

107TH CONGRESS  
1ST SESSION

# H. R. 171

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mr. SERRANO introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 2001”.

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

3 (a) IN GENERAL.—Section 236(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(2)) is amended by inserting after “such an investigation,” the following: “or if the alien is (A) a veteran (as defined in section 101 of title 38, United States Code) with a discharge characterized as an honorable discharge and who was not discharged on account of alienage, or (B) on active duty (other than active duty for training) in the Armed Forces of the United States.”

12 (b) EFFECTIVE DATE.—This section shall be effective as if included in the enactment of section 303(a) of the Illegal Immigration Reform and Immigrant Responsibility 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 REMOVAL.—Section 240A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(a)(3)) is amended to read as follows:

22 “(3)(A) has not been convicted of any aggravated felony; or

24 “(B) is—

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

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).

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