

106TH CONGRESS  
1ST SESSION

# H. R. 1774

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

MAY 12, 1999

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 1999”.

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.—

10 “(A) IN GENERAL.—For purposes of this  
11 subsection, work experience obtained in employ-  
12 ment in the United States with respect to which  
13 (and during the period for which) the alien was  
14 an unauthorized alien (as defined in section  
15 274A(h)(3)) shall not be taken into account, ex-  
16 cept that work experience described in subpara-  
17 graph (B) shall not be considered work experi-  
18 ence as an unauthorized alien.

19 “(B) WORK EXPERIENCE DESCRIBED.—  
20 Work experience described in this subparagraph  
21 is work experience—

22 “(i) obtained in employment in the  
23 United States by an alien—

24 “(I) admitted as a nonimmigrant  
25 student described in section  
26 101(a)(15)(F)(i) or 101(a)(15)(M)(i);

1                   “(II) who failed to pursue a full  
2                   course of study; and

3                   “(III) who did not know, and did  
4                   not have reason to know, that such  
5                   failure was a violation of a condition  
6                   for the continuation of such non-  
7                   immigrant status; and

8                   “(ii) with respect to which (and dur-  
9                   ing the period for which) the alien relied in  
10                  good faith on an otherwise valid work au-  
11                  thorization, issued to the alien notwith-  
12                  standing the alien’s failure to pursue a full  
13                  course of study.”.

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

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

24           (c) EFFECTIVE DATE.—The amendments made by  
25 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.

○