AMENDMENT TO THE RULES COMMITTEE PRINT

118-10

OFFERED BY MR. SOTO OF FLORIDA

In subtitle C of title XVIII, add at the end the following:

SEC. 1859. PROTECTING PATRIOT SPOUSES.

(a) ADJUSTMENT OF STATUS FOR CERTAIN MILITARY SPOUSES.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

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

“(A) such alien shall be deemed, for purposes of subsection (a), to have been inspected and admitted into the United States; and

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

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

“(ii) the Secretary of Homeland Security, in the discretion of the Secretary, may waive the application of paragraphs (6)(C), (9)(A), and (9)(C) of section 212(a) if the alien estab-
lishes to the satisfaction of the Secretary that
the alien does not pose a threat to the public
and has not committed any criminal offenses in
violation of Federal or State law unrelated to
the alien’s status.

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

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

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

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

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

(b) TREATMENT OF CERTAIN GROUNDS FOR INAD-
MISSIBILITY FOR CERTAIN MILITARY SPOUSES.—Section
212 of the Immigration and Nationality Act (8 U.S.C.
1182) is amended by inserting after subsection (b) the fol-
lowing:
“(c)(1) In determining the admissibility as an immigrant of an alien described in paragraph (2)—

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

“(B) the Secretary of Homeland Security, in the discretion of the Secretary, may waive the application of paragraphs (6)(C), (9)(A), and (9)(C) of subsection (a) if the alien establishes to the satisfaction of the Secretary that the alien does not pose a threat to the public and has not committed any criminal offenses in violation of Federal or State law unrelated to the alien’s status.

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

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

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

“(ii) if discharged or released from service in the Armed Forces, was discharged or released under honorable conditions; and

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

(c) Eligibility of Removed or Voluntarily De-
parted Aliens.—

(1) In General.—The Secretary of Homeland
Security and the Secretary of State shall take such
steps as may be necessary to ensure that eligible
aliens who were removed or permitted to depart vol-
untarily from the United States before the date of
the enactment of this Act may apply from abroad
for an immigrant visa pursuant to the amendment
made by subsection (b).

(2) Nonimmigrant Admission Pending Adju-
dication.—The Secretary of Homeland Security
and the Secretary of State shall establish a program
under which an eligible alien with a pending applica-
tion made under paragraph (1) may be authorized to
enter the United States as a nonimmigrant to re-
unite with their United States citizen spouse during
the period in which such application, and an associ-
ated application for adjustment of status, remain
pending. In determining whether an alien is eligible
to be admitted to the United States as a non-
immigrant under this subsection, the Secretary of
Homeland Security and the Secretary of State shall
require the alien to establish to the satisfaction of each Secretary that the alien does not pose a threat to the public or to national security. In determining the admissibility as a nonimmigrant of an alien described in this subsection, the Secretary of Homeland Security, in the discretion of the Secretary, may waive the application of paragraphs (6)(C) and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).