

117TH CONGRESS
1ST SESSION

H. R. 4137

To require the Secretary of Homeland Security to establish a veterans visa program to permit veterans who have been removed from the United States to return as immigrants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2021

Mr. GRIJALVA (for himself, Ms. NEWMAN, Mrs. HAYES, Mr. TAKANO, Mr. CARSON, Mr. MOULTON, Mr. MCGOVERN, Mr. GARCÍA of Illinois, Mr. SWALWELL, Ms. LEE of California, Mr. SAN NICOLAS, Mr. RUSH, Mr. VARGAS, Ms. NORTON, Ms. JACKSON LEE, Ms. KAPTUR, and Mrs. KIRKPATRICK) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Homeland Security to establish a veterans visa program to permit veterans who have been removed from the United States to return as immigrants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Visa and Pro-
5 tection Act of 2021”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ARMED FORCES.**—The term “Armed
4 Forces” has the meaning given the term “armed
5 forces” in section 101 of title 10, United States
6 Code.

7 (2) **CRIME OF VIOLENCE.**—The term “crime of
8 violence” means an offense defined in section 16(a)
9 of title 18, United States Code—

10 (A) that is not a purely political offense;
11 and

12 (B) for which a noncitizen has served a
13 term of imprisonment of at least 5 years.

14 (3) **ELIGIBLE VETERAN.**—

15 (A) **IN GENERAL.**—The term “eligible vet-
16 eran” means a veteran who—

17 (i) is a noncitizen; and

18 (ii) meets the criteria described in sec-
19 tion 3(e).

20 (B) **INCLUSION.**—The term “eligible vet-
21 eran” includes a veteran who—

22 (i) was removed from the United
23 States; or

24 (ii) is abroad and is inadmissible
25 under section 212(a) of the Immigration
26 and Nationality Act (8 U.S.C. 1182(a)).

1 (4) NONCITIZEN.—The term “noncitizen”
 2 means an individual who is not a citizen or national
 3 of the United States (as defined in section 101(a) of
 4 the Immigration and Nationality Act (8 U.S.C.
 5 1101(a))).

6 (5) SECRETARY.—The term “Secretary” means
 7 the Secretary of Homeland Security.

8 (6) SERVICE MEMBER.—The term “service
 9 member” means an individual who is serving as a
 10 member of—

11 (A) a regular or reserve component of the
 12 Armed Forces on active duty; or

13 (B) a reserve component of the Armed
 14 Forces in an active status.

15 (7) VETERAN.—The term “veteran” has the
 16 meaning given the term in section 101 of title 38,
 17 United States Code.

18 **SEC. 3. RETURN OF ELIGIBLE VETERANS REMOVED FROM**
 19 **THE UNITED STATES; ADJUSTMENT OF STA-**
 20 **TUS.**

21 (a) PROGRAM FOR ADMISSION AND ADJUSTMENT OF
 22 STATUS.—Not later than 180 days after the date of the
 23 enactment of this Act, the Secretary shall establish a pro-
 24 gram and an application procedure that allows—

1 (1) eligible veterans outside the United States
2 to be admitted to the United States as noncitizens
3 lawfully admitted for permanent residence (as de-
4 fined in section 101(a) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1101(a)); and

6 (2) eligible veterans in the United States to ad-
7 just status to that of noncitizens lawfully admitted
8 for permanent residence.

9 (b) VETERANS ORDERED REMOVED.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, in the
12 case of noncitizen veterans who are the subjects of
13 final orders of removal, including noncitizen veterans
14 who are outside the United States, the Attorney
15 General shall—

16 (A) reopen the removal proceedings of each
17 such noncitizen veteran; and

18 (B) make a determination with respect to
19 whether each such noncitizen veteran is an eli-
20 gible veteran.

21 (2) RESCISSION OF REMOVAL ORDER.—In the
22 case of a determination under paragraph (1)(B) that
23 a noncitizen veteran is an eligible veteran, the Attor-
24 ney General shall—

25 (A) rescind the order of removal;

1 (B) adjust the status of the eligible veteran
2 to that of a noncitizen lawfully admitted for
3 permanent residence; and

4 (C) terminate removal proceedings.

5 (c) VETERANS IN REMOVAL PROCEEDINGS.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, in the
8 case of noncitizen veterans, the removal proceedings
9 of whom are pending as of the date of the enactment
10 of this Act, the Attorney General shall make a deter-
11 mination with respect to whether each such noncit-
12 izen veteran is an eligible veteran.

13 (2) TERMINATION OF PROCEEDINGS.—In the
14 case of a determination under paragraph (1) that a
15 noncitizen veteran is an eligible veteran, the Attor-
16 ney General shall—

17 (A) adjust the status of the eligible veteran
18 to that of a noncitizen lawfully admitted for
19 permanent residence; and

20 (B) terminate removal proceedings.

21 (d) NO NUMERICAL LIMITATIONS.—Nothing in this
22 section or in any other law may be construed to apply a
23 numerical limitation on the number of veterans who may
24 be eligible to receive a benefit under this section.

25 (e) ELIGIBILITY.—

(1) IN GENERAL.—Notwithstanding sections 212 and 237 of the Immigration and Nationality Act (8 U.S.C. 1182 and 1227) or any other provision of law, a noncitizen veteran shall be eligible to participate in the program established under subsection (a) or for adjustment of status under subsections (b) or (c), as applicable, if the Secretary or the Attorney General, as applicable, determines that the noncitizen veteran—

(A) was not removed or ordered removed from the United States based on a conviction for—

(i) a crime of violence; or

(ii) a crime that endangers the national security of the United States for which the noncitizen veteran has served a term of imprisonment of at least 5 years; and

(B) is not inadmissible to, or deportable from, the United States based on a conviction for a crime described in subparagraph (A).

(2) WAIVER.—The Secretary may waive the application of paragraph (1)—

(A) for humanitarian purposes;

(B) to ensure family unity;

1 (C) based on exceptional service in the
2 Armed Forces; or

3 (D) if a waiver otherwise is in the public
4 interest.

5 **SEC. 4. PROTECTING VETERANS AND SERVICE MEMBERS**
6 **FROM REMOVAL.**

7 Notwithstanding section 237 of the Immigration and
8 Nationality Act (8 U.S.C. 1227) or any other provision
9 of law, a noncitizen who is a veteran or service member
10 may not be removed from the United States unless the
11 noncitizen has been convicted for a crime of violence.

12 **SEC. 5. NATURALIZATION THROUGH SERVICE IN THE**
13 **ARMED FORCES.**

14 (a) IN GENERAL.—Subject to subsection (b), a non-
15 citizen who has obtained the status of a noncitizen lawfully
16 admitted for permanent residence pursuant to section 3
17 shall be eligible for naturalization through service in the
18 Armed Forces under sections 328 and 329 of the Immi-
19 gration and Nationality Act (8 U.S.C. 1439 and 1440).

20 (b) SPECIAL RULES.—

21 (1) GOOD MORAL CHARACTER.—In determining
22 whether a noncitizen described in subsection (a) is
23 a person of good moral character, the Secretary
24 shall disregard the one or more grounds on which
25 the noncitizen was—

1 (A) removed or ordered removed from the
2 United States; or

3 (B) rendered inadmissible to, or deportable
4 from, the United States.

5 (2) PERIODS OF ABSENCE.—The Secretary
6 shall disregard any period of absence from the
7 United States of a noncitizen described in subsection
8 (a) due to the noncitizen having been removed from,
9 or being inadmissible to, the United States if the
10 noncitizen satisfies the applicable requirement relat-
11 ing to continuous residence or physical presence.

12 **SEC. 6. ACCESS TO MILITARY BENEFITS.**

13 A noncitizen who has obtained the status of a noncit-
14 izen lawfully admitted for permanent residence pursuant
15 to section 3 shall be eligible for all military and veterans
16 benefits for which the noncitizen would have been eligible
17 had the noncitizen not been ordered removed from the
18 United States, voluntarily departed the United States, or
19 rendered inadmissible to, or deportable from, the United
20 States, as applicable.

21 **SEC. 7. IMPLEMENTATION.**

22 (a) IDENTIFICATION.—The Secretary shall identify
23 noncitizen service members and veterans at risk of re-
24 moval from the United States by—

1 (1) before initiating a removal proceeding
2 against a noncitizen, asking the noncitizen whether
3 he or she is serving, or has served as a member of—

4 (A) a regular or reserve component of the
5 Armed Forces on active duty; or

6 (B) a reserve component of the Armed
7 Forces in an active status;

8 (2) requiring U.S. Immigration and Customs
9 Enforcement personnel to seek supervisory approval
10 before initiating a removal proceeding against a
11 service member or veteran; and

12 (3) keeping records of any service member or
13 veteran who has been—

14 (A) the subject of a removal proceeding;

15 (B) detained by the Director of U.S. Immi-
16 gration and Customs Enforcement; or

17 (C) removed from the United States.

18 (b) RECORD ANNOTATION.—

19 (1) IN GENERAL.—In the case of a noncitizen
20 service member or veteran identified under sub-
21 section (a), the Secretary shall annotate all immigra-
22 tion and naturalization records of the Department of
23 Homeland Security relating to the noncitizen—

24 (A) to reflect that the noncitizen is a serv-
25 ice member or veteran; and

1 (B) to afford an opportunity to track the
2 outcomes for the noncitizen.

3 (2) CONTENTS OF ANNOTATION.—Each annota-
4 tion under paragraph (1) shall include—

5 (A) the branch of military service in which
6 the noncitizen is serving, or has served;

7 (B) whether the noncitizen is serving, or
8 has served, during a period of military hos-
9 tilities described in section 329 of the Immigra-
10 tion and Nationality Act (8 U.S.C. 1440);

11 (C) the immigration status of the noncit-
12 izen on the date of enlistment;

13 (D) whether the noncitizen is serving hon-
14 orably or was separated under honorable condi-
15 tions;

16 (E) the ground on which removal of the
17 noncitizen from the United States was sought;
18 and

19 (F) in the case of a noncitizen the removal
20 proceedings of whom were initiated on the basis
21 of a criminal conviction, the crime for which the
22 noncitizen was convicted.

1 **SEC. 8. REGULATIONS.**

2 Not later than 90 days after the date of the enact-
3 ment of this Act, the Secretary shall promulgate regula-
4 tions to implement this Act.

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