

Union Calendar No. 53

109TH CONGRESS
1ST SESSION

H. R. 2293

[Report No. 109-99]

To provide special immigrant status for aliens serving as translators with the United States Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2005

Mr. HOSTETTLER (for himself and Mr. HUNTER) introduced the following bill; which was referred to the Committee on the Judiciary

MAY 26, 2005

Additional sponsor: Ms. JACKSON-LEE of Texas

MAY 26, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

A BILL

To provide special immigrant status for aliens serving as translators with the United States Armed Forces.

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. SPECIAL IMMIGRANT STATUS FOR PERSONS**
2 **SERVING AS TRANSLATORS WITH UNITED**
3 **STATES ARMED FORCES.**

4 (a) **IN GENERAL.**—For purposes of the Immigration
5 and Nationality Act (8 U.S.C. 1101 et seq.), subject to
6 subsection (c)(1), the Secretary of Homeland Security
7 may provide an alien described in subsection (b) with the
8 status of a special immigrant under section 101(a)(27) of
9 such Act (8 U.S.C. 1101(a)(27)), if the alien—

10 (1) files with the Secretary of Homeland Secu-
11 rity a petition under section 204 of such Act (8
12 U.S.C. 1154) for classification under section
13 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

14 (2) is otherwise eligible to receive an immigrant
15 visa and is otherwise admissible to the United States
16 for permanent residence, except in determining such
17 admissibility, the grounds for inadmissibility speci-
18 fied in section 212(a)(4) of such Act (8 U.S.C.
19 1182(a)(4)) shall not apply.

20 (b) **ALIENS DESCRIBED.**—

21 (1) **PRINCIPAL ALIENS.**—An alien is described
22 in this subsection if the alien—

23 (A) is a national of Iraq or Afghanistan;

24 (B) worked directly with United States
25 Armed Forces as a translator for a period of at
26 least 12 months;

1 (C) obtained a favorable written rec-
2 ommendation from the first General or Flag of-
3 ficer in the chain of command of the United
4 States Armed Forces unit that was supported
5 by the alien; and

6 (D) prior to filing the petition described in
7 subsection (a)(1), cleared a background check
8 and screening, as determined by the first Gen-
9 eral or Flag officer in the chain of command of
10 the United States Armed Forces unit that was
11 supported by the alien.

12 (2) SPOUSES AND CHILDREN.—An alien is de-
13 scribed in this subsection if the alien is the spouse
14 or child of a principal alien described in paragraph
15 (1), and is following or accompanying to join the
16 principal alien.

17 (e) NUMERICAL LIMITATIONS.—

18 (1) IN GENERAL.—The total number of prin-
19 cipal aliens who may be provided special immigrant
20 status under this section shall not exceed 50.

21 (2) COUNTING AGAINST SPECIAL IMMIGRANT
22 CAP.—For purposes of the application of sections
23 201 through 203 of the Immigration and Nationality
24 Act (8 U.S.C. 1151–1153) in any fiscal year, aliens
25 eligible to be provided status under this section shall

1 be treated as special immigrants described in section
 2 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who
 3 are not described in subparagraph (A), (B), (C), or
 4 (K) of such section.

5 (d) APPLICATION OF IMMIGRATION AND NATION-
 6 ALITY ACT PROVISIONS.—The definitions in subsections
 7 (a) and (b) of section 101 of the Immigration and Nation-
 8 ality Act (8 U.S.C. 1101) shall apply in the administration
 9 of this section.

10 **SECTION 1. SPECIAL IMMIGRANT STATUS FOR PERSONS**
 11 **SERVING AS TRANSLATORS WITH UNITED**
 12 **STATES ARMED FORCES.**

13 (a) *IN GENERAL.*—For purposes of the Immigration
 14 and Nationality Act (8 U.S.C. 1101 et seq.), subject to sub-
 15 section (c)(1), the Secretary of Homeland Security may
 16 provide an alien described in subsection (b) with the status
 17 of a special immigrant under section 101(a)(27) of such Act
 18 (8 U.S.C. 1101(a)(27)), if the alien—

19 (1) files with the Secretary of Homeland Secu-
 20 rity a petition under section 204 of such Act (8
 21 U.S.C. 1154) for classification under section
 22 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

23 (2) is otherwise eligible to receive an immigrant
 24 visa and is otherwise admissible to the United States
 25 for permanent residence, except in determining such

1 *admissibility, the grounds for inadmissibility speci-*
2 *fied in section 212(a)(4) of such Act (8 U.S.C.*
3 *1182(a)(4)) shall not apply.*

4 ***(b) ALIENS DESCRIBED.—***

5 ***(1) PRINCIPAL ALIENS.—****An alien is described in*
6 *this subsection if the alien—*

7 ***(A)*** *is a national of Iraq or Afghanistan;*

8 ***(B)*** *worked directly with United States*
9 *Armed Forces as a translator for a period of at*
10 *least 12 months;*

11 ***(C)*** *obtained a favorable written rec-*
12 *ommendation from the first General or Flag offi-*
13 *cer in the chain of command of the United States*
14 *Armed Forces unit that was supported by the*
15 *alien; and*

16 ***(D)*** *prior to filing the petition described in*
17 *subsection (a)(1), cleared a background check*
18 *and screening, as determined by the first General*
19 *or Flag officer in the chain of command of the*
20 *United States Armed Forces unit that was sup-*
21 *ported by the alien.*

22 ***(2) SPOUSES AND CHILDREN.—****An alien is de-*
23 *scribed in this subsection if the alien is the spouse or*
24 *child of a principal alien described in paragraph (1),*

1 *and is following or accompanying to join the prin-*
2 *cipal alien.*

3 *(c) NUMERICAL LIMITATIONS.—*

4 *(1) IN GENERAL.—The total number of principal*
5 *aliens who may be provided special immigrant status*
6 *under this section during any fiscal year shall not ex-*
7 *ceed 50.*

8 *(2) COUNTING AGAINST SPECIAL IMMIGRANT*
9 *CAP.—For purposes of the application of sections 201*
10 *through 203 of the Immigration and Nationality Act*
11 *(8 U.S.C. 1151–1153) in any fiscal year, aliens eligi-*
12 *ble to be provided status under this section shall be*
13 *treated as special immigrants described in section*
14 *101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who*
15 *are not described in subparagraph (A), (B), (C), or*
16 *(K) of such section.*

17 *(d) APPLICATION OF IMMIGRATION AND NATIONALITY*
18 *ACT PROVISIONS.—The definitions in subsections (a) and*
19 *(b) of section 101 of the Immigration and Nationality Act*
20 *(8 U.S.C. 1101) shall apply in the administration of this*
21 *section.*

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