

115TH CONGRESS
1ST SESSION

S. 1704

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 SENATE OF THE UNITED STATES

AUGUST 2, 2017

Ms. DUCKWORTH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Visa and Pro-
5 tection Act of 2017”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) CRIME OF VIOLENCE.—The term “crime of
2 violence” means an offense defined in section 16 of
3 title 18, United States Code—

4 (A) that is not a purely political offense;

5 and

6 (B) for which the noncitizen has served a
7 term of imprisonment of at least 5 years.

8 (2) DEPORTED VETERAN.—The term “deported
9 veteran” means a veteran who—

10 (A) is a noncitizen; and

11 (B)(i) was removed from the United
12 States; or

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

16 (3) NONCITIZEN.—The term “noncitizen”
17 means an individual who is not a national of the
18 United States, as defined in section 101(a)(22) of
19 the Immigration and Nationality Act (8 U.S.C.
20 1101(a)(22)).

21 (4) SECRETARY.—The term “Secretary” means
22 the Secretary of Homeland Security.

23 (5) SERVICE MEMBER.—The term “service
24 member” means an individual who is serving as—

1 (A) a member of a regular or reserve com-
 2 ponent of the Armed Forces of the United
 3 States on active duty; or

4 (B) a member of a reserve component of
 5 the Armed Forces in an active status.

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

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

13 (a) IN GENERAL.—

14 (1) DUTIES OF SECRETARY.—Not later than
 15 180 days after the date of the enactment of this Act,
 16 the Secretary shall—

17 (A) establish a program and application
 18 procedure to permit—

19 (i) a deported veteran who meets each
 20 requirement under subsection (b) to enter
 21 the United States as an alien lawfully ad-
 22 mitted for permanent residence; and

23 (ii) a noncitizen veteran in the United
 24 States who meets each requirement under
 25 subsection (b) to adjust status to that of

1 an alien lawfully admitted for permanent
2 residence; and

3 (B) cancel the removal of any noncitizen
4 veteran ordered removed who meets each re-
5 quirement under subsection (b) and allow the
6 noncitizen veteran to adjust status to that of an
7 alien lawfully admitted for permanent residence.

8 (2) NO NUMERICAL LIMITATIONS.—Nothing in
9 this section or in any other law may be construed to
10 apply a numerical limitation on the number of vet-
11 erans who may be eligible to receive a benefit under
12 paragraph (1).

13 (b) ELIGIBILITY.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, including sections 212 and 237 of
16 the Immigration and Nationality Act (8 U.S.C. 1182
17 and 1227), a veteran shall be eligible to participate
18 in the program established under subsection
19 (a)(1)(A), or for cancellation of removal under sub-
20 section (a)(1)(B), if the Secretary determines that
21 the veteran—

22 (A) was not ordered removed, or removed,
23 from the United States due to a criminal con-
24 viction for—

25 (i) a crime of violence; or

1 (ii) a crime that endangers the na-
2 tional security of the United States for
3 which the noncitizen has served a term of
4 imprisonment of at least 5 years; and

5 (B) is not inadmissible to, or deportable
6 from, the United States due to a criminal con-
7 viction described in subparagraph (A).

8 (2) WAIVER.—The Secretary may waive the ap-
9 plication of paragraph (1)—

10 (A) for humanitarian purposes;

11 (B) to ensure family unity;

12 (C) due to exceptional service in the
13 United States Armed Forces; or

14 (D) if such waiver otherwise is in the pub-
15 lic interest.

16 **SEC. 4. PROTECTING VETERANS AND SERVICE MEMBERS**
17 **FROM REMOVAL.**

18 Notwithstanding any other provision of law, including
19 section 237 of the Immigration and Nationality Act (8
20 U.S.C. 1227), a noncitizen who is a veteran or service
21 member may not be removed from the United States un-
22 less the noncitizen has a criminal conviction for a crime
23 of violence.

1 **SEC. 5. NATURALIZATION THROUGH SERVICE IN THE**
2 **ARMED FORCES OF THE UNITED STATES.**

3 An alien who has obtained the status of an alien law-
4 fully admitted for permanent residence pursuant to section
5 3(a) shall be eligible for naturalization through service in
6 the Armed Forces of the United States under sections 328
7 and 329 of the Immigration and Nationality Act (8 U.S.C.
8 1439 and 1440), except that—

9 (1) when determining whether the noncitizen is
10 a person of good moral character, disregard the
11 ground on which the noncitizen was—

12 (A) ordered removed, or was removed,
13 from the United States; or

14 (B) rendered inadmissible to, or deportable
15 from, the United States; and

16 (2) any period of absence from the United
17 States due to the noncitizen having been removed, or
18 being inadmissible, shall be disregarded when deter-
19 mining if the noncitizen satisfies any requirement re-
20 lating to continuous residence or physical presence.

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

22 An alien who has obtained the status of an alien law-
23 fully admitted for permanent residence pursuant to section
24 3(a) shall be eligible for all military and veterans benefits
25 for which the noncitizen would have been eligible if, from
26 the United States, the noncitizen had never—

1 (a) been ordered removed;

2 (b) been removed; or

3 (c) voluntarily departed.

4 **SEC. 7. IMPLEMENTATION.**

5 (a) IDENTIFICATION.—The Secretary shall identify
6 cases involving any service member or veteran at risk of
7 removal from the United States by—

8 (1) inquiring of every noncitizen processed prior
9 to initiating a removal proceeding whether the non-
10 citizen is serving, or has served—

11 (A) as a member of a regular or reserve
12 component of the Armed Forces of the United
13 States on active duty; or

14 (B) as a member of a reserve component
15 of the Armed Forces in an active status;

16 (2) requiring U.S. Immigration and Customs
17 Enforcement personnel to seek supervisory approval
18 prior to initiating a removal proceeding against a
19 service member or veteran; and

20 (3) keeping records of any service member or
21 veteran who has—

22 (A) had removal proceedings initiated
23 against them;

24 (B) been detained; or

25 (C) been removed.

1 (b) RECORD ANNOTATION.—

2 (1) IN GENERAL.—When the Secretary has
3 identified a case under subsection (a), the Secretary
4 shall annotate all immigration and naturalization
5 records of the Department of Homeland Security re-
6 lating to the noncitizen involved to—

7 (A) reflect that identification; and

8 (B) afford an opportunity to track the out-
9 comes for the noncitizen.

10 (2) ANNOTATIONS.—Each annotation under
11 paragraph (1) shall include—

12 (A) the branch of military service in which
13 each noncitizen served;

14 (B) whether or not the noncitizen is serv-
15 ing, or has served, during a period of military
16 hostilities described in section 329 of the Immi-
17 gration and Nationality Act (8 U.S.C. 1440);

18 (C) the immigration status of each noncit-
19 izen at the time of enlistment;

20 (D) whether the noncitizen is serving hon-
21 orably or was separated under honorable condi-
22 tions;

23 (E) the basis for which removal was
24 sought; and

1 (F) the crime for which conviction was ob-
2 tained if the basis for removal was a criminal
3 conviction.

4 **SEC. 8. REGULATIONS.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Secretary shall promulgate regula-
7 tions to implement this Act.

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