



**Statement for the Record**  
**U.S. House Committee on the Judiciary**  
**Mark Up on H.R. 7946,**  
**“Veteran Service Recognition Act of 2022”**  
**July 27, 2022**

The National Immigration Forum (the Forum) advocates for the value of immigrants and immigration to the nation. Founded in 1982, the Forum plays a leading role in the national debate about immigration, knitting together innovative alliances across diverse faith, law enforcement, veterans, and business constituencies in communities across the country. Leveraging our policy, advocacy, and communications expertise, the Forum works for comprehensive immigration reform, sound border security policies, balanced enforcement of immigration laws, and ensuring that new Americans have the opportunities, skills, and status to reach their full potential.

## Overview

The Forum appreciates the opportunity to provide its views on the essential role of immigrants in the U.S. military. Since the Revolutionary War, immigrants have served proudly in the U.S. armed forces. 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 9/11, [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, 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 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.<sup>1</sup>

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.

## Analysis

### **Removal of Noncitizen Service Members, Family, And Veterans**

Four sections of the Act, 3, 4, 5 and 8, all are connected to limiting and redressing the removal of noncitizen Veterans.

Section 3 of the Act requires the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veteran Affairs to jointly study and report on noncitizen veterans removed since 1990. Section 4 of the Act requires the Secretary of Homeland Security to identify and record noncitizen veterans in a database that is shared across the Department of Homeland Security (DHS). Section 5 requires the Secretary of Homeland Security to establish an advisory committee (the Military Family Immigration Advisory Committee) that provides recommendations on any removal

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<sup>1</sup> 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.

cases for a service member, a veteran, and any covered family member. Section 8 allows the Secretary of Homeland Security to adjust a removed noncitizen veteran's status to a lawful alien, or to admit the veteran with discretion.

These four sections would not only provide the opportunity to reconsider the removal of noncitizen service member, veterans, and family members, but also avoid the unnecessary and unwarranted removal of noncitizen service and family members in the future. The Forum has long advocated noncitizen veterans receive care for service-related conditions such as post-traumatic stress disorder and other mental-health disorders, as well as support for reducing the risk of behaviors that may lead to deportation.

While the Forum appreciates the importance of the proposed study and report, it will be essential to take into consideration the information that the Armed Forces has available in terms of the content of any historic report. It clearly will not be workable to establish a study or report based on nonexistent records. That, however, does not prevent the collection of essential data going forward.

### **Citizenship Program**

Section 6 (“Program of Citizenship Through Military Service”) would require the military to ensure and facilitate the naturalization applications of its noncitizen service members. The program would 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.

This would go a long way in addressing the barriers and delays in the noncitizen naturalization process. Delays caused by extending the days of service required to naturalize, such as the 180 days referenced above, and assure a timelier naturalization process for non-citizen service members. It would also help expediate the military service certifications that is necessary to initiate the naturalization process.

Section 6 also requires the training of military and immigration liaisons to aid applicants, and training for recruiters on the procedures and limitations of such naturalizations. While an important consideration, this would prove particularly challenging to the Armed Services because we understand that the Department of Defense may not currently have the expertise to conduct such trainings. The DOD would need to hire outside immigration lawyers familiar with military naturalizations to assist with these trainings.

### **Naturalization Information**

Section 7 (“Information for Military Recruits Regarding Naturalization Through Service In The Armed Forces”) would station or employ personnel at recruiting stations to provide immigration information to new recruits. This would require the posting of an employee of USCIS, or someone trained in immigration law at each Military Entrance Processing Station to inform noncitizen recruits on the naturalization process.

This information would prove particularly helpful for noncitizen service members who are not even aware of the expedited channel for naturalization either before or during their enlistment. The Forum sees this as a step in the right direction toward making information about naturalization available to noncitizen service members as early as possible.

## Conclusion

The National Immigration Forum calls on Congress to modernize our immigration process for noncitizen service members and pass reforms, such as the “Veteran Service Recognition Act of 2022” that take national security and military readiness needs into account.

The “Veteran Service Recognition Act of 2022” will help to redress and prevent the unnecessary removal of noncitizen service and family members as well as veterans, provide access to information and establishes a military program that facilitates opportunities for noncitizen service members and veterans to naturalize as soon as possible upon enlistment or as a veteran. Accordingly, the National Immigration Forum supports H.R. 7946.