

AMENDMENT TO RULES COMMITTEE PRINT
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OFFERED BY MR. SOTO OF FLORIDA

Page 1371, line 1, redesignate subsection (c) as subsection (b).

Page 1371, after line 18, insert the following:

1 (c) ADJUSTMENT OF STATUS FOR CERTAIN MILI-
2 TARY SPOUSES.—Section 245 of the Immigration and Na-
3 tionality Act (8 U.S.C. 1255) is amended by adding at
4 the end the following:

5 “(n)(1) In applying this section to an alien described
6 in paragraph (2)—

7 “(A) such alien shall be deemed, for purposes
8 of subsection (a), to have been inspected and admit-
9 ted into the United States; and

10 “(B) in determining the alien’s admissibility as
11 an immigrant—

12 “(i) paragraphs (6)(A), (7)(A), and (9)(B)
13 of section 212(a) shall not apply; and

14 “(ii) the Secretary of Homeland Security,
15 in the discretion of the Secretary, may waive
16 the application of paragraphs (6)(C), (9)(A),

1 and (9)(C) of section 212(a) if the alien estab-
2 lishes to the satisfaction of the Secretary that
3 the alien does not pose a threat to the public
4 and has not committed any criminal offenses in
5 violation of Federal or State law unrelated to
6 the alien's status.

7 “(2) An alien is described in this paragraph if the
8 alien—

9 “(A) is or was the spouse of a United States
10 citizen who—

11 “(i) is or was serving on active duty in the
12 United States Armed Forces or in a reserve
13 component of the United States Armed Forces;
14 and

15 “(ii) if discharged or released from service
16 in the Armed Forces, was discharged or re-
17 leased under honorable conditions; and

18 “(B) is the beneficiary of a petition for classi-
19 fication under section 204(a)(1)(A) as an immediate
20 relative (as defined in section 201(b)) by reason of
21 the marriage to such citizen.”.

22 (d) TREATMENT OF CERTAIN GROUNDS FOR INAD-
23 MISSIBILITY FOR CERTAIN MILITARY SPOUSES.—Section
24 212 of the Immigration and Nationality Act (8 U.S.C.

1 1182) is amended by inserting after subsection (b) the fol-
2 lowing:

3 “(c)(1) In determining the admissibility as an immi-
4 grant of an alien described in paragraph (2)—

5 “(A) subsection (a)(9)(B) shall not apply; and

6 “(B) the Secretary of Homeland Security, in
7 the discretion of the Secretary, may waive the appli-
8 cation of paragraphs (6)(C), (9)(A), and (9)(C) of
9 subsection (a) if the alien establishes to the satisfac-
10 tion of the Secretary that the alien does not pose a
11 threat to the public and has not committed any
12 criminal offenses in violation of Federal or State law
13 unrelated to the alien’s status.

14 “(2) An alien is described in this paragraph if the
15 alien—

16 “(A) is or was the spouse of a United States
17 citizen who—

18 “(i) is or was serving on active duty in the
19 United States Armed Forces or in a reserve
20 component of the United States Armed Forces;
21 and

22 “(ii) if discharged or released from service
23 in the Armed Forces, was discharged or re-
24 leased under honorable conditions; and

1 “(B) is the beneficiary of a petition for classi-
2 fication under section 204(a)(1)(A) as an immediate
3 relative (as defined in section 201(b)) by reason of
4 the marriage to such citizen.”.

5 (e) ELIGIBILITY OF REMOVED OR VOLUNTARILY DE-
6 PARTED ALIENS.—

7 (1) IN GENERAL.—The Secretary of Homeland
8 Security and the Secretary of State shall take such
9 steps as may be necessary to ensure that eligible
10 aliens who were removed or permitted to depart vol-
11 untarily from the United States before the date of
12 the enactment of this Act may apply from abroad
13 for an immigrant visa pursuant to the amendment
14 made by subsection (d).

15 (2) NONIMMIGRANT ADMISSION PENDING ADJU-
16 DICATION.—The Secretary of Homeland Security
17 and the Secretary of State shall establish a program
18 under which an eligible alien with a pending applica-
19 tion made under paragraph (1) may be authorized to
20 enter the United States as a nonimmigrant to re-
21 unite with their United States citizen spouse during
22 the period in which such application, and an associ-
23 ated application for adjustment of status, remain
24 pending. In determining whether an alien is eligible
25 to be admitted to the United States as a non-

1 immigrant under this subsection, the Secretary of
2 Homeland Security and the Secretary of State shall
3 require the alien to establish to the satisfaction of
4 each Secretary that the alien does not pose a threat
5 to the public or to national security. In determining
6 the admissibility as a nonimmigrant of an alien de-
7 scribed in this subsection, the Secretary of Home-
8 land Security, in the discretion of the Secretary,
9 may waive the application of paragraphs (6)(C) and
10 (9) of section 212(a) of the Immigration and Na-
11 tionality Act (8 U.S.C. 1182(a)).

