

114TH CONGRESS
2D SESSION

H. R. 5012

To amend the Immigration and Nationality Act to limit the grounds of deportability for certain alien members of the United States Armed Forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2016

Mr. GALLEGRO (for himself, Mr. TED LIEU of California, Mr. SERRANO, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to limit the grounds of deportability for certain alien members of the United States Armed Forces, 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 “Restoring Respect for
5 Immigrant Service in Uniform Act”.

6 **SEC. 2. READMISSION OF DEPORTED VETERANS.**

7 (a) IN GENERAL.—It is the sense of Congress that
8 the Secretary of Homeland Security should exercise the

1 Secretary’s discretion, including under subsections
2 (a)(9)(A)(iii), (a)(9)(B)(v), (d)(3)(A), and (d)(5)(A) of
3 section 212 of the Immigration and Nationality Act (8
4 U.S.C. 1182) in order to admit to the United States an
5 alien who is inadmissible under such section 212, was pre-
6 viously subject to an order of removal or has been re-
7 moved, is outside of the United States, and is seeking ad-
8 mission to the United States, if the alien—

9 (1) has been a member of the United States
10 Armed Forces for a period of not less 180 days, and
11 has not received a discharge other than an honorable
12 discharge;

13 (2) has not been convicted of—

14 (A) a felony;

15 (B) a significant misdemeanor; or

16 (C) 3 or more misdemeanors that are not
17 significant misdemeanors, each of which oc-
18 curred on a different date, and arose out of sep-
19 arate conduct; and

20 (3) is not otherwise a threat to national secu-
21 rity or public safety.

22 (b) SIGNIFICANT MISDEMEANOR DEFINED.—In this
23 section, the term “significant misdemeanor” means a mis-
24 demeanor—

1 (1) which is a crime of domestic violence (as
2 such term is defined in section 237(a)(2)(E)(i) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1227(a)(2)(E)(i));

5 (2) which is a sexual assault (as such term is
6 defined in section 40002(a) of the Violent Crime
7 Control and Law Enforcement Act of 1994 (42
8 U.S.C. 13925(a));

9 (3) which involved the unlawful possession of a
10 firearm (as such term is defined in section 921 of
11 title 18, United States Code); or

12 (4) for which the alien was sentenced to a term
13 of imprisonment of longer than 90 days.

14 **SEC. 3. LIMITING GROUNDS OF DEPORTABILITY FOR**
15 **SERVICEMEMBERS AND VETERANS.**

16 Section 237 of the Immigration and Nationality Act
17 (8 U.S.C. 1227) is amended by adding at the end the fol-
18 lowing:

19 “(e) ALIEN MEMBERS OF THE UNITED STATES
20 ARMED FORCES.—The provisions of this section shall not
21 apply to an alien who has been a member of the United
22 States Armed Forces for a period of not less than 180
23 days, and who has not received a discharge other than an
24 honorable discharge, except in the case of an alien who—

25 “(1) has been convicted of—

1 “(A) a felony;

2 “(B) a significant misdemeanor (as such
3 term is defined in section 2 of the Restoring
4 Respect for Immigrant Service in Uniform Act);
5 or

6 “(C) 3 or more misdemeanors that are not
7 significant misdemeanors, each of which oc-
8 curred on a different date, and arose out of sep-
9 arate conduct; and

10 “(2) is otherwise a threat to national security
11 or public safety.”.

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