

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:

1 **SEC. ____ . SPECIAL IMMIGRANT STATUS FOR CERTAIN AL-**
2 **LIES.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) The term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on Armed Services, the
7 Committee on Foreign Relations, and the Com-
8 mittee on the Judiciary of the Senate; and

9 (B) the Committee on Armed Services, the
10 Committee on Foreign Affairs, and the Com-
11 mittee on the Judiciary of the House of Rep-
12 resentatives.

13 (2) The term “eligible combat zone” means any
14 foreign state in which there is a theater of combat
15 operations determined by the Secretary of State, in
16 consultation with the Secretary of Homeland Secu-
17 rity, to be an eligible theater of combat operations

1 for the purpose of receiving the immigration benefits
2 described in this section.

3 (b) SPECIAL IMMIGRANT STATUS FOR CERTAIN
4 ALIENS.—

5 (1) IN GENERAL.—Subject to paragraph (3),
6 the Secretary of Homeland Security, or, notwith-
7 standing any other provision of law, the Secretary of
8 State in consultation with the Secretary of Home-
9 land Security, may provide an alien described in sub-
10 paragraph (A), (B), or (C) of paragraph (2) with
11 the status of a special immigrant under section
12 101(a)(27) of the Immigration and Nationality Act
13 (8 U.S.C. 1101(a)(27)), if the alien—

14 (A) or an agent acting on behalf of the
15 alien, submits a petition for classification under
16 section 203(b)(4) of such Act (8 U.S.C.
17 1153(b)(4));

18 (B) is otherwise eligible to receive an im-
19 migrant visa;

20 (C) is otherwise admissible to the United
21 States for permanent residence (excluding the
22 grounds for inadmissibility specified in section
23 212(a)(4) of such Act (8 U.S.C. 1182(a)(4))1;
24 and

1 (D) clears a background check and appro-
2 priate screening, as determined by the Sec-
3 retary of Homeland Security.

4 (2) ALIENS DESCRIBED.—

5 (A) PRINCIPAL ALIENS.—An alien is de-
6 scribed in this subparagraph if the alien—

7 (i) is a citizen or national of an eligi-
8 ble combat zone;

9 (ii) was or is employed in an eligible
10 combat zone on or after October 7, 2001,
11 for not less than 1 year, or in the case of
12 an alien who was wounded or seriously in-
13 jured in connection with employment de-
14 scribed in this subparagraph, for the pe-
15 riod until such wound or injury occurred,
16 if the wound or injury prevented the alien
17 from continuing employment—

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

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

24 (aa) while traveling off-base
25 with United States military per-

1 sonnel stationed at the multi-
2 national military force to serve as
3 an interpreter or translator for
4 such United States military per-
5 sonnel; or

6 (ii) to perform activities for
7 the United States military per-
8 sonnel stationed at such multi-
9 national military force;

10 (iii) provided faithful and valuable
11 service to an entity or organization de-
12 scribed in clause (ii), which is documented
13 in a positive recommendation or evalua-
14 tion, subject to subparagraph (D), from
15 the employee's senior supervisor or the
16 person currently occupying that position,
17 or a more senior person, if the employee's
18 senior supervisor has left the employer or
19 has left an eligible combat zone; and

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

24 (B) SPOUSE OR CHILD.—

1 (i) is the spouse or child of a principal
2 alien described in subparagraph (A); and

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

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

9 (i) was the spouse or child of a prin-
10 cipal alien described in subparagraph (A)
11 who had submitted an application to the
12 Chief of Mission pursuant to this section
13 or section 1059 of the National Defense
14 Authorization Act for Fiscal Year 2006
15 (Public Law 109–163; 8 U.S.C. 1101
16 note) which included the alien as an ac-
17 companying spouse or child; and

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

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

23 (II) such petition would have
24 been approved if the principal alien
25 had survived.

1 (D) EMPLOYMENT REQUIREMENTS.—An
2 application by a surviving spouse or child of a
3 principal alien shall be subject to employment
4 requirements set forth in subparagraph (A) as
5 of the date of the principal alien’s filing of an
6 application for the first time, or if no applica-
7 tion has been filed, the employment require-
8 ments as of the date of the principal alien’s
9 death.

10 (E) APPROVAL BY CHIEF OF MISSION RE-
11 QUIRED.—

12 (i) IN GENERAL.—Except as provided
13 under clause (ii), a recommendation or
14 evaluation required under subparagraph
15 (A)(iii) shall be accompanied by approval
16 from the appropriate Chief of Mission, or
17 the designee of the appropriate Chief of
18 Mission, who shall conduct a risk assess-
19 ment of the alien and an independent re-
20 view of records maintained by the United
21 States Government or hiring organization
22 or entity to confirm employment and faith-
23 ful and valuable service to the United
24 States Government prior to approval of a
25 petition under this section.

1 (ii) REVIEW PROCESS FOR DENIAL BY
2 CHIEF OF MISSION.—

3 (I) IN GENERAL.—An applicant
4 who has been denied Chief of Mission
5 approval shall—

6 (aa) receive a written deci-
7 sion that provides, to the max-
8 imum extent feasible, information
9 describing the basis for the de-
10 nial, including the facts and in-
11 ferences underlying the individual
12 determination; and

13 (bb) be provided not more
14 than one written appeal per de-
15 nial or revocation—

16 (AA) that shall be sub-
17 mitted not more than 120
18 days after the date that the
19 applicant receives such deci-
20 sion in writing or thereafter
21 at the discretion of the Sec-
22 retary of State; and

23 (BB) that may request
24 reopening of such decision
25 and provide additional infor-

1 mation, clarify existing in-
2 formation, or explain any
3 unfavorable information.

4 (II) SPECIAL IMMIGRANT VISA
5 COORDINATOR.—The Secretary of
6 State shall designate, in the Embassy
7 of the United States in or reasonably
8 close in distance to each relevant eligi-
9 ble combat zone a Special Immigrant
10 Visa Country Coordinator responsible
11 for overseeing the efficiency and integ-
12 rity of the processing of special immi-
13 grant visas under this section from
14 the eligible combat zone, who shall be
15 given—

16 (aa) sufficiently high secu-
17 rity clearance to review informa-
18 tion supporting Chief of Mission
19 denials if an appeal of a denial is
20 filed;

21 (bb) responsibility for ensur-
22 ing that an applicant described in
23 subclause (I) receives the infor-
24 mation described in subclause
25 (I)(aa); and

1 (cc) RESPONSIBILITY FOR
2 ENSURING THAT EVERY APPLI-
3 CANT IS PROVIDED A REASON-
4 ABLE OPPORTUNITY TO PROVIDE
5 ADDITIONAL INFORMATION,
6 CLARIFY EXISTING INFORMA-
7 TION, OR EXPLAIN ANY UNFA-
8 VORABLE INFORMATION PURSU-
9 ANT TO SUBCLAUSE (I)(BB).(F)
10 EVIDENCE OF SERIOUS
11 THREAT.—A credible sworn
12 statement depicting dangerous
13 country conditions, together with
14 official evidence of such country
15 conditions from the United
16 States Government, should be
17 considered as a factor in deter-
18 mination of whether the alien has
19 experienced or is experiencing an
20 ongoing serious threat as a con-
21 sequence of the alien’s employ-
22 ment by the United States Gov-
23 ernment for purposes of subpara-
24 graph (A)(iv).

1 (G) REPRESENTATION.—An alien applying
2 for admission to the United States pursuant to
3 this title may be represented during the applica-
4 tion process, including at relevant interviews
5 and examinations, by an attorney or other ac-
6 credited representative. Such representation
7 shall not be at the expense of the United States
8 Government.

9 (3) NUMERICAL LIMITATIONS.—

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

15 (B) EXCLUSION FROM NUMERICAL LIMITA-
16 TIONS.—Aliens provided special immigrant sta-
17 tus under this subsection shall not be counted
18 against any numerical limitation under sections
19 201(d), 202(a), or 203(b)(4) of the Immigra-
20 tion and Nationality Act (8 U.S.C. 1151(d),
21 1152(a), and 1153(b)(4)).

22 (4) APPLICATION PROCESS.—

23 (A) IN GENERAL.—The Secretary of State
24 and the Secretary of Homeland Security, in
25 consultation with the Secretary of Defense,

1 shall ensure applications for special immigrant
2 visas under paragraph (1), are processed so
3 that all steps, including Chief of Mission ap-
4 proval, under the control of the respective de-
5 partments incidental to the issuance of such
6 visas, including required screenings and back-
7 ground checks, should be completed not later
8 than 9 months after the date on which an eligi-
9 ble alien submits all required materials to com-
10 plete an application for such visa.

11 (B) CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to limit the ability of a
13 Secretary referred to in subparagraph (A) to
14 take longer than 9 months to complete those
15 steps incidental to the issuance of such visas in
16 high-risk cases for which satisfaction of na-
17 tional security concerns requires additional
18 time.

19 (C) PROHIBITION ON FEES.—The Sec-
20 retary of Homeland Security or the Secretary of
21 State may not charge an alien described in sub-
22 paragraph (A), (B), or (C) of paragraph (2)
23 any fee in connection with an application for, or
24 issuance of, a special immigrant visa under this
25 section.

1 (5) ASSISTANCE WITH PASSPORT ISSUANCE.—

2 The Secretary of State shall make a reasonable ef-
3 fort to ensure that an alien described in subpara-
4 graph (A), (B), or (C) of paragraph (2) who is
5 issued a special immigrant visa pursuant to this sub-
6 section is provided with the appropriate series pass-
7 port of an eligible combat zone necessary to enter
8 the United States.

9 (6) PROTECTION OF ALIENS.—The Secretary of
10 State, in consultation with the heads of other appro-
11 priate Federal agencies, shall make a reasonable ef-
12 fort to provide an alien described in subparagraph
13 (A), (B), or (C) of paragraph (2) who is seeking spe-
14 cial immigrant status under this subsection protec-
15 tion or to immediately remove such alien from an el-
16 igible combat zone, if possible, if the Secretary de-
17 termines, after consultation, that such alien is in im-
18 minent danger.

19 (7) OTHER ELIGIBILITY FOR IMMIGRANT STA-
20 TUS.—No alien shall be denied the opportunity to
21 apply for admission under this subsection solely be-
22 cause such alien qualifies as an immediate relative
23 or is eligible for any other immigrant classification.

24 (8) RESETTLEMENT SUPPORT.—A citizen or
25 national of an eligible combat zone who is granted

1 special immigrant status described in section
2 101(a)(27) of the Immigration and Nationality Act
3 (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement
4 assistance, entitlement programs, and other
5 benefits available to refugees admitted under section
6 207 of such Act (8 U.S.C. 1157) to the same extent,
7 and for the same periods of time, as such refugees.

8 (9) ADJUSTMENT OF STATUS.—Notwith-
9 standing paragraph (2), (7), or (8) of subsection (c)
10 of section 245 of the Immigration and Nationality
11 Act (8 U.S.C. 1255), the Secretary of Homeland Se-
12 curity may adjust the status of an alien described in
13 subparagraph (A), (B), or (C) of paragraph (2) of
14 this subsection to that of an alien lawfully admitted
15 for permanent residence under subsection (a) of
16 such section 245 if the alien—

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

19 (B) is otherwise eligible for special immi-
20 grant status under—

21 (i)(I) this subsection; or

22 (II) such section 1244(b); and

23 (ii) the Immigration and Nationality
24 Act (8 U.S.C. 1101 et seq.).

1 (10) ANNUAL REPORT ON USE OF SPECIAL IM-
2 MIGRANT STATUS.—

3 (A) REQUIREMENT.—Not later than 120
4 days after the date of the enactment of this
5 Act, and annually thereafter, the Secretary of
6 Homeland Security shall submit to the appro-
7 priate committees of Congress a report on the
8 number of citizens or nationals of an eligible
9 combat zone who have applied for status as spe-
10 cial immigrants under this subsection.

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

15 (i) The number of citizens or nation-
16 als of an eligible combat zone who sub-
17 mitted an application for status as a spe-
18 cial immigrant pursuant to this section,
19 disaggregated—

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

22 (II) by the number of spouses
23 and children of principal aliens apply-
24 ing for such status.

1 (ii) The number of applications re-
2 ferred to in clause (i) that—

3 (I) were approved; or

4 (II) were denied, including a de-
5 scription of the basis for each denial.

6 (13) REPORT.—Not later than December 31,
7 2023, and annually thereafter through January 31,
8 2028, the Secretary of State and the Secretary of
9 Homeland Security, in consultation with the Sec-
10 retary of Defense, shall submit a report to the ap-
11 propriate committees of Congress containing the fol-
12 lowing information:

13 (A) The occupations of aliens who—

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

17 (ii) were considered principal aliens
18 for such purpose.

19 (B) The number of appeals submitted
20 under paragraph (2)(D)(ii)(I)(bb) from applica-
21 tion denials by the Chief of Mission and the
22 number of those applications that were ap-
23 proved pursuant to the appeal.

24 (C) The number of applications denied by
25 the Chief of Mission on the basis of derogatory

1 information that were appealed and the number
2 of those applications that were approved pursu-
3 ant to the appeal.

4 (D) The number of applications denied by
5 the Chief of Mission on the basis that the appli-
6 cant did not establish faithful and valuable
7 service to the United States Government that
8 were appealed and the number of those applica-
9 tions that were approved pursuant to the ap-
10 peal.

11 (E) The number of applications denied by
12 the Chief of Mission for failure to establish the
13 one-year period of employment required that
14 were appealed and the number of those applica-
15 tions that were approved pursuant to the ap-
16 peal.

17 (F) The number of applications denied by
18 the Chief of Mission for failure to establish em-
19 ployment by or on behalf of the United States
20 Government that were appealed and the num-
21 ber of those applications that were approved
22 pursuant to the appeal.

23 (G) The number of special immigrant sta-
24 tus approvals revoked by the Chief of Mission
25 and the reason for each revocation.

1 (H) The number of special immigrant sta-
2 tus approvals revoked by the Chief of Mission
3 that were appealed and the number of those
4 revocations that were overturned pursuant to
5 the appeal.

6 (c) **ADDING ELIGIBLE COMBAT ZONES.**—In identi-
7 fying eligible combat zones for the purpose of this section,
8 the Secretary of State, in consultation with the Secretary
9 of Homeland Security, may designate as an eligible com-
10 bat zone any foreign state in which there is a theater of
11 combat operations determined by the Secretary of State,
12 in consultation with the Secretary of Homeland Security,
13 to be an eligible theater of combat operations for the pur-
14 pose of receiving the immigration benefits described in this
15 section.

16 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
17 tion may be construed to affect the authority of the Sec-
18 retary of Homeland Security under section 1059 of the
19 National Defense Authorization Act for Fiscal Year 2006
20 (Public Law 109–163; 8 U.S.C. 1101 note).

