AMENDMENT TO RULES COMMITTEE PRINT 117–54
OFFERED BY MR. MOULTON OF MASSACHUSETTS

Add at the end of title LVIII of division E the following:

SEC. ___. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS.

(a) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

(2) The term “eligible combat zone” means any foreign state in which there is a theater of combat operations determined by the Secretary of State, in consultation with the Secretary of Homeland Security, to be an eligible theater of combat operations.
for the purpose of receiving the immigration benefits described in this section.

(b) **Special Immigrant Status for Certain Aliens.**—

(1) **In General.**—Subject to paragraph (3), the Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary of State in consultation with the Secretary of Homeland Security, may provide an alien described in subparagraph (A), (B), or (C) of paragraph (2) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa;

(C) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4))1; and
(D) clears a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(2) Aliens described.—

(A) Principal aliens.—An alien is described in this subparagraph if the alien—

(i) is a citizen or national of an eligible combat zone;

(ii) was or is employed in an eligible combat zone on or after October 7, 2001, for not less than 1 year, or in the case of an alien who was wounded or seriously injured in connection with employment described in this subparagraph, for the period until such wound or injury occurred, if the wound or injury prevented the alien from continuing employment—

(I) by, or on behalf of, the United States Government; or

(II) by a multinational military force of which the United States is a contributing nation in a capacity that required the alien—

(aa) while traveling off-base with United States military per-
sonnel stationed at the multinational military force to serve as an interpreter or translator for such United States military personnel; or

(bb) to perform activities for the United States military personnel stationed at such multinational military force;

(iii) provided faithful and valuable service to an entity or organization described in clause (ii), which is documented in a positive recommendation or evaluation, subject to subparagraph (D), from the employee’s senior supervisor or the person currently occupying that position, or a more senior person, if the employee’s senior supervisor has left the employer or has left an eligible combat zone; and

(iv) has experienced or is experiencing an ongoing serious threat as a consequence of the alien’s employment described in clause (ii).

(B) Spouse or child.—
(i) is the spouse or child of a principal alien described in subparagraph (A); and

(ii) is accompanying or following to join the principal alien in the United States.

(C) SURVIVING SPOUSE OR CHILD.—An alien is described in this subparagraph if the alien—

(i) was the spouse or child of a principal alien described in subparagraph (A) who had submitted an application to the Chief of Mission pursuant to this section or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note) which included the alien as an accompanying spouse or child; and

(ii) due to the death of the principal alien—

(I) such petition was revoked or terminated (or otherwise rendered null); and

(II) such petition would have been approved if the principal alien had survived.
(D) EMPLOYMENT REQUIREMENTS.—An application by a surviving spouse or child of a principal alien shall be subject to employment requirements set forth in subparagraph (A) as of the date of the principal alien’s filing of an application for the first time, or if no application has been filed, the employment requirements as of the date of the principal alien’s death.

(E) APPROVAL BY CHIEF OF MISSION REQUIRED.—

(i) IN GENERAL.—Except as provided under clause (ii), a recommendation or evaluation required under subparagraph (A)(iii) shall be accompanied by approval from the appropriate Chief of Mission, or the designee of the appropriate Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to confirm employment and faithful and valuable service to the United States Government prior to approval of a petition under this section.
(ii) Review process for denial by Chief of Mission.—

(I) In general.—An applicant who has been denied Chief of Mission approval shall—

(aa) receive a written decision that provides, to the maximum extent feasible, information describing the basis for the denial, including the facts and inferences underlying the individual determination; and

(bb) be provided not more than one written appeal per denial or revocation—

(AA) that shall be submitted not more than 120 days after the date that the applicant receives such decision in writing or thereafter at the discretion of the Secretary of State; and

(BB) that may request reopening of such decision and provide additional infor-
mation, clarify existing information, or explain any unfavorable information.

(II) Special Immigrant Visa Coordinator.—The Secretary of State shall designate, in the Embassy of the United States in or reasonably close in distance to each relevant eligible combat zone a Special Immigrant Visa Country Coordinator responsible for overseeing the efficiency and integrity of the processing of special immigrant visas under this section from the eligible combat zone, who shall be given—

(aa) sufficiently high security clearance to review information supporting Chief of Mission denials if an appeal of a denial is filed;

(bb) responsibility for ensuring that an applicant described in subclause (I) receives the information described in subclause (I)(aa); and
(cc) Responsibility for ensuring that every applicant is provided a reasonable opportunity to provide additional information, clarify existing information, or explain any unfavorable information pursuant to subclause (I)(BB).(F)

Evidence of serious threat.—A credible sworn statement depicting dangerous country conditions, together with official evidence of such country conditions from the United States Government, should be considered as a factor in determination of whether the alien has experienced or is experiencing an ongoing serious threat as a consequence of the alien’s employment by the United States Government for purposes of subparagraph (A)(iv).
(G) REPRESENTATION.—An alien applying for admission to the United States pursuant to this title may be represented during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative. Such representation shall not be at the expense of the United States Government.

(3) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the total number of principal aliens who may be provided special immigrant status under this section may not exceed 3,000 per fiscal year.

(B) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this subsection shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(4) APPLICATION PROCESS.—

(A) IN GENERAL.—The Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense,
shall ensure applications for special immigrant visas under paragraph (1), are processed so that all steps, including Chief of Mission approval, under the control of the respective departments incidental to the issuance of such visas, including required screenings and background checks, should be completed not later than 9 months after the date on which an eligible alien submits all required materials to complete an application for such visa.

(B) CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of a Secretary referred to in subparagraph (A) to take longer than 9 months to complete those steps incidental to the issuance of such visas in high-risk cases for which satisfaction of national security concerns requires additional time.

(C) PROHIBITION ON FEES.—The Secretary of Homeland Security or the Secretary of State may not charge an alien described in subparagraph (A), (B), or (C) of paragraph (2) any fee in connection with an application for, or issuance of, a special immigrant visa under this section.
(5) ASSISTANCE WITH PASSPORT ISSUANCE.—

The Secretary of State shall make a reasonable effort to ensure that an alien described in subparagraph (A), (B), or (C) of paragraph (2) who is issued a special immigrant visa pursuant to this subsection is provided with the appropriate series passport of an eligible combat zone necessary to enter the United States.

(6) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other appropriate Federal agencies, shall make a reasonable effort to provide an alien described in subparagraph (A), (B), or (C) of paragraph (2) who is seeking special immigrant status under this subsection protection or to immediately remove such alien from an eligible combat zone, if possible, if the Secretary determines, after consultation, that such alien is in imminent danger.

(7) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this subsection solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(8) RESETTLEMENT SUPPORT.—A citizen or national of an eligible combat zone who is granted
special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

(9) ADJUSTMENT OF STATUS.—Notwithstanding paragraph (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subparagraph (A), (B), or (C) of paragraph (2) of this subsection to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

(A) was paroled or admitted as a non-immigrant into the United States; and

(B) is otherwise eligible for special immigrant status under—

(i)(I) this subsection; or

(II) such section 1244(b); and

(ii) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).
(10) Annual report on use of special immigrant status.—

(A) Requirement.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report on the number of citizens or nationals of an eligible combat zone who have applied for status as special immigrants under this subsection.

(B) Content.—Each report required by subparagraph (A) submitted in a fiscal year shall include the following information for the previous fiscal year:

(i) The number of citizens or nationals of an eligible combat zone who submitted an application for status as a special immigrant pursuant to this section, disaggregated—

(I) by the number of principal aliens applying for such status; and

(II) by the number of spouses and children of principal aliens applying for such status.
(ii) The number of applications referred to in clause (i) that—

(I) were approved; or

(II) were denied, including a description of the basis for each denial.

(13) REPORT.—Not later than December 31, 2023, and annually thereafter through January 31, 2028, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit a report to the appropriate committees of Congress containing the following information:

(A) The occupations of aliens who—

(i) were provided special immigrant status under subclause (I) or (II)(bb) of paragraph (2)(A)(ii); and

(ii) were considered principal aliens for such purpose.

(B) The number of appeals submitted under paragraph (2)(D)(ii)(I)(bb) from application denials by the Chief of Mission and the number of those applications that were approved pursuant to the appeal.

(C) The number of applications denied by the Chief of Mission on the basis of derogatory
information that were appealed and the number of those applications that were approved pursuant to the appeal.

(D) The number of applications denied by the Chief of Mission on the basis that the applicant did not establish faithful and valuable service to the United States Government that were appealed and the number of those applications that were approved pursuant to the appeal.

(E) The number of applications denied by the Chief of Mission for failure to establish the one-year period of employment required that were appealed and the number of those applications that were approved pursuant to the appeal.

(F) The number of applications denied by the Chief of Mission for failure to establish employment by or on behalf of the United States Government that were appealed and the number of those applications that were approved pursuant to the appeal.

(G) The number of special immigrant status approvals revoked by the Chief of Mission and the reason for each revocation.
(H) The number of special immigrant status approvals revoked by the Chief of Mission that were appealed and the number of those revocations that were overturned pursuant to the appeal.

c) Adding Eligible Combat Zones.—In identifying eligible combat zones for the purpose of this section, the Secretary of State, in consultation with the Secretary of Homeland Security, may designate as an eligible combat zone any foreign state in which there is a theater of combat operations determined by the Secretary of State, in consultation with the Secretary of Homeland Security, to be an eligible theater of combat operations for the purpose of receiving the immigration benefits described in this section.