

Bill Summary: Veteran Service Recognition Act of 2022

On June 6, 2022, Reps. Mark Takano (D-California), Zoe Lofgren (D-California), Jerrold Nadler (D-New York), Lou Correa (D-California), Juan Vargas (D-California), and Raul Ruiz (D-California) [introduced](#) the [Veteran Service Recognition Act of 2022 \(H.R. 7946\)](#). H.R. 7946 would establish an information database for removed noncitizen veterans, a review committee that makes recommendations on removal cases, and a military program that ensures and facilitates opportunities for service members and veterans to naturalize.

Background

The U.S. military recruits roughly [5,000 noncitizens](#) each year, and currently has about 24,000 noncitizens in service. U.S. Citizenship and Immigration Services (USCIS) has recorded the number of service members granted U.S. citizenship since 2002 with [an annual average of 8,000 for the last decade](#). Since 2001, [over 100,000 service members](#) have naturalized through the expedited citizenship process. Under [Section 329 of the Immigration and Nationality Act \(INA\)](#), any noncitizen, with at least one day of active duty service that has served honorably in the reserve or active-duty, can naturalize during a designated period of hostilities. Military service after 9/11 has been designated as such a period.

However, in 2017, new Department of Defense (DoD) policies [raised the service threshold](#) for noncitizens to qualify for the citizenship application process. After that policy change, noncitizen service members were required to serve 180 or more consecutive days of active duty service, or alternatively, at least one year of satisfactory service in the Selective Reserve. Moreover, noncitizens had to complete their background screening requirement before attending training. This created lengthy delays for many naturalization candidates, as the background screening process can take as long as one year. In addition to this, many service members are not aware of the expedited channel for naturalization before their enlistment, and some do not learn about it during their enlistment.

Naturalization of noncitizen service members and veterans is important for many reasons. In certain circumstances, where a noncitizen service member or veteran has committed certain types of criminal offenses, they could face not only criminal penalties, but the potential of a lifetime bar against naturalization and even deportation.

Under federal law, the commission of an “aggravated felony,” can bar a veteran from naturalization for life. When a noncitizen service member or veteran commits an offense within the categories specified to be “aggravated felonies,” he or she is susceptible to deportation proceedings. Over time, the category of “aggravated felonies” has taken on an increasingly expansive definition, beyond crimes of violence.¹

¹ The types of criminal convictions that can lead to deportation was expanded in a series of changes to immigration laws in the 1990s, as well as subsequent policy guidance. *See* The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA). Pub.L. 104–208.

It is unclear how many noncitizen veterans have been deported in recent years. Immigration and Customs Enforcement (ICE) [has not regularly recorded](#) the numbers of veterans deported, nor has it always followed the [additional steps](#) required before the removal of veterans.

To address these issues, the bill's cosponsors introduced H.R. 7946 to facilitate the naturalization process for service members, establish a review process for deportation cases, and provide naturalization opportunities for certain non-citizen veterans that have been removed.

The Veteran Service Recognition Act of 2022 would:

- Require a study and report on noncitizen veterans removed from the United States: Section 3 of the Act requires the DoD, DHS, and Veterans Affairs secretaries to jointly study and report on noncitizen veterans removed since 1990.
- Require that DHS establish an information system on veterans who are subject to removal: Section 4 of the Act requires the DHS secretary to identify and record noncitizen veterans in a database that is shared across the Department of Homeland Security (DHS). It also requires an annual training of U.S. Immigration and Customs Enforcement (ICE) personnel on the established information system.
- Require recommendations for removal cases: Section 5 requires the DHS secretary to establish an advisory committee (the Military Family Immigration Advisory Committee) that provides recommendations on any removal cases for a service member, a veteran, and any covered family member. The advisory committee will be composed of nine members, each appointed by the DHS secretary.
- Require that DoD create a program to ensure and facilitate the naturalization applications of its noncitizen service members: Section 6 of the Act requires a program to afford opportunities for filing naturalization applications on or after the first day of service and provide immigrant service members the military service certifications within thirty days of a request. It also requires the training of military and immigration liaisons to aid applicants, and training for recruiters on the procedures and limitations of such naturalizations.
- Station or employ personnel to provide immigration information for recruits at the recruiting stations: Section 7 requires that an employee of USCIS or someone trained in immigration law be stationed at each Military Entrance Processing Station to inform noncitizen recruits on the naturalization process.
- Allow the return of certain removed noncitizen veterans: Section 8 provides the DHS secretary discretion to adjust a removed noncitizen veteran's status to that of someone lawfully admitted for permanent residency, or to admit the veteran for lawful permanent residency.

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