

[117H3881]

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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Immigration and Nationality Act to protect the well-being
of soldiers and their families, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of California introduced the following bill; which was referred
to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to protect
the well-being of soldiers and their families, 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 “Support and Defend
5 Our Military Personnel and Their Families Act”.

1 **SEC. 2. FACILITATING NATURALIZATION FOR MILITARY**
2 **PERSONNEL.**

3 (a) IN GENERAL.—Any person who has served honor-
4 ably as a member of the Armed Forces of the United
5 States in support of a contingency operation (as defined
6 in section 101(a)(13) of title 10, United States Code), and
7 who, if separated from the Armed Forces, was separated
8 under honorable conditions, may be naturalized as pro-
9 vided in section 329 of the Immigration and Nationality
10 Act (8 U.S.C. 1440) as though the person had served dur-
11 ing a period designated by the President under such sec-
12 tion.

13 (b) NATURALIZATION THROUGH SERVICE IN THE
14 ARMED FORCES OF THE UNITED STATES.—Section 328
15 of the Immigration and Nationality Act (8 U.S.C. 1439)
16 is amended—

17 (1) in subsection (a), by striking “six months”
18 and inserting “one year”; and

19 (2) in subsection (d), by striking “six months”
20 and inserting “one year”.

21 **SEC. 3. TIMELY REUNIFICATION OF MILITARY PERSONNEL**
22 **AND THEIR NUCLEAR FAMILIES.**

23 Section 201(b)(1) of the Immigration and Nationality
24 Act (8 U.S.C. 1151(b)(1)) is amended by adding at the
25 end the following:

1 “(F) Aliens who are eligible for an immigrant
2 visa under paragraph (2) of section 203(a) and are
3 the spouse, child, son, or daughter of an alien who
4 is serving in the Armed Forces of the United
5 States.”.

6 **SEC. 4. RELIEF FOR IMMEDIATE FAMILY MEMBERS OF AC-**
7 **TIVE DUTY PERSONNEL.**

8 Section 245 of the Immigration and Nationality Act
9 (8 U.S.C. 1255) is amended by adding at the end the fol-
10 lowing:

11 “(o) RELIEF FOR IMMEDIATE FAMILY MEMBERS OF
12 ACTIVE DUTY PERSONNEL.—

13 “(1) IN GENERAL.—The Secretary of Homeland
14 Security may adjust the status of an alien described
15 in paragraph (2) to that of an alien lawfully admit-
16 ted for permanent residence if—

17 “(A) the alien makes an application for
18 such adjustment, and is physically present in
19 the United States on the date the application is
20 filed;

21 “(B) the alien is eligible to receive an im-
22 migrant visa and is admissible under section
23 212(a) (except that paragraphs (4), (6)(A),
24 (7)(A), and (9)(B) of such section shall not
25 apply for purposes of this subsection);

1 “(C) an immigrant visa is immediately
2 available to the alien at the time the application
3 is filed; and

4 “(D) the alien pays a fee, as determined by
5 the Secretary, for the processing of such appli-
6 cation.

7 “(2) ELIGIBLE ALIENS.—

8 “(A) IN GENERAL.—The benefits provided
9 in paragraph (1) shall apply only to an alien
10 who is a parent, spouse, child, son, daughter, or
11 minor sibling of an eligible member of the
12 Armed Forces.

13 “(B) POSTHUMOUS BENEFITS.—An alien
14 described in subparagraph (A) shall continue to
15 be eligible for adjustment under this subsection
16 for 2 years after the death of an eligible mem-
17 ber of the Armed Forces whose death was the
18 result of injury or disease incurred in or aggra-
19 vated by his or her service in the Armed Forces
20 or, if such death occurred prior to the date of
21 enactment of this paragraph, for 2 years after
22 such date of enactment.

23 “(3) ELIGIBLE MEMBERS OF THE ARMED
24 FORCES.—In this subsection, ‘eligible member of the
25 Armed Forces’ means any person who—

1 “(A) has served honorably in an active
2 duty status in the Armed Forces of the United
3 States; and

4 “(B) if separated from the service de-
5 scribed in subparagraph (A), was separated
6 under honorable conditions.”.

7 **SEC. 5. FACTORS TO CONSIDER IN INITIATING REMOVAL**
8 **PROCEEDINGS AGAINST ACTIVE DUTY MILI-**
9 **TARY PERSONNEL AND VETERANS.**

10 Section 239 of the Immigration and Nationality Act
11 (8 U.S.C. 1229) is amended by adding at the end the fol-
12 lowing:

13 “(f) CONSIDERATIONS FOR ACTIVE DUTY MILITARY
14 PERSONNEL AND VETERANS.—

15 “(1) IN GENERAL.—A notice to appear shall
16 not be issued against an alien who has served honor-
17 ably at any time in the Armed Forces of the United
18 States, and who, if separated from the Armed
19 Forces, separated under honorable conditions, with-
20 out prior approval from the Secretary of Homeland
21 Security.

22 “(2) FACTORS.—In determining whether to
23 issue a notice to appear against such an alien, the
24 Secretary shall consider the alien’s eligibility for nat-
25 uralization under section 328 or 329, as well as the

1 alien's record of military service, grounds of deport-
2 ability applicable to the alien, and any hardship to
3 the Armed Forces, the alien, and his or her family
4 if the alien were to be placed in removal proceedings.

5 “(3) PROHIBITION.—An alien who has served
6 honorably in the Armed Forces of the United States,
7 and who, if separated from the Armed Forces, sepa-
8 rated under honorable conditions, shall not be re-
9 moved from the United States under subparagraph
10 (A)(i) or (B)(iii) of section 235(b)(1), section 238,
11 or section 241(a)(5).”.