 and Nationality Act (8 U.S.C. 1182(a)).

1 (8) IMMIGRATION LAWS.—The term “immigra-
 2 tion laws” has the meaning given such term in sec-
 3 tion 101 of the Immigration and Nationality Act (8
 4 U.S.C. 1101).

5 (9) NONCITIZEN.—The term “noncitizen”
 6 means an individual who is not a citizen or national
 7 of the United States (as defined in section 101(a) of
 8 the Immigration and Nationality Act (8 U.S.C.
 9 1101(a))).

10 (10) VETERAN.—The term “veteran” means a
 11 person who served as a member of the Armed
 12 Forces on active duty or in a reserve component and
 13 who was discharged or released from such service
 14 under conditions other than dishonorable.

15 **SEC. 4. IDENTIFICATION OF MEMBERS OF THE ARMED**
 16 **FORCES, VETERANS, AND COVERED FAMILY**
 17 **MEMBERS IN REMOVAL PROCEEDINGS.**

18 (a) IN GENERAL.—No Federal agency may initiate
 19 removal proceedings or reinstatement of a removal order
 20 without first asking the individual, and recording the an-
 21 swer in a searchable electronic database, whether such in-
 22 dividual is—

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

25 (2) a veteran; or

1 (3) a covered family member.

2 (b) TRANSFER OF CASE FILES.—The Director of
3 U.S. Immigration and Customs Enforcement, the Director
4 of U.S. Citizenship and Immigration Services, and the
5 Commissioner of U.S. Customs and Border Patrol, as ap-
6 plicable, shall transfer a copy of the complete case file of
7 any individual identified under subsection (a), immediately
8 after such identification, to the Advisory Committee.

9 (c) LIMITATION ON REMOVAL.—Notwithstanding any
10 other provision of law, an individual described in sub-
11 section (a) may not be ordered removed or removed until
12 the Military Family Immigration Advisory Committee has
13 provided recommendations with respect to such individual
14 to the Secretary of Homeland Security and to the Attor-
15 ney General in accordance with section 8.

16 (d) PROHIBITION OF DETENTION DURING ADVISORY
17 COMMITTEE REVIEW.—Notwithstanding any other provi-
18 sion of law, no individual described in paragraph (1), (2),
19 or (3) of subsection (a) may be detained by the Depart-
20 ment of Homeland Security while the Advisory Committee
21 is reviewing his or her case unless such individual poses
22 a danger to public safety or national security.

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

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

11 (1) the number of noncitizens removed by U.S.
12 Immigration and Customs Enforcement or the Im-
13 migration and Naturalization Service during the pe-
14 riod covered by the report who served on active duty
15 in the Armed Forces or in a reserve component of
16 the Armed Forces;

17 (2) for each noncitizen described in paragraph
18 (1)—

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

20 (B) the length of time the noncitizen
21 served as a member of the Armed Forces;

22 (C) the number of covered family members
23 of the noncitizen, as applicable;

24 (D) the grounds for removal under section
25 212(a) or 237(a) of the Immigration and Na-

1 tionality Act (8 U.S.C. 1182(a) and 1227(a)),
2 as applicable;

3 (E) whether the noncitizen appealed the
4 removal order;

5 (F) whether the noncitizen was detained;
6 and

7 (G) whether the noncitizen was represented
8 by a lawyer;

9 (3) the number of noncitizens described in
10 paragraph (1) who—

11 (A) were discharged or released from serv-
12 ice under honorable conditions;

13 (B) were deployed overseas;

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

16 (D) were awarded military decorations,
17 campaign medals, or service medals;

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

20 (F) are receiving benefits described in sub-
21 paragraph (E);

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

25 (5) the number of noncitizens who—

1 (A) currently serve or previously served as
2 a member of the Armed Forces; and

3 (B) are currently in removal proceedings;
4 and

5 (6) for each noncitizen described in paragraph
6 (5), the grounds for inadmissibility or deportability
7 under section 212(a) or 237(a) of the Immigration
8 and Nationality Act (8 U.S.C. 1182(a) and
9 1227(a)), as applicable.

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

16 **SEC. 6. INFORMATION REGARDING VETERANS SUBJECT TO**
17 **REMOVAL PROCEEDINGS.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act, the Secretary of Home-
20 land Security shall create a system to maintain informa-
21 tion, that is shared across the Department of Homeland
22 Security (including Enforcement and Removal Operations,
23 the Office of the Principal Legal Advisor, and Homeland
24 Security Investigations), regarding potentially removable
25 noncitizen veterans (including the names and last known

1 addresses of such individuals) and removal proceedings
 2 with respect to any such individual, for the purpose of en-
 3 suring that service in the Armed Forces of any such indi-
 4 vidual is taken into consideration during any adjudication
 5 under the immigration laws with respect to such indi-
 6 vidual, including—

7 (1) information collected pursuant to the pro-
 8 tocol established under section 7(a);

9 (2) information regarding the covered family
 10 members of the noncitizens described in section
 11 7(a)(1); and

12 (3) information provided by the Secretary of
 13 Defense pursuant subsection (b).

14 (b) PROVISION OF INFORMATION BY DEPARTMENT
 15 OF DEFENSE.—Not later than 30 days after a noncitizen
 16 veteran is honorably discharged from the Armed Forces,
 17 the Secretary of Defense shall provide to the Secretary
 18 of Homeland Security a copy of the Certificate of Release
 19 or Discharge from Active Duty form, or other discharge
 20 documents from a Reserve Component, for inclusion in the
 21 system established pursuant to subsection (a).

22 (c) CONFIDENTIALITY.—Information collected under
 23 this section or under section 7 may not be disclosed for
 24 purposes of immigration enforcement.

1 **SEC. 7. PROTOCOL FOR IDENTIFYING NONCITIZEN VET-**
2 **ERANS.**

3 (a) IN GENERAL.—Not later than the last day of the
4 first fiscal year beginning after the date of the enactment
5 of this Act, the Secretary of Homeland Security shall es-
6 tablish—

7 (1) a protocol, which shall be known as the
8 “Immigrant Veterans Eligibility Tracking System”
9 or “I-VETS”, for—

10 (A) identifying noncitizens who are or may
11 be veterans and the covered family members of
12 such veterans; and

13 (B) collecting and maintaining data, for
14 use by U.S. Immigration and Customs Enforce-
15 ment, with respect to such veterans and covered
16 family members who are—

17 (i) are in removal proceedings; or

18 (ii) have been removed;

19 (2) best practices with respect to addressing
20 issues related to the removal of any noncitizen or
21 covered family member described in paragraph (1);
22 and

23 (3) an annual training program with respect to
24 the protocol and best practices established under
25 paragraphs (1) and (2).

1 (b) TRAINING.—Beginning in the first fiscal year
2 that begins after the Secretary of Homeland Security com-
3 pletes the requirements under subsection (a), personnel of
4 U.S. Immigration and Customs Enforcement and U.S.
5 Citizenship and Immigration Services shall annually par-
6 ticipate in the training program on the protocol and best
7 practices developed pursuant to subsection (a).

8 **SEC. 8. 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 the
15 Military Family Immigration Advisory Committee to pro-
16 vide recommendations to the Secretary of Homeland Secu-
17 rity and the Attorney General regarding the exercise of
18 prosecutorial discretion in cases involving removal pro-
19 ceedings of individuals described in section 4(a).

20 (b) MEMBERSHIP.—The Advisory Committee shall be
21 composed of the following officers of the Armed Forces:

22 (1) The Deputy Commanding General of Army
23 Human Resources Command, or designee.

24 (2) The Judge Advocate of the Army, or des-
25 ignee.

1 (3) The Deputy Commander of Navy Personnel
2 Command, or designee.

3 (4) The Judge Advocate of the Navy, or des-
4 ignee.

5 (5) The Vice Chief of Staff of the Air Force.

6 (6) The Judge Advocate of the Air Force, or
7 designee.

8 (7) The Deputy Commandant for Mission Sup-
9 port of the Coast Guard.

10 (8) The Judge Advocate of the Coast Guard, or
11 designee.

12 (9) The Deputy Commandant of Manpower and
13 Reserve Affairs of the Marine Corps, or designee.

14 (10) The Chief of Space Operations.

15 (c) CASE REVIEWS.—

16 (1) IN GENERAL.—Not later than 30 days after
17 the Director of U.S. Immigration and Customs En-
18 forcement notifies the Advisory Committee of an in-
19 dividual described in section 4(a), the Advisory Com-
20 mittee shall meet to review the case and to provide
21 a written recommendation to the Secretary of Home-
22 land Security and to such individual regarding
23 whether the individual—

1 (A) notwithstanding the grounds for re-
2 moval asserted by U.S. Immigration and Cus-
3 toms Enforcement, should be granted—

4 (i) a dismissal or termination of re-
5 moval procedures;

6 (ii) a stay of removal or cancellation
7 of removal and allowed to apply for asy-
8 lum;

9 (iii) an adjustment of status to that of
10 an alien lawfully admitted for permanent
11 residence;

12 (iv) deferred action;

13 (v) parole; or

14 (vi) other applicable immigration re-
15 lief; or

16 (B) should be removed from the United
17 States.

18 (2) SUBMISSION OF INFORMATION.—An indi-
19 vidual who is the subject of a case review under
20 paragraph (1) may submit information to the Advi-
21 sory Committee, which shall be considered by the
22 Advisory Committee before making a recommenda-
23 tion pursuant to paragraph (1).

24 (3) PROCEDURES.—In conducting each case re-
25 view under paragraph (1), the Advisory Committee

1 shall consider, as factors weighing in favor of a rec-
2 ommendation under paragraph (1)(A)—

3 (A) with respect to a member of the
4 Armed Forces serving on active duty or in a re-
5 serve component, whether the individual—

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

8 (ii) received military decorations, cam-
9 paign medals, or service medals, was de-
10 ployed, or was otherwise evaluated for
11 merit in service during his or her service in
12 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;

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

19 (v) is a national of a country that—

20 (I) persecutes members or vet-
21 erans of the United States military;

22 (II) is home to criminal organiza-
23 tions that target and recruit veterans
24 of the United States military; or

1 (III) has hostile relations with
2 the United States; or

3 (B) with respect to a veteran, whether the
4 individual—

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

7 (ii) completed a term of service in the
8 Armed Forces and was discharged under
9 conditions other than dishonorable;

10 (iii) received military decorations,
11 campaign medals, or service medals, was
12 deployed, or was otherwise evaluated for
13 merit in service during his or her service in
14 the Armed Forces;

15 (iv) is a national of a country that
16 prohibits repatriation of an individual after
17 any service in the Armed Forces;

18 (v) contributed to his or her local
19 community during or after his or her serv-
20 ice in the Armed Forces; or

21 (vi) is a national of a country that—

22 (I) persecutes members or vet-
23 erans of the United States military;

1 (II) is home to criminal organiza-
 2 tions that target and recruit veterans
 3 of the United States military; or

4 (III) has hostile relations with
 5 the United States; and

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

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

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

15 (4) PRESUMPTION IN FAVOR OF FOLLOWING
 16 ADVISORY COMMITTEE RECOMMENDATION.—The
 17 Secretary of Homeland Security shall follow the rec-
 18 ommendations received from the Advisory Com-
 19 mittee pursuant to paragraph (1) with respect to in-
 20 dividuals in removal proceedings unless the Sec-
 21 retary, on a case-by-case basis—

22 (A) issues a written determination that a
 23 recommendation regarding an individual de-
 24 scribed in section 4(a) is unjustified; and

1 (B) provides such written determination to
2 such individual.

3 (d) CONSULTATION WITH PRINCIPAL LEGAL ADVI-
4 SOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCE-
5 MENT.—The Principal Legal Advisor of U.S. Immigration
6 and Customs Enforcement, or designee, shall consult with
7 the Advisory Committee at the request of members of the
8 Advisory Committee.

9 (e) BRIEFINGS ON UNSUITABILITY OF NONCITIZEN
10 MEMBERS OF THE ARMED FORCES.—The Under Sec-
11 retary of Defense for Personnel and Readiness shall pro-
12 vide detailed briefings to the Advisory Committee regard-
13 ing the reasons for determining the unsuitability of noncit-
14 izen members of the Armed Forces whose cases are being
15 considered by the Advisory Committee.

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

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

4 **SEC. 9. LIST OF COUNTRIES UNWILLING TO REPATRIATE**
5 **UNITED STATES VETERANS.**

6 The Secretary of Homeland Security, in consultation
7 with the Secretary of State, shall compile, and annually
8 update, a list of countries that refuse to repatriate nation-
9 als of such country who have enlisted or been appointed
10 in the United States Armed Forces.

11 **SEC. 10. PROGRAM OF CITIZENSHIP THROUGH MILITARY**
12 **SERVICE.**

13 (a) IN GENERAL.—The Secretary of Homeland Secu-
14 rity, acting through the Director of U.S. Citizenship and
15 Immigration Services, and the Secretary of Defense shall
16 jointly carry out a program under which any individual
17 noncitizen who serves in the Armed Forces, and the cov-
18 ered family members of such noncitizen, shall be natural-
19 ized as a United States citizen if such individual, and such
20 covered family members, submit an application for natu-
21 ralization and are not otherwise ineligible for citizenship
22 under the immigration laws.

23 (b) JAG TRAINING.—The Secretary of Defense shall
24 ensure that appropriate members of the Judge Advocate
25 General Corps of the Armed Forces shall receive training

1 to function as liaisons with U.S. Citizenship and Immigra-
2 tion Services with respect to applications for citizenship
3 of noncitizen members of the Armed Forces assigned to
4 units in such areas.

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

8 (1) the steps required for a noncitizen member
9 of the Armed Forces to become a naturalized United
10 States citizen;

11 (2) limitations on the path to citizenship for
12 family members of such noncitizens; and

13 (3) points of contact at the Department of
14 Homeland Security to resolve emergency immigra-
15 tion-related situations with respect to such nonciti-
16 zens and family members.

17 (d) APPLICATION FOR NATURALIZATION.—

18 (1) BIOMETRICS.—

19 (A) SUBMISSION OF BIOMETRIC INFORMA-
20 TION.—The Secretary of Defense shall ensure
21 that, at the time of accession into the Armed
22 Forces, biometric information of an individual
23 who has applied, or who plans to apply, for nat-
24 uralization is submitted to U.S. Citizenship and

1 Immigration Services for the purposes of such
2 application.

3 (B) ACCEPTANCE OF BIOMETRIC INFORMA-
4 TION.—The Director of U.S. Citizenship and
5 Immigration Services shall accept any biometric
6 information submitted pursuant to subpara-
7 graph (A).

8 (2) FILING OF APPLICATION.—The Secretary of
9 Homeland Security, in coordination with the Sec-
10 retary of Defense, shall ensure that each noncitizen
11 individual who accesses into the Armed Forces is
12 permitted to file an application for naturalization as
13 part of the accessions process.

14 (3) ADJUDICATION OF APPLICATION.—The Sec-
15 retary of Homeland Security, in coordination with
16 the Secretary of Defense, shall ensure that the appli-
17 cation for naturalization of any individual who ap-
18 plies for naturalization during the accessions process
19 into the Armed Forces is adjudicated not later than
20 the last day of active service of such individual in
21 the Armed Forces.

22 (e) ANNUAL REPORTS.—The Secretary of each mili-
23 tary department shall submit an annual report to the ap-
24 propriate congressional committees regarding—

1 (1) the number of all noncitizens who enlisted
2 or were appointed in their department;

3 (2) the number of members of the Armed
4 Forces in their department who have become natu-
5 ralized United States citizens; and

6 (3) the number of members of the Armed
7 Forces in their department who were discharged or
8 released without United States citizenship under the
9 jurisdiction of such Secretary during the preceding
10 year.

11 **SEC. 11. INFORMATION FOR MILITARY RECRUITS REGARD-**
12 **ING NATURALIZATION THROUGH SERVICE IN**
13 **THE ARMED FORCES.**

14 The Secretary of Defense, in coordination with the
15 Secretary of Homeland Security, shall ensure that at each
16 Military Entrance Processing Station there is stationed or
17 employed—

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

20 (2) in the case that the Secretary determines
21 that it is impracticable station or employ a person
22 described in paragraph (1) at a Military Entrance
23 Processing Station, a member of the Armed Forces
24 or employee of the Department of Defense—

1 (A) whom the Secretary determines is
2 trained in the immigration laws; and

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

10 **SEC. 12. RETURN OF ELIGIBLE VETERANS REMOVED FROM**
11 **THE UNITED STATES; ADJUSTMENT OF STA-**
12 **TUS.**

13 (a) PROGRAM FOR ADMISSION AND ADJUSTMENT OF
14 STATUS.—Not later than 180 days after the date of the
15 enactment of this Act, the Secretary of Homeland Security
16 shall establish a program and an application procedure
17 that allows—

18 (1) eligible veterans residing outside of the
19 United States and their covered family members to
20 be admitted to the United States as noncitizens law-
21 fully admitted for permanent residence (as defined
22 in section 101(a)(20) of the Immigration and Na-
23 tionality Act (8 U.S.C. 1101(a)(20))); and

24 (2) eligible veterans in the United States and
25 their covered family members to adjust their status

1 to that of noncitizens lawfully admitted for perma-
2 nent residence.

3 (b) VETERANS ORDERED REMOVED.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, in the
6 case of noncitizen veterans and their covered family
7 members who are the subjects of final orders of re-
8 moval, including noncitizen veterans and covered
9 family members who are outside the United States,
10 the Attorney General shall—

11 (A) reopen the removal proceedings of each
12 such noncitizen veteran and covered family
13 member; and

14 (B) make a determination with respect to
15 whether each such noncitizen veteran is an eli-
16 gible veteran.

17 (2) RESCISSION OF REMOVAL ORDER.—In the
18 case of a determination under paragraph (1)(B) that
19 a noncitizen veteran is an eligible veteran, the Attor-
20 ney General shall—

21 (A) rescind the order of removal with re-
22 spect to such noncitizen and his or her covered
23 family members;

24 (B) adjust the status of the eligible veteran
25 and his or her covered family members to that

1 of noncitizens lawfully admitted for permanent
2 residence; and

3 (C) terminate removal proceedings with re-
4 spect to such noncitizen and covered family
5 members.

6 (c) VETERANS IN REMOVAL PROCEEDINGS.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, in the
9 case of noncitizen veterans, the removal proceedings
10 of whom are pending as of the date of the enactment
11 of this Act, the Attorney General shall make a deter-
12 mination with respect to whether each such noncit-
13 izen veteran is an eligible veteran.

14 (2) TERMINATION OF PROCEEDINGS.—In the
15 case of a determination under paragraph (1) that a
16 noncitizen veteran is an eligible veteran, the Attor-
17 ney General shall—

18 (A) adjust the status of such eligible vet-
19 eran and his or her covered family members to
20 reinstate that of noncitizens lawfully admitted
21 for permanent residence; and

22 (B) terminate removal proceedings with re-
23 spect to such eligible veteran and covered family
24 members.

1 (d) NO NUMERICAL LIMITATIONS.—Nothing in this
2 section or in any other law may be construed to apply a
3 numerical limitation on the number of veterans who may
4 be eligible to receive a benefit under this section.

5 (e) ELIGIBILITY.—

6 (1) IN GENERAL.—Notwithstanding sections
7 212 and 237 of the Immigration and Nationality Act
8 (8 U.S.C. 1182 and 1227) or any other provision of
9 law, a noncitizen veteran and his or her covered
10 family members shall be eligible to participate in the
11 program established under subsection (a) or for ad-
12 justment of status under subsections (b) or (c), as
13 applicable, if the Secretary or the Attorney General,
14 as applicable, determines that the noncitizen veteran
15 or covered family members—

16 (A) were not removed or ordered removed
17 from the United States based on a conviction
18 for—

19 (i) a crime of violence; or

20 (ii) a crime that endangers the na-
21 tional security of the United States for
22 which the noncitizen veteran has served a
23 term of imprisonment of at least 5 years;
24 and

1 (B) are not inadmissible to, or deportable
 2 from, the United States based on a conviction
 3 for a crime described in subparagraph (A).

4 (2) WAIVER.—The Secretary may waive the ap-
 5 plication of paragraph (1)—

6 (A) for humanitarian purposes;

7 (B) to ensure family unity;

8 (C) based on exceptional service in the
 9 Armed Forces; or

10 (D) if a waiver otherwise is in the public
 11 interest.

12 **SEC. 13. ESTABLISHING GOOD MORAL CHARACTER OF AP-**
 13 **PLICANTS FOR CITIZENSHIP WHO SERVED**
 14 **HONORABLY IN THE ARMED FORCES OF THE**
 15 **UNITED STATES.**

16 Section 328(e) of the Immigration and Nationality
 17 Act (8 U.S.C. 1439(e)) is amended by adding at the end
 18 the following: “Notwithstanding section 101(f), a finding
 19 that an applicant under this section or under section 329
 20 is described in any of paragraphs (1) through (8) of sec-
 21 tion 101(f) (except in the case of an applicant who is de-
 22 scribed in any such paragraph because of having been con-
 23 victed of an aggravated felony described in subparagraph
 24 (A), (I), (K), or (L) of section 101(a)(43)) shall not pre-

1 clude a finding that the applicant is of good moral char-
2 acter.”.

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