

116TH CONGRESS
1ST SESSION

H. R. 1078

To prohibit the removal from the United States of certain veterans, to expedite their naturalization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Mr. GONZALEZ of Texas (for himself and Mr. YOUNG) 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 prohibit the removal from the United States of certain veterans, to expedite their naturalization, 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 "Repatriate Our Patri-
5 ots Act".

1 **SEC. 2. DEFINITION.**

2 In this Act, the term “special veteran” means an in-
3 dividual who is an alien and is described in section 101(2)
4 of title 38, United States Code, except the term—

5 (1) only includes individuals who were dis-
6 charged or released from the Armed Forces under
7 honorable conditions;

8 (2) does not include individuals who have been
9 convicted of voluntary manslaughter, murder, rape,
10 sexual abuse of a minor, or any offense under chap-
11 ter 113B of title 18, United States Code (relating to
12 terrorism); and

13 (3) does not include individuals who have been
14 determined to be a child abuser or a pedophile.

15 **SEC. 3. PROTECTING SPECIAL VETERANS FROM REMOVAL.**

16 Notwithstanding any other provision of law, including
17 section 237 of the Immigration and Nationality Act (8
18 U.S.C. 1227), a special veteran shall not be removed from
19 the United States.

20 **SEC. 4. NATURALIZATION FOR SPECIAL VETERANS.**

21 (a) IN GENERAL.—Notwithstanding any other provi-
22 sion of law, a special veteran shall be naturalized as a cit-
23 izen of the United States upon the filing of the appro-
24 priate application, paying the appropriate fees, and, except
25 as provided in subsection (b), taking and subscribing be-
26 fore an officer of the Department of Homeland Security

1 within the United States to the oath of allegiance required
2 by section 337 of the Immigration and Nationality Act
3 (8 U.S.C. 1448). The Secretary of Homeland Security
4 shall take steps to ensure that the period in which an ap-
5 plication for naturalization under this section is pending
6 does not exceed 90 days. The Secretary shall furnish each
7 special veteran naturalized under this section with a cer-
8 tificate of citizenship.

9 (b) SPECIAL VETERANS ABROAD.—In the case of a
10 special veteran residing abroad, the application for natu-
11 ralization may be filed from abroad, and the oath of alle-
12 giance described in subsection (a) may be subscribed to
13 abroad at United States embassies, consulates, and, as
14 practicable, United States military installations overseas
15 pursuant to the procedures available under section
16 1701(d) of the National Defense Authorization Act for
17 Fiscal Year 2004 (8 U.S.C. 1443a) for naturalization pro-
18 ceedings overseas for members of the Armed Forces and
19 their spouses and children.

20 (c) WAIVER.—Consistent with section 337(a) of the
21 Immigration and Nationality Act (8 U.S.C. 1448(a)), the
22 Secretary of Homeland Security may waive the taking of
23 the oath of allegiance described in subsection (a) by a spe-
24 cial veteran if, in the opinion of the Secretary, the special
25 veteran is unable to understand, or to communicate an

1 understanding of, its meaning because of a physical or de-
2 velopmental disability or mental impairment.

3 **SEC. 5. TREATMENT OF SPECIAL VETERANS IN REMOVAL**
4 **PROCEEDINGS OR ORDERED REMOVED.**

5 In the case of a special veteran in removal pro-
6 ceedings on the date of the enactment of this Act, the Sec-
7 retary of Homeland Security shall cancel the removal of
8 the special veteran. In the case of a special veteran who
9 was ordered removed before the date of the enactment of
10 this Act, the Attorney General shall rescind any out-
11 standing order of removal, and any finding that the special
12 veteran is subject to removal or is inadmissible. In the case
13 of a special veteran physically present in the United States
14 whose status as an alien lawfully admitted for permanent
15 residence was rescinded before the date of the enactment
16 of this Act, the Secretary of Homeland Security shall allow
17 the veteran to adjust status to that of an alien lawfully
18 admitted for permanent residence without regard to any
19 numerical limitation in the Immigration and Nationality
20 Act (8 U.S.C. 1101 et seq.).

21 **SEC. 6. RETURN OF SPECIAL VETERANS REMOVED FROM**
22 **THE UNITED STATES.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Secretary shall establish a program
25 and application procedure to permit special veterans re-

1 moved from the United States before the date of the en-
2 actment of this Act to enter the United States as an alien
3 lawfully admitted for permanent residence without regard
4 to any numerical limitation in the Immigration and Na-
5 tionality Act (8 U.S.C. 1101 et seq.).

6 **SEC. 7. ACCESS TO MILITARY BENEFITS.**

7 A special veteran who has been naturalized or has
8 obtained the status of an alien lawfully admitted for per-
9 manent residence pursuant to this Act shall be eligible for
10 all military and veterans benefits for which the special vet-
11 eran would have been eligible if the special veteran had
12 never been ordered removed, been removed, or voluntarily
13 departed, from the United States.

14 **SEC. 8. IDENTIFICATION OF SPECIAL VETERANS.**

15 (a) IDENTIFICATION.—The Secretary of Homeland
16 Security shall identify immigration cases involving special
17 veterans by—

18 (1) inquiring of every alien processed prior to
19 initiating removal proceedings whether the alien is a
20 special veteran; and

21 (2) keeping records of special veterans who
22 have been detained under the immigration laws, had
23 removal proceedings against them initiated before
24 the date of the enactment of this Act, or been re-
25 moved before such date.

1 (b) RECORD ANNOTATION.—When the Secretary has
2 identified a case under subsection (a), the Secretary shall
3 annotate all immigration and naturalization records of the
4 Department of Homeland Security relating to the special
5 veteran involved so as to reflect that identification and af-
6 ford an opportunity to track the outcomes for the veteran.
7 Such annotation shall include—

- 8 (1) the veteran’s branch of military service;
- 9 (2) whether or not the veteran served during a
10 period of military hostilities described in section 329
11 of the Immigration and Nationality Act (8 U.S.C.
12 1440); and
- 13 (3) the veteran’s immigration status at the time
14 of enlistment.

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