

108TH CONGRESS
1ST SESSION

H. R. 604

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2003

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

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 2003”.

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

8 (a) IN GENERAL.—The Immigration and Nationality
9 Act is amended by inserting after section 210 the following
10 new section:

1 “ALIEN WORKER AMNESTY

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

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

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

21 “(A) ALIEN SPONSORED BY A LABOR OR-
22 GANIZATION AND EMPLOYED IN AN OCCUPA-
23 TION WITH A WORKER SHORTAGE.—The alien
24 is employed in the United States in an occupa-
25 tion which during the 2-year period prior to the

1 date of the submission of an application under
2 this section has experienced a shortage of work-
3 ers and the application of the alien under this
4 section is sponsored by a labor organization.

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

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

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

15 “(b) WAIVER OF NUMERICAL LIMITATIONS AND
16 CERTAIN GROUNDS FOR EXCLUSION.—

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

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

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

4 “(B) DISCRETIONARY.—

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

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

17 “(I) Paragraph (2)(A) and
18 (2)(B) (relating to criminals).

19 “(II) Paragraph (2)(C) (relating
20 to drug offenses), except for so much
21 of such paragraph as relates to a sin-
22 gle offense of simple possession of 30
23 grams or less of marihuana.

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

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

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

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

“Sec. 210A. Alien worker amnesty.”.

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