

**AMENDMENT TO H.R. 1960, AS REPORTED
OFFERED BY MR. THOMPSON OF CALIFORNIA AND
MS. ROS-LEHTINEN OF FLORIDA**

(Page and line nos. refer to Rules Committee Print 113-13)

At the end of subtitle I of title X, insert the following:

1 SEC. 1090. IMMIGRATION BENEFITS FOR MILITARY PER-
2 SONNEL AND THEIR FAMILIES.

3 (a) FACILITATING NATURALIZATION FOR MILITARY
4 PERSONNEL.—

5 (1) IN GENERAL.—Any person who has served
6 honorably as a member of the Armed Forces of the
7 United States in support of a contingency operation
8 (as defined in section 101(a)(13) of title 10, United
9 States Code), and who, if separated from the Armed
10 Forces, was separated under honorable conditions,
11 may be naturalized as provided in section 329 of the
12 Immigration and Nationality Act (8 U.S.C. 1440) as
13 though the person had served during a period des-
14 ignated by the President under such section.

15 (2) NATURALIZATION THROUGH SERVICE IN
16 THE ARMED FORCES OF THE UNITED STATES.—Sec-

1 tion 328 of the Immigration and Nationality Act (8
2 U.S.C. 1439) is amended—

3 (A) in subsection (a), by striking “six
4 months” and inserting “one year”; and

5 (B) in subsection (d), by striking “six
6 months” and inserting “one year”.

7 (b) **TIMELY REUNIFICATION OF MILITARY PER-**
8 **SONNEL AND THEIR NUCLEAR FAMILIES.**—Section
9 201(b)(1) of the Immigration and Nationality Act (8
10 U.S.C. 1151(b)(1)) is amended by adding at the end the
11 following:

12 “(F) Aliens who are eligible for an immi-
13 grant visa under paragraph (2) of section
14 203(a) and are the spouse, child, son, or daugh-
15 ter of an alien who is serving in the Armed
16 Forces of the United States.”.

17 (c) **RELIEF FOR IMMEDIATE FAMILY MEMBERS OF**
18 **ACTIVE DUTY PERSONNEL.**—Section 245 of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1255) is amended by
20 adding at the end the following:

21 “(n) **RELIEF FOR IMMEDIATE FAMILY MEMBERS OF**
22 **ACTIVE DUTY PERSONNEL.**—

23 “(1) **IN GENERAL.**—The Secretary of Homeland
24 Security may adjust the status of an alien described

1 in paragraph (2) to that of an alien lawfully admit-
2 ted for permanent residence if—

3 “(A) the alien makes an application for
4 such adjustment, and is physically present in
5 the United States on the date the application is
6 filed;

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

12 “(C) an immigrant visa is immediately
13 available to the alien at the time the application
14 is filed; and

15 “(D) the alien pays a fee, as determined by
16 the Secretary, for the processing of such appli-
17 cation.

18 “(2) ELIGIBLE ALIENS.—

19 “(A) IN GENERAL.—The benefits provided
20 in paragraph (1) shall apply only to an alien
21 who is a parent, spouse, child, son, daughter, or
22 minor sibling of an eligible member of the
23 Armed Forces.

24 “(B) POSTHUMOUS BENEFITS.—An alien
25 described in subparagraph (A) shall continue to

1 be eligible for adjustment under this subsection
2 for 2 years after the death of an eligible mem-
3 ber of the Armed Forces whose death was the
4 result of injury or disease incurred in or aggra-
5 vated by his or her service in the Armed Forces
6 or, if such death occurred prior to the date of
7 enactment of this paragraph, for 2 years after
8 such date of enactment.

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

12 “(A) has served honorably in an active
13 duty status in the Armed Forces of the United
14 States; and

15 “(B) if separated from the service de-
16 scribed in subparagraph (A), was separated
17 under honorable conditions.”.

18 (d) FACTORS TO CONSIDER IN INITIATING REMOVAL
19 PROCEEDINGS AGAINST ACTIVE DUTY MILITARY PER-
20 SONNEL AND VETERANS.—Section 239 of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1229) is amended by
22 adding at the end the following:

23 “(f) CONSIDERATIONS FOR ACTIVE DUTY MILITARY
24 PERSONNEL AND VETERANS.—(1) A notice to appear
25 shall not be issued against an alien who has served honor-

1 ably at any time in the Armed Forces of the United
2 States, and who, if separated from the Armed Forces, sep-
3 arated under honorable conditions, without prior approval
4 from the Secretary of Homeland Security.

5 “(2) In determining whether to issue a notice to ap-
6 pear against such an alien, the Secretary shall consider
7 the alien’s eligibility for naturalization under section 328
8 or 329, as well as the alien’s record of military service,
9 grounds of deportability applicable to the alien, and any
10 hardship to the Armed Forces, the alien, and his or her
11 family if the alien were to be placed in removal pro-
12 ceedings.

13 “(3) An alien who has served honorably in the Armed
14 Forces of the United States, and who, if separated from
15 the Armed Forces, separated under honorable conditions,
16 shall not be removed from the United States under sub-
17 paragraph (A)(i) or (B)(iii) of section 235(b)(1), section
18 238, or section 241(a)(5).”

