

108TH CONGRESS
2D SESSION

H. R. 4873

To amend the Immigration and Nationality Act to provide for flexibility in the naturalization process for aliens in active duty service in the Armed Forces abroad.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2004

Mr. MEEKS of New York introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for flexibility in the naturalization process for aliens in active duty service in the Armed Forces abroad.

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 “Active Duty Naturalization
5 Accommodation Act of 2004”.

1 **SEC. 2. FLEXIBILITY IN NATURALIZATION PROCESS FOR**
2 **ALIENS IN ACTIVE DUTY STATUS IN THE**
3 **ARMED FORCES ABROAD.**

4 (a) IN GENERAL.—Section 332 of the Immigration
5 and Nationality Act (8 U.S.C. 1443) is amended by add-
6 ing at the end the following new subsection:

7 “(i)(1) In the case of an alien who has applied for
8 naturalization under this chapter and who is stationed
9 abroad (or who has received an order to be stationed
10 abroad) in active duty status in the Armed Forces of the
11 United States, the Secretary of Homeland Security shall
12 provide procedures under which deadlines, interviews, and
13 similar requirements otherwise applicable to the natu-
14 ralization process for the alien are suspended until the
15 alien is provided a period (of at least 30 days) after the
16 date of the alien’s return to the United States after service
17 in the Armed Forces abroad (or, in the case of rescission
18 of such an order, the date of such rescission) in which
19 to meet such deadlines and requirements, except as pro-
20 vided under paragraph (2).

21 “(2) An alien described in paragraph (1) may elect
22 (in a form and manner specified by the Secretary of
23 Homeland Security) to waive the application of such para-
24 graph and to meet such deadlines and requirements not-
25 withstanding the alien’s absence from the United States.

1 “(3) The Secretary of Homeland Security shall estab-
2 lish a form that an alien described in paragraph (1) may
3 file with the Secretary (or with the Secretary of Defense
4 under arrangements made between such Secretaries) in
5 order to facilitate the application of paragraph (1) to the
6 alien during the period in which such paragraph applies.
7 However, nothing in this subsection shall be construed as
8 requiring an alien to file such form as a condition of ob-
9 taining the benefit of paragraph (1).

10 “(4) The Secretary of Homeland Security shall pro-
11 vide information about this subsection to aliens applying
12 for naturalization and, to the extent practicable, the Sec-
13 retary of Defense shall inform aliens who are in active
14 duty status in the Armed Forces of the United States
15 abroad (or who have been ordered to perform such service
16 abroad) of the procedures under paragraph (1) and shall
17 make the form established under paragraph (3) available
18 upon request.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect on such date, not later than
21 30 days after the date of the enactment of this Act, as
22 the Secretary of Homeland Security specifies.

23 (c) TRANSITION.—In the case of an alien who, during
24 the period beginning on September 11, 2001, and ending
25 on the effective date specified under subsection (b), had

1 applied for naturalization under chapter 3 of title III of
2 the Immigration and Nationality Act, was stationed
3 abroad (or received an order to be stationed abroad, which
4 order was carried out) in active duty status in the Armed
5 Forces of the United States, and, during the period of
6 such service abroad (or after receiving such order) missed
7 a deadline, interview, or similar requirement otherwise ap-
8 plicable to the naturalization process for such alien, the
9 Secretary of Homeland Security shall provide for such re-
10 lief as may be necessary to place the alien, after the end
11 of such period, in a position that is no less favorable to
12 the alien than the position of the alien before the time
13 such deadline, interview, or similar requirement was
14 missed.

15 (d) CONSTRUCTION.—Nothing in this section shall be
16 construed as superseding the provisions of section 1701(d)
17 of the National Defense Authorization Act for Fiscal Year
18 2004 (Public Law 108–136).

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