

106TH CONGRESS  
1ST SESSION

# S. 871

To amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

APRIL 22, 1999

Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, 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 “Fairness to Immigrant  
5 Veterans Act of 1999”.

1 **SEC. 2. ELIGIBILITY OF VETERANS FOR RELEASE FROM DE-**  
 2 **TENTION.**

3 (a) IN GENERAL.—Section 236(c)(2) of the Immigra-  
 4 tion and Nationality Act (8 U.S.C. 1226(c)(2)) is amend-  
 5 ed by inserting after “such an investigation,” the fol-  
 6 lowing: “or if the alien is (A) a veteran (as defined in  
 7 section 101 of title 38, United States Code) with a dis-  
 8 charge characterized as an honorable discharge and who  
 9 was not discharged on account of alienage, or (B) on ac-  
 10 tive duty (other than active duty for training) in the  
 11 Armed Forces of the United States,”.

12 (b) EFFECTIVE DATE.—This section shall be effec-  
 13 tive as if included in the enactment of section 303(a) of  
 14 the Illegal Immigration Reform and Immigrant Responsi-  
 15 bility Act of 1996 (division C of Public Law 104–208).

16 **SEC. 3. ELIGIBILITY OF VETERANS FOR DISCRETIONARY**  
 17 **RELIEF.**

18 (a) ELIGIBILITY FOR CANCELLATION OF RE-  
 19 MOVAL.—Section 240A(a)(3) of the Immigration and Na-  
 20 tionality Act (8 U.S.C. 1229b(a)(3)) is amended to read  
 21 as follows:

22 “(3)(A) has not been convicted of any aggra-  
 23 vated felony; or

24 “(B) is—

25 “(i) a veteran (as defined in section 101 of  
 26 title 38, United States Code) with a discharge

1           characterized as an honorable discharge and  
 2           who was not discharged on account of alienage;  
 3           or  
 4           “(ii) on active duty (other than active duty  
 5           for training) in the Armed Forces of the United  
 6           States.”.

7           (b) ELIGIBILITY UNDER TRANSITIONAL RULES.—  
 8   Section 309(c) of the Illegal Immigration Reform and Im-  
 9   migrant Responsibility Act of 1996 (as contained in divi-  
 10   sion C of Public Law 104–208; 8 U.S.C. 1101 note) is  
 11   amended by adding at the end the following:

12           “(8) TRANSITIONAL RULE FOR VETERANS.—In  
 13   any case described in paragraph (1), an alien who is  
 14   (i) a veteran (as defined in section 101 of title 38,  
 15   United States Code) with a discharge characterized  
 16   as an honorable discharge and who was not dis-  
 17   charged on account of alienage, or (ii) on active duty  
 18   (other than active duty for training) in the Armed  
 19   Forces of the United States, shall not be subject to  
 20   the provisions of the last sentence of section 212(c)  
 21   of the Immigration and Nationality Act (8 U.S.C.  
 22   1182(c)).”.

23           (c) EFFECTIVE DATE.—

24           (1) The amendment made by subsection (a)  
 25   shall be effective as if included in the enactment of

1       section 304(a) of the Illegal Immigration Reform  
 2       and Immigrant Responsibility Act of 1996 (as con-  
 3       tained in division C of Public Law 104–208).

4           (2) The amendment made by subsection (b)  
 5       shall be effective as if included in the enactment of  
 6       section 309(c) of the Illegal Immigration Reform  
 7       and Immigrant Responsibility Act of 1996 (as con-  
 8       tained in division C of Public Law 104–208).

9       **SEC. 4. ELIGIBILITY OF VETERANS FOR JUDICIAL REVIEW.**

10       (a) **ELIGIBILITY.**—Section 242(a)(2)(C) of the Immi-  
 11       gration and Nationality Act (8 U.S.C. 1252(a)(2)(C)) is  
 12       amended by inserting before the period at the end the fol-  
 13       lowing: “, unless the alien is (i) a veteran (as defined in  
 14       section 101 of title 38, United States Code) with a dis-  
 15       charge characterized as an honorable discharge and who  
 16       was not discharged on account of alienage, or (ii) on active  
 17       duty (other than active duty for training) in the Armed  
 18       Forces of the United States”.

19       (b) **ELIGIBILITY UNDER TRANSITION RULES.**—Sec-  
 20       tion 309(c)(4)(G) of the Illegal Immigration Reform and  
 21       Immigrant Responsibility Act of 1996 (8 U.S.C. 1101  
 22       note) is amended by inserting before the period at the end  
 23       the following: “, unless the alien is (i) a veteran (as de-  
 24       fined in section 101 of title 38, United States Code) with  
 25       a discharge characterized as an honorable discharge and

1 who was not discharged on account of alienage, or (ii) on  
2 active duty (other than active duty for training) in the  
3 Armed Forces of the United States”.

4 (c) EFFECTIVE DATE.—

5 (1) The amendment made by subsection (a)  
6 shall be effective as if included in the enactment of  
7 section 306(a)(2) of the Illegal Immigration Reform  
8 and Immigrant Responsibility Act of 1996 (as con-  
9 tained in division C of Public Law 104–208).

10 (2) The amendment made by subsection (b)  
11 shall be effective as if included in the enactment of  
12 section 309(c)(4)(G) of the Illegal Immigration Re-  
13 form and Immigrant Responsibility Act of 1996 (as  
14 contained in division C of Public Law 104–208).

○