

107TH CONGRESS
2D SESSION

S. 3051

To extend H-1B status for aliens with lengthy adjudications.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2002

Mr. HATCH introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To extend H-1B status for aliens with lengthy adjudications.

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. EXTENSION OF H-1B STATUS FOR ALIENS WITH**
4 **LENGTHY ADJUDICATIONS.**

5 (a) EXEMPTION FROM LIMITATION.—Section 106(a)
6 of American Competitiveness in the Twenty-first Century
7 Act of 2000 (8 U.S.C. 1184 note) is amended to read as
8 follows:

9 “(a) EXEMPTION FROM LIMITATION.—The limita-
10 tion contained in section 214(g)(4) of the Immigration
11 and Nationality Act (8 U.S.C. 1184(g)(4)) with respect
12 to the duration of authorized stay shall not apply to any

1 nonimmigrant alien previously issued a visa or otherwise
2 provided nonimmigrant status under section
3 101(a)(15)(H)(i)(b) of such Act (8 U.S.C.
4 1101(a)(15)(H)(i)(b)), if 365 days or more have elapsed
5 since the filing of any of the following:

6 “(1) Any application for labor certification
7 under section 212(a)(5)(A) of such Act (8 U.S.C.
8 1182(a)(5)(A)), in a case in which certification is re-
9 quired or used by the alien to obtain status under
10 section 203(b) of such Act (8 U.S.C. 1153(b)).

11 “(2) A petition described in section 204(b) of
12 such Act (3 U.S.C. 1154(b)) to accord the alien a
13 status under section 203(b) of such Act.”.

14 (b) EXTENSION OF H-1B WORKER STATUS.—Sec-
15 tion 106(b) of American Competitiveness in the Twenty-
16 first Century Act of 2000 (8 U.S.C. 1184 note) is amend-
17 ed to read as follows:

18 “(b) EXTENSION OF H-1B WORKER STATUS.—The
19 Attorney General shall extend the stay of an alien who
20 qualifies for an exemption under subsection (a) in one-year
21 increments until such time as a final decision is made—

22 “(1) to deny the application described in sub-
23 section (a)(1), or, in a case in which such applica-
24 tion is granted, to deny a petition described in sub-

1 section (a)(2) filed on behalf of the alien pursuant
2 to such grant;

3 “(2) to deny the petition described in subsection
4 (a)(2); or

5 “(3) to grant or deny the alien’s application for
6 an immigrant visa or for adjustment of status to
7 that of an alien lawfully admitted for permanent res-
8 idence.”.

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