

107TH CONGRESS  
1ST SESSION

# H. R. 1572

To amend the Immigration and Nationality Act to provide for legal permanent resident status for certain undocumented or nonimmigrant aliens.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2001

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

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## A BILL

To amend the Immigration and Nationality Act to provide for legal permanent resident status for certain undocumented or nonimmigrant aliens.

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 “Worker Amnesty and  
5       Opportunity Act of 2001”.

1 **SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN UNDOCU-**  
2 **MENTED AND NONIMMIGRANT ALIENS.**

3 (a) IN GENERAL.—The Immigration and Nationality  
4 Act is amended by inserting after section 210 the following  
5 new section:

6 “ALIEN WORKER AMNESTY

7 “SEC. 210A. (a) LAWFUL PERMANENT RESI-  
8 DENCE.—The Attorney General shall adjust the status of  
9 an alien to that of an alien lawfully admitted for perma-  
10 nent residence if the alien submits an application and the  
11 Attorney General determines that the alien meets the fol-  
12 lowing requirements:

13 “(1) PRESENCE IN UNITED STATES.—The alien  
14 maintained a continuous physical presence in the  
15 United States for a period of not less than 10 years  
16 immediately prior to the date of the submission of  
17 an application under this section. For the purposes  
18 of this section an alien shall be considered to have  
19 failed to maintain continuous physical presence in  
20 the United States for the purposes of this section if  
21 the alien has departed from the United States for  
22 any period in excess of 90 days or for any periods  
23 in the aggregate exceeding 365 days.

24 “(2) QUALIFICATION.—The alien fulfills at  
25 least 1 of the following qualifications:

1           “(A) ALIEN SPONSORED BY A LABOR OR-  
2           GANIZATION AND EMPLOYED IN AN OCCUPA-  
3           TION WITH A WORKER SHORTAGE.—The alien  
4           is employed in the United States in an occupa-  
5           tion which during the 2-year period prior to the  
6           date of the submission of an application under  
7           this section has experienced a shortage of work-  
8           ers and the application of the alien under this  
9           section is sponsored by a labor organization.

10           “(B) ALIEN ELIGIBLE FOR ADMISSION AS  
11           STUDENT AT AN INSTITUTION OF HIGHER EDU-  
12           CATION.—The alien is eligible for admission as  
13           a student at an accredited institution of higher  
14           education in the United States.

15           “(C) AGE.—The alien has attained the age  
16           of 65 years.

17           “(3) ADMISSIBLE AS IMMIGRANT.—The alien is  
18           admissible to the United States as an immigrant, ex-  
19           cept as otherwise provided under subsection (b)(2).

20           “(b) WAIVER OF NUMERICAL LIMITATIONS AND  
21           CERTAIN GROUNDS FOR EXCLUSION.—

22           “(1) NUMERICAL LIMITATIONS.—The numerical  
23           limitations of sections 201 and 202 shall not apply  
24           to the adjustment of aliens to lawful permanent resi-  
25           dent status under this section.

1           “(2) GROUNDS FOR EXCLUSION.—With respect  
2           to the determination of an alien’s admissibility under  
3           subsection (a)(3):

4                   “(A) NOT APPLICABLE.—The provisions of  
5           paragraphs (6) and (7) of section 212(a) shall  
6           not apply.

7                   “(B) DISCRETIONARY.—

8                           “(i) IN GENERAL.—Except as pro-  
9                           vided in clause (ii), in the determination of  
10                          such an alien’s admissibility, the Attorney  
11                          General may waive any other provision of  
12                          section 212(a) in the case of individual  
13                          aliens for humanitarian purposes, to assure  
14                          family unity, or when it is otherwise in the  
15                          public interest.

16                           “(ii) GROUNDS THAT MAY NOT BE  
17                          WAIVED.—The following provisions of sec-  
18                          tion 212(a) may not be waived by the At-  
19                          torney General under clause (i):

20                                   “(I) Paragraph (2)(A) and  
21                                   (2)(B) (relating to criminals).

22                                   “(II) Paragraph (2)(C) (relating  
23                                   to drug offenses), except for so much  
24                                   of such paragraph as relates to a sin-

1                   gle offense of simple possession of 30  
2                   grams or less of marihuana.

3                   “(III) Paragraph (3) (relating to  
4                   security and related grounds), other  
5                   than subparagraph (E) thereof.

6           “(c) TEMPORARY STAY OF EXCLUSION OR DEPORTA-  
7   TION FOR CERTAIN APPLICANTS.—The Attorney General  
8   shall provide that in the case of an alien who presents  
9   a nonfrivolous application under subsection (a), and until  
10   a final determination on the application has been made  
11   in accordance with this section, the alien may not be ex-  
12   cluded or deported.

13           “(d) TEMPORARY WORK AUTHORIZATION FOR CER-  
14   TAIN APPLICANTS.—An applicant under this section is not  
15   entitled to employment authorization, but such authoriza-  
16   tion may be provided in the discretion of the Attorney  
17   General.”.

18           (b) CLERICAL AMENDMENT.—The table of contents  
19   of the Immigration and Nationality Act is amended by in-  
20   serting after the item relating to section 210 the following  
21   new item:

“Sec. 210A. Alien worker amnesty.”.

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