

105TH CONGRESS
1ST SESSION

H. R. 471

To amend the Immigration and Nationality Act to not count work experience as an unauthorized alien for purposes of admission as an employment-based immigrant or an H-1B nonimmigrant.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1997

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

A BILL

To amend the Immigration and Nationality Act to not count work experience as an unauthorized alien for purposes of admission as an employment-based immigrant or an H-1B nonimmigrant.

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 “Illegal Alien Employ-
5 ment Disincentive Act of 1997”.

1 **SEC. 2. NOT COUNTING WORK EXPERIENCE AS AN UNAU-**
2 **THORIZED ALIEN FOR PURPOSES OF ADMIS-**
3 **SION AS A WORKER.**

4 (a) FOR ADMISSION AS AN EMPLOYMENT-BASED IM-
5 MIGRANT.—Section 203(b) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1153(b)) is amended by adding
7 at the end the following new paragraph:

8 “(7) NOT COUNTING WORK EXPERIENCE AS AN
9 UNAUTHORIZED ALIEN.—For purposes of this sub-
10 section, work experience obtained in employment in
11 the United States with respect to which (and during
12 the period for which) the alien was an unauthorized
13 alien (as defined in section 274A(h)(3)) shall not be
14 taken into account.”.

15 (b) FOR CLASSIFICATION AS AN H-1B NON-
16 IMMIGRANT.—Section 214 of such Act (8 U.S.C. 1184)
17 is amended by adding at the end the following new sub-
18 section:

19 “(1) Work experience obtained in employment in the
20 United States with respect to which (and during the pe-
21 riod for which) the alien was an unauthorized alien (as
22 defined in section 274A(h)(3)) shall not be taken into ac-
23 count in determining eligibility to be classified as a non-
24 immigrant under section 101(a)(15)(H)(i)(b).”.

25 (c) EFFECTIVE DATE.—The amendments made by
26 this section shall apply to visas issued (and adjustments

1 and changes of status effected) on or after the date of
2 the enactment of this Act, regardless of whether the work
3 experience as an unauthorized alien occurred before, on,
4 or after such date.

