

**AMENDMENT TO H.R. 4310, AS REPORTED
OFFERED BY MR. THOMPSON OF CALIFORNIA**

At the end of title X, add the following new section:

1 **SEC. 10___. AMENDMENTS TO THE IMMIGRATION AND NA-**
2 **TIONALITY ACT TO PROTECT THE WELL-**
3 **BEING OF SOLDIERS AND THEIR FAMILIES.**

4 (a) **FACILITATING NATURALIZATION FOR MILITARY**
5 **PERSONNEL.—**

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

16 (2) **NATURALIZATION THROUGH SERVICE IN**
17 **THE ARMED FORCES OF THE UNITED STATES.—**Sec-
18 tion 328 of the Immigration and Nationality Act (8
19 U.S.C. 1439) is amended—

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

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

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

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

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

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

21 “(1) **IN GENERAL.**—The Secretary of Homeland
22 Security may adjust the status of an alien described
23 in paragraph (2) to that of an alien lawfully admit-
24 ted for permanent residence if—

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

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

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

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

16 “(2) ELIGIBLE ALIENS.—

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

22 “(B) POSTHUMOUS BENEFITS.—An alien
23 described in subparagraph (A) shall continue to
24 be eligible for adjustment under this subsection
25 for 2 years after the death of an eligible mem-

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

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

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

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

16 (d) MILITARY ENLISTMENT DURING MILITARY OP-
17 ERATIONS AND NATIONAL EMERGENCIES.—Section
18 504(b)(1) of title 10, United States Code, is amended by
19 adding at the end the following:

20 “(D) An alien who, during any period of
21 contingency operations (as defined in section
22 101(a)(13) of title 10, United States Code),
23 takes the following oath: ‘I,
24 _____, do solemnly swear (or
25 affirm), that (i) I am loyal to and will defend

1 the United States of America and bear true
2 faith and allegiance to the same; (ii) I support
3 and will defend the Constitution and the laws
4 of the United States against all enemies, for-
5 eign and domestic; and (iii) I intend to re-
6 nounce entirely all allegiance to any other na-
7 tion and promptly seek naturalization as pro-
8 vided under law as soon as I am permitted to
9 do so.’”.

10 (e) FACTORS TO CONSIDER IN INITIATING REMOVAL
11 PROCEEDINGS AGAINST ACTIVE DUTY MILITARY PER-
12 SONNEL AND VETERANS.—Section 239 of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1229) is amended by
14 adding at the end the following:

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

22 “(2) In determining whether to issue a notice to ap-
23 pear against such an alien, the Secretary shall consider
24 the alien’s eligibility for naturalization under section 328
25 or 329, as well as the alien’s record of military service,

1 grounds of deportability applicable to the alien, and any
2 hardship to the Armed Forces, the alien, and his or her
3 family if the alien were to be placed in removal pro-
4 ceedings.

5 “(3) An alien who has served honorably in the Armed
6 Forces of the United States, and who, if separated from
7 the Armed Forces, separated under honorable conditions,
8 shall not be removed from the United States under sub-
9 paragraph (A)(i) or (B)(iii) of section 235(b)(1), section
10 238, or section 241(a)(5).”.

