

113TH CONGRESS  
1ST SESSION

# H. R. 932

To amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2013

Mr. THOMPSON of California (for himself, Ms. ROS-LEHTINEN, Ms. LEE of California, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, and Ms. LINDA T. SÁNCHEZ of California) 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 protect the well-being of soldiers and their families, 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 “Support and Defend  
5 Our Military Personnel and Their Families Act”.

6 **SEC. 2. FACILITATING NATURALIZATION FOR MILITARY**  
7 **PERSONNEL.**

8 (a) IN GENERAL.—Any person who has served honor-  
9 ably as a member of the Armed Forces of the United

1 States in support of a contingency operation (as defined  
2 in section 101(a)(13) of title 10, United States Code), and  
3 who, if separated from the Armed Forces, was separated  
4 under honorable conditions, may be naturalized as pro-  
5 vided in section 329 of the Immigration and Nationality  
6 Act (8 U.S.C. 1440) as though the person had served dur-  
7 ing a period designated by the President under such sec-  
8 tion.

9 (b) **NATURALIZATION THROUGH SERVICE IN THE**  
10 **ARMED FORCES OF THE UNITED STATES.**—Section 328  
11 of the Immigration and Nationality Act (8 U.S.C. 1439)  
12 is amended—

13 (1) in subsection (a), by striking “six months”  
14 and inserting “one year”; and

15 (2) in subsection (d), by striking “six months”  
16 and inserting “one year”.

17 **SEC. 3. TIMELY REUNIFICATION OF MILITARY PERSONNEL**  
18 **AND THEIR NUCLEAR FAMILIES.**

19 Section 201(b)(1) of the Immigration and Nationality  
20 Act (8 U.S.C. 1151(b)(1)) is amended by adding at the  
21 end the following:

22 “(F) Aliens who are eligible for an immi-  
23 grant visa under paragraph (2) of section  
24 203(a) and are the spouse, child, son, or daugh-

1           ter of an alien who is serving in the Armed  
2           Forces of the United States.”.

3 **SEC. 4. RELIEF FOR IMMEDIATE FAMILY MEMBERS OF AC-**  
4 **TIVE DUTY PERSONNEL.**

5           Section 245 of the Immigration and Nationality Act  
6 (8 U.S.C. 1255) is amended by adding at the end the fol-  
7 lowing:

8           “(n) RELIEF FOR IMMEDIATE FAMILY MEMBERS OF  
9 ACTIVE DUTY PERSONNEL.—

10           “(1) IN GENERAL.—The Secretary of Homeland  
11 Security may adjust the status of an alien described  
12 in paragraph (2) to that of an alien lawfully admit-  
13 ted for permanent residence if—

14           “(A) the alien makes an application for  
15 such adjustment, and is physically present in  
16 the United States on the date the application is  
17 filed;

18           “(B) the alien is eligible to receive an im-  
19 migrant visa and is admissible under section  
20 212(a) (except that paragraphs (4), (6)(A),  
21 (7)(A), and (9)(B) of such section shall not  
22 apply for purposes of this subsection);

23           “(C) an immigrant visa is immediately  
24 available to the alien at the time the application  
25 is filed; and

1           “(D) the alien pays a fee, as determined by  
2 the Secretary, for the processing of such appli-  
3 cation.

4           “(2) ELIGIBLE ALIENS.—

5           “(A) IN GENERAL.—The benefits provided  
6 in paragraph (1) shall apply only to an alien  
7 who is a parent, spouse, child, son, daughter, or  
8 minor sibling of an eligible member of the  
9 Armed Forces.

10           “(B) POSTHUMOUS BENEFITS.—An alien  
11 described in subparagraph (A) shall continue to  
12 be eligible for adjustment under this subsection  
13 for 2 years after the death of an eligible mem-  
14 ber of the Armed Forces whose death was the  
15 result of injury or disease incurred in or aggra-  
16 vated by his or her service in the Armed Forces  
17 or, if such death occurred prior to the date of  
18 enactment of this paragraph, for 2 years after  
19 such date of enactment.

20           “(3) ELIGIBLE MEMBERS OF THE ARMED  
21 FORCES.—In this subsection, ‘eligible member of the  
22 Armed Forces’ means any person who—

23           “(A) has served honorably in an active  
24 duty status in the Armed Forces of the United  
25 States; and

1           “(B) if separated from the service de-  
2           scribed in subparagraph (A), was separated  
3           under honorable conditions.”.

4 **SEC. 5. FACTORS TO CONSIDER IN INITIATING REMOVAL**  
5                           **PROCEEDINGS AGAINST ACTIVE DUTY MILI-**  
6                           **TARY PERSONNEL AND VETERANS.**

7           Section 239 of the Immigration and Nationality Act  
8 (8 U.S.C. 1229) is amended by adding at the end the fol-  
9 lowing:

10           “(f) **CONSIDERATIONS FOR ACTIVE DUTY MILITARY**  
11 **PERSONNEL AND VETERANS.**—(1) A notice to appear  
12 shall not be issued against an alien who has served honor-  
13 ably at any time in the Armed Forces of the United  
14 States, and who, if separated from the Armed Forces, sep-  
15 arated under honorable conditions, without prior approval  
16 from the Secretary of Homeland Security.

17           “(2) In determining whether to issue a notice to ap-  
18 pear against such an alien, the Secretary shall consider  
19 the alien’s eligibility for naturalization under section 328  
20 or 329, as well as the alien’s record of military service,  
21 grounds of deportability applicable to the alien, and any  
22 hardship to the Armed Forces, the alien, and his or her  
23 family if the alien were to be placed in removal pro-  
24 ceedings.

1       “(3) An alien who has served honorably in the Armed  
2 Forces of the United States, and who, if separated from  
3 the Armed Forces, separated under honorable conditions,  
4 shall not be removed from the United States under sub-  
5 paragraph (A)(i) or (B)(iii) of section 235(b)(1), section  
6 238, or section 241(a)(5).”.

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