AMENDMENT TO RULES COMMITTEE
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OFFERED BY MR. SOTO OF FLORIDA

Page 1326, after line 21, insert the following:

(e) 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:

“(n)(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 establishes to the satisfaction of the Secretary that the alien does not pose a threat to the public safety.”
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.”.

(d) TREATMENT OF CERTAIN GROUNDS FOR INADMISSIBILITY 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 following:

“(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 Departed 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 voluntarily 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 (d).

(2) Nonimmigrant Admission Pending Adjudication.—The Secretary of Homeland Security and the Secretary of State shall establish a program under which an eligible alien with a pending application made under paragraph (1) may be authorized to enter the United States as a nonimmigrant to reunite with their United States citizen spouse during the period in which such application, and an associated application for adjustment of status, remain pending. In determining whether an alien is eligible to be admitted to the United States as a nonimmigrant 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 de-
scribed in this subsection, the Secretary of Home-
land 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 Na-
tionality Act (8 U.S.C. 1182(a)).