

110TH CONGRESS
2D SESSION

H. R. 5817

To establish a new nonimmigrant category for Korean aliens seeking to enter the United States temporarily to perform services in a specialty occupation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2008

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

A BILL

To establish a new nonimmigrant category for Korean aliens seeking to enter the United States temporarily to perform services in a specialty occupation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. NEW NONIMMIGRANT CATEGORY FOR KOREAN**
2 **ALIENS SEEKING TO ENTER THE UNITED**
3 **STATES TEMPORARILY TO PERFORM SERV-**
4 **ICES IN A SPECIALTY OCCUPATION.**

5 (a) IN GENERAL.—Section 101(a)(15)(E) of the Im-
6 migration and Nationality Act (8 U.S.C. 1101(a)(15)(E))
7 is amended—

8 (1) in clause (ii), by striking “or” at the end;
9 and

10 (2) by adding at the end the following: “or (iv)
11 solely to perform services in a specialty occupation
12 in the United States if the alien is a national of the
13 Republic of Korea and with respect to whom the
14 Secretary of Labor determines and certifies to the
15 Secretary of Homeland Security and Secretary of
16 State that the intending employer has filed with the
17 Secretary of Labor an attestation under section
18 212(t)(1);”.

19 (b) ATTESTATION.—Section 212(t) of such Act (8
20 U.S.C. 1182(t)), as added by section 402(b)(2) of Public
21 Law 108–77 (117 Stat. 941), is amended—

22 (1) except in clauses (i)(II), (ii)(II), and (iii)(II)
23 of paragraph (3)(C), by striking “or section
24 101(a)(15)(E)(iii)” each place such term appears
25 and inserting “or clause (iii) or (iv) of section
26 101(a)(15)(E)”; and

1 (2) in clauses (i)(II), (ii)(II), and (iii)(II) of
2 paragraph (3)(C), by striking “or 101(a)(15)(E)(iii)
3 or section 101(a)(15)(E)(iii)” each place such term
4 appears and inserting “or clause (iii) or (iv) of sec-
5 tion 101(a)(15)(E)”.

6 (c) NUMERICAL LIMITATION.—Section 214(g)(11) of
7 such Act (8 U.S.C. 1184(g)(11)) is amended—

8 (1) in subparagraph (A), by striking “section
9 101(a)(15)(E)(iii)” and inserting “clause (iii) or (iv)
10 of section 101(a)(15)(E)”; and

11 (2) by amending subparagraph (B) to read as
12 follows:

13 “(B) The applicable numerical limitation referred to
14 in subparagraph (A) is—

15 “(i) 10,500 for each fiscal year for aliens de-
16 scribed in section 101(a)(15)(E)(iii); and

17 “(ii) 20,000 for each fiscal year for aliens de-
18 scribed in section 101(a)(15)(E)(iv).”.

19 (d) SPECIALTY OCCUPATION DEFINED.—Section
20 214(i) of such Act (8 U.S.C. 1184(i)) is amended by strik-
21 ing “section 101(a)(15)(E)(iii),” and inserting “clauses
22 (iii) and (iv) of section 101(a)(15)(E),”.

23 (e) CHANGE OF EMPLOYER.—Section 214(n) of such
24 Act (8 U.S.C. 1184(n)) is amended—

1 (1) in paragraph (1), by striking “section
2 101(a)(15)(H)(i)(b)” and inserting “subparagraph
3 (H)(i)(b) or (E)(iv) of section 101(a)(15)”; and
4 (2) in paragraph (2)(B)—
5 (A) by striking “(B)” and inserting “(B)(i)
6 in the case of a nonimmigrant having status
7 under section 101(a)(15)(H)(i)(b),”; and
8 (B) by adding at the end the following:
9 “(ii) in the case of a nonimmigrant having sta-
10 tus under section 101(a)(15)(E)(iv), who has filed
11 such a petition before such expiration date; and”.

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