

114TH CONGRESS
2D SESSION

H. R. 5695

To require the Secretary of Homeland Security to establish a veterans visa program to permit veterans who have been removed from the United States to return as immigrants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2016

Mr. GRIJALVA (for himself, Mr. VELA, Mr. GENE GREEN of Texas, Mr. VARGAS, Mr. HINOJOSA, Mr. HONDA, Mr. MCGOVERN, Mrs. WATSON COLEMAN, Mrs. NAPOLITANO, Mr. CONYERS, Ms. JUDY CHU of California, Mr. TAKANO, Mr. JOHNSON of Georgia, Mr. CÁRDENAS, Mr. MOULTON, Mr. GUTIÉRREZ, Mr. GALLEG0, and Mr. TED LIEU of California) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Homeland Security to establish a veterans visa program to permit veterans who have been removed from the United States to return as immigrants, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “The Veterans Visa and
3 Protection Act of 2016”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) The term “crime of violence” means an of-
7 fense defined in section 16 of title 18, United States
8 Code, excluding a purely political offense, for which
9 the noncitizen has served a term of imprisonment of
10 at least 5 years.

11 (2) The term “deported veteran” means a vet-
12 eran who is a noncitizen and who—

13 (A) was removed from the United States;

14 or

15 (B) is abroad and is inadmissible under
16 section 212(a) of the Immigration and Nation-
17 ality Act (8 U.S.C. 1182(a)).

18 (3) The term “noncitizen” means an individual
19 who is not a national of the United States (as de-
20 fined in section 101(a)(22) of the Immigration and
21 Nationality Act (8 U.S.C. 1101(a)(22))).

22 (4) The term “Secretary” means the Secretary
23 of Homeland Security.

24 (5) The term “service member” means an indi-
25 vidual who is serving as a member of a regular or
26 reserve component of the Armed Forces of the

1 United States on active duty or as a member of a
2 reserve component of the Armed Forces in an active
3 status.

4 (6) The term “veteran” has the meaning given
5 such term under section 101(2) of title 38, United
6 States Code.

7 **SEC. 3. RETURN OF NONCITIZEN VETERANS REMOVED**
8 **FROM THE UNITED STATES; STATUS FOR**
9 **NONCITIZEN VETERANS IN THE UNITED**
10 **STATES.**

11 (a) IN GENERAL.—

12 (1) DUTIES OF SECRETARY.—Not later than
13 180 days after the date of the enactment of this Act,
14 the Secretary shall—

15 (A) establish a program and application
16 procedure to permit—

17 (i) deported veterans who meet the re-
18 quirements of subsection (b) to enter the
19 United States as a noncitizen lawfully ad-
20 mitted for permanent residence; and

21 (ii) noncitizen veterans in the United
22 States who meet the requirements of sub-
23 section (b) to adjust status to that of a
24 noncitizen lawfully admitted for permanent
25 residence; and

1 (B) cancel the removal of noncitizen vet-
2 erans ordered removed who meet the require-
3 ments of subsection (b) and allow them to ad-
4 just status to that of a noncitizen lawfully ad-
5 mitted for permanent residence.

6 (2) NO NUMERICAL LIMITATIONS.—Nothing in
7 this section or in any other law shall be construed
8 to apply a numerical limitation on the number of
9 veterans who may be eligible to receive benefits
10 under paragraph (1).

11 (b) ELIGIBILITY.—

12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law, including sections 212 and 237 of
14 the Immigration and Nationality Act (8 U.S.C.1182;
15 1227), a veteran shall be eligible for the program es-
16 tablished under subsection (a)(1)(A), or cancellation
17 of removal under subsection (a)(1)(B), if the Sec-
18 retary determines that the veteran—

19 (A) was not ordered removed, or removed,
20 from the United States due to a criminal con-
21 viction for—

22 (i) a crime of violence; or

23 (ii) a crime that endangers the na-
24 tional security of the United States for

1 which the noncitizen has served a term of
2 imprisonment of at least 5 years; and

3 (B) is not inadmissible to, or deportable
4 from, the United States due to such a conviction.
5 tion.

6 (2) WAIVER.—The Secretary may waive paragraph (1) for humanitarian purposes, to assure family unity, due to exceptional service in the United States Armed Forces, or if such waiver otherwise is
10 in the public interest.

11 **SEC. 4. PROTECTING VETERANS AND SERVICE MEMBERS**
12 **FROM REMOVAL.**

13 Notwithstanding any other provision of law, including
14 section 237 of the Immigration and Nationality Act (8
15 U.S.C. 1227), a noncitizen who is a veteran or service
16 member shall not be removed from the United States unless the noncitizen has a criminal conviction for a crime
18 of violence.

19 **SEC. 5. NATURALIZATION THROUGH SERVICE IN THE**
20 **ARMED FORCES OF THE UNITED STATES.**

21 Notwithstanding any other provision of law, a noncitizen who has obtained the status of a noncitizen lawfully
22 admitted for permanent residence pursuant to section 2
23 shall be eligible for naturalization through service in the
24 Armed Forces of the United States under sections 328
25

1 and 329 of the Immigration and Nationality Act (8 U.S.C.
2 1439; 1440), except that—

3 (1) the ground or grounds on which the noncit-
4 izen was ordered removed, or removed, from the
5 United States, or was rendered inadmissible to, or
6 deportable from, the United States, shall be dis-
7 regarded when determining whether the noncitizen is
8 a person of good moral character; and

9 (2) any period of absence from the United
10 States due to the noncitizen having been removed, or
11 being inadmissible, shall be disregarded when deter-
12 mining if the noncitizen satisfies any requirement re-
13 lating to continuous residence or physical presence.

14 **SEC. 6. ACCESS TO MILITARY BENEFITS.**

15 A noncitizen who has obtained the status of a noncit-
16 izen lawfully admitted for permanent residence pursuant
17 to section 2 shall be eligible for all military and veterans
18 benefits for which the noncitizen would have been eligible
19 if the noncitizen had never been ordered removed, been
20 removed, or voluntarily departed, from the United States.

21 **SEC. 7. IMPLEMENTATION.**

22 (a) IDENTIFICATION.—The Secretary of Homeland
23 Security shall identify cases involving service members and
24 veterans at risk of removal from the United States by—

1 (1) inquiring of every noncitizen processed prior
2 to initiating removal proceedings whether the noncit-
3 izen is serving, or has served, as a member of a reg-
4 ular or reserve component of the Armed Forces of
5 the United States on active duty or as a member of
6 a reserve component of the Armed Forces in an ac-
7 tive status;

8 (2) requiring personnel to seek supervisory ap-
9 proval prior to initiating removal proceedings
10 against a service member or veteran; and

11 (3) keeping records of service members and vet-
12 erans who have had removal proceedings against
13 them initiated, been detained, or been removed.

14 (b) RECORD ANNOTATION.—When the Secretary has
15 identified a case under subsection (a), the Secretary shall
16 annotate all immigration and naturalization records of the
17 Department of Homeland Security relating to the noncit-
18 izen involved so as to reflect that identification and afford
19 an opportunity to track the outcomes for the noncitizen.
20 Such annotation shall include—

21 (1) the individual’s branch of military service;

22 (2) whether or not the individual is serving, or
23 has served, during a period of military hostilities de-
24 scribed in section 329 of the Immigration and Na-
25 tionality Act (8 U.S.C. 1440);

1 (3) the individual's immigration status at the
2 time of enlistment;

3 (4) whether the individual is serving honorably
4 or was separated under honorable conditions; and

5 (5) the basis for which removal was sought;
6 and, if the basis for removal was a criminal convic-
7 tion, the crime or crimes for which conviction was
8 obtained.

9 **SEC. 8. REGULATIONS.**

10 Not later than 90 days after the date of the enact-
11 ment of this Act, the Secretary shall promulgate regula-
12 tions to implement this Act.

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