

117TH CONGRESS
1ST SESSION

H. R. 163

To render certain military spouses eligible for adjustment of status, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Mr. SOTO introduced the following bill; which was referred to the Committee
on the Judiciary

A BILL

To render certain military spouses eligible for adjustment
of status, 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 “Protect Patriot
5 Spouses Act”.

6 **SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN MILITARY**
7 **SPOUSES.**

8 Section 245 of the Immigration and Nationality Act
9 (8 U.S.C. 1255) is amended by adding at the end the fol-
10 lowing:

1 “(n)(1) In applying this section to an alien described
2 in paragraph (2)—

3 “(A) such alien shall be deemed, for purposes
4 of subsection (a), to have been inspected and admit-
5 ted into the United States; and

6 “(B) in determining the alien’s admissibility as
7 an immigrant—

8 “(i) paragraphs (6)(A), (7)(A), and (9)(B)
9 of section 212(a) shall not apply; and

10 “(ii) the Secretary of Homeland Security,
11 in the discretion of the Secretary, may waive
12 the application of paragraphs (6)(C), (9)(A),
13 and (9)(C) of section 212(a) if the alien estab-
14 lishes to the satisfaction of the Secretary that
15 the alien does not pose a threat to the public
16 and has not committed any criminal offenses in
17 violation of Federal or State law unrelated to
18 the alien’s status.

19 “(2) An alien is described in this paragraph if the
20 alien—

21 “(A) is or was the spouse of a United States
22 citizen who—

23 “(i) is or was serving on active duty in the
24 United States Armed Forces or in a reserve

1 component of the United States Armed Forces;
2 and

3 “(ii) if discharged or released from service
4 in the Armed Forces, was discharged or re-
5 leased under honorable conditions; and

6 “(B) is the beneficiary of a petition for classi-
7 fication under section 204(a)(1)(A) as an immediate
8 relative (as defined in section 201(b)) by reason of
9 the marriage to such citizen.”.

10 **SEC. 3. TREATMENT OF CERTAIN GROUNDS FOR INADMIS-**
11 **SIBILITY FOR CERTAIN MILITARY SPOUSES.**

12 Section 212 of the Immigration and Nationality Act
13 (8 U.S.C. 1182) is amended by inserting after subsection
14 (b) the following:

15 “(c)(1) In determining the admissibility as an immi-
16 grant of an alien described in paragraph (2)—

17 “(A) subsection (a)(9)(B) shall not apply; and

18 “(B) the Secretary of Homeland Security, in
19 the discretion of the Secretary, may waive the appli-
20 cation of paragraphs (6)(C), (9)(A), and (9)(C) of
21 subsection (a) if the alien establishes to the satisfac-
22 tion of the Secretary that the alien does not pose a
23 threat to the public and has not committed any
24 criminal offenses in violation of Federal or State law
25 unrelated to the alien’s status.

1 “(2) An alien is described in this paragraph if the
2 alien—

3 “(A) is or was the spouse of a United States
4 citizen who—

5 “(i) is or was serving on active duty in the
6 United States Armed Forces or in a reserve
7 component of the United States Armed Forces;
8 and

9 “(ii) if discharged or released from service
10 in the Armed Forces, was discharged or re-
11 leased under honorable conditions; and

12 “(B) is the beneficiary of a petition for classi-
13 fication under section 204(a)(1)(A) as an immediate
14 relative (as defined in section 201(b)) by reason of
15 the marriage to such citizen.”.

16 **SEC. 4. ELIGIBILITY OF REMOVED OR VOLUNTARILY DE-**
17 **PARTED ALIENS.**

18 (a) IN GENERAL.—The Secretary of Homeland Secu-
19 rity and the Secretary of State shall take such steps as
20 may be necessary to ensure that eligible aliens who were
21 removed or permitted to depart voluntarily from the
22 United States before the date of the enactment of this Act
23 may apply from abroad for an immigrant visa pursuant
24 to the amendment made by section 3.

1 (b) NONIMMIGRANT ADMISSION PENDING ADJUDICA-
2 TION.—The Secretary of Homeland Security and the Sec-
3 retary of State shall establish a program under which an
4 eligible alien with a pending application made under sub-
5 section (a) may be authorized to enter the United States
6 as a nonimmigrant to reunite with their United States cit-
7 izen spouse during the period in which such application,
8 and an associated application for adjustment of status, re-
9 main pending. In determining whether an alien is eligible
10 to be admitted to the United States as a nonimmigrant
11 under this subsection, the Secretary of Homeland Security
12 and the Secretary of State shall require the alien to estab-
13 lish to the satisfaction of each Secretary that the alien
14 does not pose a threat to the public or to national security.
15 In determining the admissibility as a nonimmigrant of an
16 alien described in this subsection, the Secretary of Home-
17 land Security, in the discretion of the Secretary, may
18 waive the application of paragraphs (6)(C) and (9) of sec-
19 tion 212(a) of the Immigration and Nationality Act (8
20 U.S.C. 1182(a)).

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