

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO S. 2372
OFFERED BY MR. GONZALEZ OF TEXAS**

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

1 **SEC. 5___. CERTAIN VETERANS: PROHIBITION ON RE-**
2 **MOVAL FROM THE UNITED STATES; NATU-**
3 **RALIZATION.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Repatriate Our Patriots Act”.

6 (b) **DEFINITION.**—In this section, the term “special
7 veteran” means an individual who is an alien and is de-
8 scribed in section 101(2) of title 38, United States Code,
9 except the term—

10 (1) only includes individuals who were dis-
11 charged or released from the Armed Forces under
12 honorable conditions;

13 (2) does not include individuals who have been
14 convicted of voluntary manslaughter, murder, rape,
15 sexual abuse of a minor, or any offense under chap-
16 ter 113B of title 18, United States Code (relating to
17 terrorism); and

18 (3) does not include individuals who have been
19 determined to be a child abuser or a pedophile.

1 (c) PROTECTING SPECIAL VETERANS FROM RE-
2 MOVAL.—Notwithstanding any other provision of law, in-
3 cluding section 237 of the Immigration and Nationality
4 Act (8 U.S.C. 1227), a special veteran shall not be re-
5 moved from the United States.

6 (d) NATURALIZATION FOR SPECIAL VETERANS.—

7 (1) IN GENERAL.—Notwithstanding any other
8 provision of law, a special veteran shall be natural-
9 ized as a citizen of the United States upon the filing
10 of the appropriate application, paying the appro-
11 priate fees, and, except as provided in paragraph
12 (2), taking and subscribing before an officer of the
13 Department of Homeland Security within the United
14 States to the oath of allegiance required by section
15 337 of the Immigration and Nationality (8 U.S.C.
16 1448). The Secretary of Homeland Security shall
17 take steps to ensure that the period in which an ap-
18 plication for naturalization under this subsection is
19 pending does not exceed 90 days. The Secretary
20 shall furnish each special veteran naturalized under
21 this subsection with a certificate of citizenship.

22 (2) SPECIAL VETERANS ABROAD.—In the case
23 of a special veteran residing abroad, the application
24 for naturalization may be filed from abroad, and the
25 oath of allegiance described in paragraph (1) may be

1 subscribed to abroad at United States embassies,
2 consulates, and, as practicable, United States mili-
3 tary installations overseas pursuant to the proce-
4 dures available under section 1701(d) of the Na-
5 tional Defense Authorization Act for Fiscal Year
6 2004 (8 U.S.C. 1443a) for naturalization pro-
7 ceedings overseas for members of the Armed Forces
8 and their spouses and children.

9 (3) WAIVER.—Consistent with section 337(a) of
10 the Immigration and Nationality Act (8 U.S.C.
11 1448(a)), the Secretary of Homeland Security may
12 waive the taking of the oath of allegiance described
13 in paragraph (1) by a special veteran if, in the opin-
14 ion of the Secretary, the special veteran is unable to
15 understand, or to communicate an understanding of,
16 its meaning because of a physical or developmental
17 disability or mental impairment.

18 (e) TREATMENT OF SPECIAL VETERANS IN REMOVAL
19 PROCEEDINGS OR ORDERED REMOVED.—In the case of
20 a special veteran in removal proceedings on the date of
21 the enactment of this Act, the Secretary of Homeland Se-
22 curity shall cancel the removal of the special veteran. In
23 the case of a special veteran who was ordered removed
24 before the date of the enactment of this Act, the Attorney
25 General shall rescind any outstanding order of removal,

1 and any finding that the special veteran is subject to re-
2 moval or is inadmissible. In the case of a special veteran
3 physically present in the United States whose status as
4 an alien lawfully admitted for permanent residence was
5 rescinded before the date of the enactment of this Act,
6 the Secretary of Homeland Security shall allow the vet-
7 eran to adjust status to that of an alien lawfully admitted
8 for permanent residence without regard to any numerical
9 limitation in the Immigration and Nationality Act (8
10 U.S.C. 1101 et seq.).

11 (f) RETURN OF SPECIAL VETERANS REMOVED FROM
12 THE UNITED STATES.—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary shall es-
14 tablish a program and application procedure to permit
15 special veterans removed from the United States before
16 the date of the enactment of this Act to enter the United
17 States as an alien lawfully admitted for permanent resi-
18 dence without regard to any numerical limitation in the
19 Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

20 (g) ACCESS TO MILITARY BENEFITS.—A special vet-
21 eran who has been naturalized or has obtained the status
22 of an alien lawfully admitted for permanent residence pur-
23 suant to this Act shall be eligible for all military and vet-
24 erans benefits for which the special veteran would have
25 been eligible if the special veteran had never been ordered

1 removed, been removed, or voluntarily departed, from the
2 United States.

3 (h) IDENTIFICATION OF SPECIAL VETERANS.—

4 (1) IDENTIFICATION.—The Secretary of Home-
5 land Security shall identify immigration cases involv-
6 ing special veterans by—

7 (A) inquiring of every alien processed prior
8 to initiating removal proceedings whether the
9 alien is a special veteran; and

10 (B) keeping records of special veterans
11 who have been detained under the immigration
12 laws, had removal proceedings against them ini-
13 tiated before the date of the enactment of this
14 Act, or been removed before such date.

15 (2) RECORD ANNOTATION.—When the Sec-
16 retary has identified a case under paragraph (1), the
17 Secretary shall annotate all immigration and natu-
18 ralization records of the Department of Homeland
19 Security relating to the special veteran involved so
20 as to reflect that identification and afford an oppor-
21 tunity to track the outcomes for the veteran. Such
22 annotation shall include—

23 (A) the veteran's branch of military serv-
24 ice;

1 (B) whether or not the veteran served dur-
2 ing a period of military hostilities described in
3 section 329 of the Immigration and Nationality
4 Act (8 U.S.C. 1440); and

5 (C) the veteran's immigration status at the
6 time of enlistment.

