

114TH CONGRESS
2D SESSION

H. R. 4600

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2016

Mr. THOMPSON of California (for himself, Ms. ROS-LEHTINEN, Mr. VELA, and Mr. FARR) introduced the following bill; which was referred to the Committee on the Judiciary

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 immigrant
 23 visa under paragraph (2) of section 203(a) and are
 24 the spouse, child, son, or daughter of an alien who

1 is serving in the Armed Forces of the United
2 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.—

12 “(1) IN GENERAL.—A notice to appear shall
 13 not be issued against an alien who has served honor-
 14 ably at any time in the Armed Forces of the United
 15 States, and who, if separated from the Armed
 16 Forces, separated under honorable conditions, with-
 17 out prior approval from the Secretary of Homeland
 18 Security.

19 “(2) FACTORS.—In determining whether to
 20 issue a notice to appear against such an alien, the
 21 Secretary shall consider the alien’s eligibility for nat-
 22 uralization under section 328 or 329, as well as the
 23 alien’s record of military service, grounds of deport-
 24 ability applicable to the alien, and any hardship to

1 the Armed Forces, the alien, and his or her family
2 if the alien were to be placed in removal proceedings.

3 “(3) PROHIBITION.—An alien who has served
4 honorably in the Armed Forces of the United States,
5 and who, if separated from the Armed Forces, sepa-
6 rated under honorable conditions, shall not be re-
7 moved from the United States under subparagraph
8 (A)(i) or (B)(iii) of section 235(b)(1), section 238,
9 or section 241(a)(5).”.

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