

111TH CONGRESS  
1ST SESSION

# S. 2757

To authorize the adjustment of status for immediate family members of persons who served honorably in the Armed Forces of the United States during the Afghanistan and Iraq conflicts, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 2009

Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. INOUE, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To authorize the adjustment of status for immediate family members of persons who served honorably in the Armed Forces of the United States during the Afghanistan and Iraq conflicts, 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 “Military Families Act”.

1 **SEC. 2. PERMANENT RESIDENT STATUS FOR IMMEDIATE**  
 2 **FAMILY MEMBERS OF ACTIVE DUTY MILI-**  
 3 **TARY SERVICE PERSONNEL.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-  
 5 rity or the Attorney General shall adjust the status of an  
 6 alien described in subsection (b) to that of an alien law-  
 7 fully admitted for permanent residence if the alien—

8 (1) applies for such adjustment;

9 (2) is admissible to the United States as an im-  
 10 migrant, except as provided in subsection (d);

11 (3) pays a fee in an amount determined by the  
 12 Secretary for the processing of such application (un-  
 13 less such fee is waived by the Secretary); and

14 (4) is physically present in the United States.

15 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
 16 TUS.—The benefits provided under subsection (a) shall  
 17 only apply to an alien who is—

18 (1) a parent, spouse, child, son, or daughter  
 19 (and their spouse, child, son, or daughter, if any)  
 20 of—

21 (A) a living Armed Forces member de-  
 22 scribed in subsection (c); or

23 (B) a deceased Armed Forces member de-  
 24 scribed in subsection (c) if—

25 (i) the Armed Forces member died as  
 26 a result of injury or disease incurred in or

1 aggravated by the Armed Forces member's  
2 service; and

3 (ii) the alien applies for such adjust-  
4 ment—

5 (I) if the death of the Armed  
6 Forces member occurred prior to the  
7 date of the enactment of this Act, not  
8 later than 2 years after the date of  
9 such enactment; or

10 (II) if the death of the Armed  
11 Forces member occurred after the  
12 date of the enactment of this Act, not  
13 later than 2 years after the death of  
14 the Armed Forces member; or

15 (2) a son or daughter described in paragraph  
16 (1) or (3) of section 203(a) of the Immigration and  
17 Nationality Act (8 U.S.C. 1153(a)) who has a Fili-  
18 pino parent who was naturalized pursuant to section  
19 405 of the Immigration Act of 1990 (8 U.S.C. 1440  
20 note).

21 (c) ARMED FORCES MEMBER DEFINED.—In this sec-  
22 tion, the term “Armed Forces member” means any person  
23 who—

1           (1) is, or was at the time of the person's death  
2 described in subsection (b)(1)(B)(i), a United States  
3 citizen or lawfully admitted for permanent residence;

4           (2) is serving, or has served honorably on or  
5 after October 7, 2001, as a member of the National  
6 Guard or the Selected Reserve of the Ready Reserve,  
7 or in an active-duty status in the military, air, or  
8 naval forces of the United States; and

9           (3) if separated from the service described in  
10 paragraph (2), was separated under honorable condi-  
11 tions.

12       (d) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—

14           (1) IN GENERAL.—The provisions of para-  
15 graphs (4), (5), (6)(A), (7)(A), and (9)(B) of section  
16 212(a) of the Immigration and Nationality Act (8  
17 U.S.C. 1182(a)) shall not apply to adjustment of  
18 status under this Act.

19           (2) ADDITIONAL WAIVERS.—The Secretary of  
20 Homeland Security or the Attorney General may  
21 waive any other provision of section 212(a) of such  
22 Act (other than paragraph (2)(C) and subpara-  
23 graphs (A), (B), (C), (E), and (F) of paragraph (3))  
24 with respect to an adjustment of status under this  
25 Act—

- 1 (A) for humanitarian purposes;
- 2 (B) to assure family unity; or
- 3 (C) if such waiver is otherwise in the pub-  
4 lic interest.

5 (e) RECORD OF ADJUSTMENT.—Upon the approval  
6 of an application for adjustment of status under this Act,  
7 the Secretary of Homeland Security shall create a record  
8 of the alien’s admission as an alien lawfully admitted for  
9 permanent residence.

10 (f) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—

11 (1) IN GENERAL.—If an alien is lawfully admit-  
12 ted for permanent residence under this Act, the Sec-  
13 retary of State shall not reduce the number of immi-  
14 grant visas authorized to be issued under the Immi-  
15 gration and Nationality Act (8 U.S.C. 1101 et seq.).

16 (2) EXEMPTION FROM DIRECT NUMERICAL LIM-  
17 ITATIONS.—Section 201(b)(1) of the Immigration  
18 and Nationality Act (8 U.S.C. 1151(b)(1)) is  
19 amended by adding at the end the following:

20 “(F) Aliens who are described in paragraph (1)  
21 or (3) of section 203(a) and have a Filipino parent  
22 who was naturalized pursuant to section 405 of the  
23 Immigration Act of 1990 (8 U.S.C. 1440 note).”.

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