

116TH CONGRESS  
1ST SESSION

# H. R. 3400

To amend title 10, United States Code, to authorize the enlistment in the Armed Forces of certain aliens who are unlawfully present in the United States and were younger than 15 years of age when they initially entered the United States, but who are otherwise qualified for enlistment, and to provide a mechanism by which such aliens, by reason of their honorable service in the Armed Forces, may be lawfully admitted to the United States for permanent residence.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2019

Mr. HARDER of California (for himself, Mr. DIAZ-BALART, Mrs. RADEWAGEN, Mr. STEWART, Mr. DEFazio, Mrs. TORRES of California, Mr. SOTO, Mr. TED LIEU of California, Mr. BISHOP of Georgia, Mr. KRISHNAMOORTHY, Ms. FRANKEL, Mr. ENGEL, Mrs. DAVIS of California, Mr. CONNOLLY, Mrs. DINGELL, Mr. COSTA, Ms. BLUNT ROCHESTER, Mr. LIPINSKI, and Mr. BERA) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to authorize the enlistment in the Armed Forces of certain aliens who are unlawfully present in the United States and were younger than 15 years of age when they initially entered the United States, but who are otherwise qualified for enlistment, and to provide a mechanism by which such aliens, by reason of their honorable service in the Armed Forces, may be lawfully admitted to the United States for permanent residence.

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 “Encourage New Legal-  
5 ized Immigrants to Start Training Act” or the “ENLIST  
6 Act”.

7 **SEC. 2. AUTHORITY TO ENLIST IN THE ARMED FORCES**  
8                   **CERTAIN ALIENS WHO ARE UNLAWFULLY**  
9                   **PRESENT IN THE UNITED STATES AND LEGAL**  
10                  **STATUS OF SUCH ENLISTEES BY REASON OF**  
11                  **HONORABLE SERVICE IN THE ARMED**  
12                  **FORCES.**

13       (a) CERTAIN ALIENS AUTHORIZED FOR ENLIST-  
14 MENT.—Section 504(b)(1) of title 10, United States Code,  
15 is amended by adding at the end the following new sub-  
16 paragraph:

17                   “(D) An alien who was unlawfully present  
18                   in the United States on December 31, 2012,  
19                   who has been continuously present in the  
20                   United States since that date, who was younger  
21                   than 15 years of age on the date the alien ini-  
22                   tially entered the United States, and who, dis-  
23                   regarding such unlawful status, is otherwise eli-  
24                   gible for original enlistment in a regular compo-  
25                   nent of the Army, Navy, Air Force, Marine

1 Corps, or Coast Guard under section 505(a) of  
2 this title and regulations issued to implement  
3 such section.”.

4 (b) CONDITIONAL ADMISSION TO PERMANENT RESI-  
5 DENCE OF ALIEN ENLISTEES.—Section 504 of title 10,  
6 United States Code, is further amended by adding at the  
7 end the following new subsection:

8 “(c) CONDITIONAL ADMISSION TO PERMANENT RES-  
9 IDENCE OF ALIEN ENLISTEES.—(1) The Secretary of  
10 Homeland Security shall adjust the status of an alien de-  
11 scribed in subsection (b)(1)(D) who enlists in a regular  
12 component of the Army, Navy, Air Force, Marine Corps,  
13 or Coast Guard to the status of an alien lawfully admitted  
14 for permanent residence under the provisions of section  
15 249 of the Immigration and Nationality Act (8 U.S.C.  
16 1259), except that the alien does not have to—

17 “(A) establish that he or she entered the  
18 United States prior to January 1, 1972; or

19 “(B) comply with section 212(e) of such Act (8  
20 U.S.C. 1182(e)).

21 “(2) The lawful permanent resident status of an alien  
22 described in subsection (b)(1)(D) who enlisted in a regular  
23 component of the Armed Forces and whose status was ad-  
24 justed under paragraph (1) is automatically rescinded, by  
25 operation of law, if the alien is separated from the Armed

1 Forces under other than honorable conditions before the  
2 alien serves the term of enlistment of such alien. Such  
3 grounds for rescission are in addition to any other grounds  
4 for rescission provided by law. Proof of separation from  
5 the Armed Forces under other than honorable conditions  
6 shall be established by a duly authenticated certification  
7 from the Armed Force in which the alien last served.

8       “(3) Nothing in this subsection shall be construed to  
9 alter—

10           “(A) the process prescribed by sections 328,  
11       329, and 329A of the Immigration and Nationality  
12       Act (8 U.S.C. 1439, 1440, 1440–1) by which a per-  
13       son may naturalize through service in the Armed  
14       Forces; or

15           “(B) the qualifications for original enlistment  
16       in the armed forces described in section 505(a) of  
17       this title and regulations issued to implement such  
18       section.”.

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