

118TH CONGRESS
1ST SESSION

H. R. 6381

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

NOVEMBER 13, 2023

Mr. GRIJALVA (for himself, Mr. MCGOVERN, Ms. NORTON, Ms. JACKSON LEE, Ms. MOORE of Wisconsin, Ms. TITUS, Ms. SCHAKOWSKY, Ms. STRICKLAND, Mr. CARTER of Louisiana, Mr. MOULTON, Mr. FOSTER, Mrs. CHERFILUS-MCCORMICK, Mr. CORREA, Mr. GREEN of Texas, Mr. GARCÍA of Illinois, Mr. VARGAS, Mr. GOMEZ, and Ms. LEE of California) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans Visa and Pro-
3 tection Act of 2023”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

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

13 (A) that is not a purely political offense;
14 and

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

17 (3) **ELIGIBLE VETERAN.**—

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

20 (i) is a noncitizen; and

21 (ii) meets the criteria described in sec-
22 tion 3(e).

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

25 (i) was removed from the United
26 States; or

1 (ii) is abroad and is inadmissible
2 under section 212(a) of the Immigration
3 and Nationality Act (8 U.S.C. 1182(a)).

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

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

11 (6) SERVICE MEMBER.—The term “service
12 member” means an individual who is serving as a
13 member of—

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

16 (B) a reserve component of the Armed
17 Forces in an active status.

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

21 **SEC. 3. RETURN OF ELIGIBLE VETERANS REMOVED FROM**
22 **THE UNITED STATES; ADJUSTMENT OF STA-**
23 **TUS.**

24 (a) PROGRAM FOR ADMISSION AND ADJUSTMENT OF
25 STATUS.—Not later than 180 days after the date of the

1 enactment of this Act, the Secretary shall establish a pro-
2 gram and an application procedure that allows—

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

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

11 (b) VETERANS ORDERED REMOVED.—

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

18 (A) reopen the removal proceedings of each
19 such noncitizen veteran; and

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

23 (2) RESCISSION OF REMOVAL ORDER.—In the
24 case of a determination under paragraph (1)(B) that

1 a noncitizen veteran is an eligible veteran, the Attor-
2 ney General shall—

3 (A) rescind the order of removal;

4 (B) adjust the status of the eligible veteran
5 to that of a noncitizen lawfully admitted for
6 permanent residence; and

7 (C) terminate removal proceedings.

8 (c) VETERANS IN REMOVAL PROCEEDINGS.—

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

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

20 (A) adjust the status of the eligible veteran
21 to that of a noncitizen lawfully admitted for
22 permanent residence; and

23 (B) terminate removal proceedings.

24 (d) NO NUMERICAL LIMITATIONS.—Nothing in this
25 section or in any other law may be construed to apply a

1 numerical limitation on the number of veterans who may
2 be eligible to receive a benefit under this section.

3 (e) ELIGIBILITY.—

4 (1) IN GENERAL.—Notwithstanding sections
5 212 and 237 of the Immigration and Nationality Act
6 (8 U.S.C. 1182 and 1227) or any other provision of
7 law, a noncitizen veteran shall be eligible to partici-
8 pate in the program established under subsection (a)
9 or for adjustment of status under subsection (b) or
10 (c), as applicable, if the Secretary or the Attorney
11 General, as applicable, determines that the noncit-
12 izen veteran—

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

16 (i) a crime of violence; or

17 (ii) a crime that endangers the na-
18 tional security of the United States for
19 which the noncitizen veteran has served a
20 term of imprisonment of at least 5 years;
21 and

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

1 (2) WAIVER.—The Secretary may waive the ap-
2 plication of paragraph (1)—

3 (A) for humanitarian purposes;

4 (B) to ensure family unity;

5 (C) based on exceptional service in the
6 Armed Forces; or

7 (D) if a waiver otherwise is in the public
8 interest.

9 **SEC. 4. PROTECTING VETERANS AND SERVICE MEMBERS**
10 **FROM REMOVAL.**

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

16 **SEC. 5. NATURALIZATION THROUGH SERVICE IN THE**
17 **ARMED FORCES.**

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

24 (b) SPECIAL RULES.—

1 (1) GOOD MORAL CHARACTER.—In determining
2 whether a noncitizen described in subsection (a) is
3 a person of good moral character, the Secretary
4 shall disregard the one or more grounds on which
5 the noncitizen was—

6 (A) removed or ordered removed from the
7 United States; or

8 (B) rendered inadmissible to, or deportable
9 from, the United States.

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

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

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

1 **SEC. 7. IMPLEMENTATION.**

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

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

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

10 (B) a reserve component of the Armed
11 Forces in an active status;

12 (2) requiring U.S. Immigration and Customs
13 Enforcement personnel to seek supervisory approval
14 before initiating a removal proceeding against a
15 service member or veteran; and

16 (3) keeping records of any service member or
17 veteran who has been—

18 (A) the subject of a removal proceeding;

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

21 (C) removed from the United States.

22 (b) RECORD ANNOTATION.—

23 (1) IN GENERAL.—In the case of a noncitizen
24 service member or veteran identified under sub-
25 section (a), the Secretary shall annotate all immigra-

1 tion and naturalization records of the Department of
2 Homeland Security relating to the noncitizen—

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

5 (B) to afford an opportunity to track the
6 outcomes for the noncitizen.

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

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

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

15 (C) the immigration status of the noncit-
16 izen on the date of enlistment;

17 (D) whether the noncitizen is serving hon-
18 orably or was separated under honorable condi-
19 tions;

20 (E) the ground on which removal of the
21 noncitizen from the United States was sought;
22 and

23 (F) in the case of a noncitizen the removal
24 proceedings of whom were initiated on the basis

1 of a criminal conviction, the crime for which the
2 noncitizen was convicted.

3 **SEC. 8. REGULATIONS.**

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

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