

108TH CONGRESS
1ST SESSION

H. R. 184

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 HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. SERRANO introduced the following bill; which was 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 2003”.

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).

○