

118TH CONGRESS
1ST SESSION

H. R. 6480

To provide for conditional lawful permanent residency for certain aliens.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 24, 2023

Mr. VASQUEZ (for himself, Ms. SALINAS, Ms. CRAIG, and Mr. VARGAS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for conditional lawful permanent residency for certain 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 “Strengthening Our
5 Workforce Act of 2023”.

6 **SEC. 2. CONDITIONAL LAWFUL PERMANENT RESIDENCY.**

7 (a) IN GENERAL.—The Secretary may adjust the sta-
8 tus of an alien to that of a conditional lawful permanent
9 resident in accordance with this section.

1 (b) STATUS DEFINED.—For purposes of this section,
2 the term “conditional lawful permanent resident” means
3 a status as a nonimmigrant with a period of stay of 2
4 years, with employment authorization to be provided con-
5 currently.

6 (c) ELIGIBILITY.—An alien is eligible for adjustment
7 of status if that alien—

8 (1) submits an application, at such time, in
9 such form, and containing such information as the
10 Secretary may require;

11 (2) pays such fee as the Secretary may estab-
12 lish;

13 (3) is present in the United States as of Janu-
14 ary 1, 2023—

15 (A) without lawful status under the immi-
16 gration laws;

17 (B) with deferred action granted to the
18 alien pursuant to the Deferred Action for Child-
19 hood Arrivals program announced by President
20 Obama on June 15, 2012; or

21 (C) with status as a nonimmigrant that
22 has employment authorization;

23 (4) has been continuously present in the United
24 States during the period beginning on January 1,
25 2023, through the date of the application for status;

1 (5) has been employed for a cumulative period
2 of one hundred days (consecutive or not) at any
3 time, in a covered profession; and

4 (6) is not inadmissible under paragraph (1),
5 (6)(E), (6)(G), (8), or (10) of section 212(a) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1182(a)), except that with respect to any benefit
8 under this Act, and in addition to the waivers under
9 subsection (g), the Secretary may waive the grounds
10 of inadmissibility under paragraph (1), (6)(E),
11 (6)(G), or (10)(D) of section 212(a) of the Immigra-
12 tion and Nationality Act (8 U.S.C. 1182(a)) for hu-
13 manitarian purposes, for family unity, or because
14 the waiver is otherwise in the public interest;

15 (d) CONDITIONS OF STATUS.—An alien granted con-
16 ditional lawful permanent resident status under this sec-
17 tion shall conform to the following requirements:

18 (1) The alien shall remain continuously phys-
19 ically present in the United States.

20 (2) The alien shall maintain not less than one
21 hundred cumulative days of annual employment for
22 two consecutive years in a covered profession.

23 (3) The alien shall be subject to all grounds of
24 deportability under section 237.

1 (e) ADJUSTMENT OF STATUS.—At the time that the
2 conditional lawful permanent resident status of an alien
3 terminates, the Secretary shall immediately adjust the sta-
4 tus of that alien to that of a lawful permanent resident—

5 (1) unless the alien makes a timely objection in
6 writing; and

7 (2) if the alien pays such fee as the Secretary
8 may establish and passes an additional background
9 investigation.

10 (f) NOT SUBJECT TO NUMERICAL LIMITATIONS.—An
11 alien whose status is adjusted to that of an alien lawfully
12 admitted for permanent residency under this section is not
13 subject to the worldwide levels or numerical limitations of
14 section 201(a) of the Immigration and Nationality Act.

15 (g) CRIMINAL AND NATIONAL SECURITY BARS.—

16 (1) GROUNDS OF INELIGIBILITY.—Except as
17 provided in paragraph (2), an alien is ineligible for
18 adjustment of status under this title if any of the
19 following apply:

20 (A) The alien is inadmissible under para-
21 graph (2) or (3) of section 212(a) of the Immi-
22 gration and Nationality Act (8 U.S.C. 1182(a)).

23 (B) Excluding any offense under State law
24 for which an essential element is the alien's im-

1 migration status, and any minor traffic offense,
2 the alien has been convicted of—

3 (i) any felony offense;

4 (ii) three or more misdemeanor of-
5 fenses (excluding simple possession of can-
6 nabis or cannabis-related paraphernalia,
7 any offense involving cannabis or cannabis-
8 related paraphernalia which is no longer
9 prosecutable in the State in which the con-
10 viction was entered, and any offense involv-
11 ing civil disobedience without violence) not
12 occurring on the same date, and not aris-
13 ing out of the same act, omission, or
14 scheme of misconduct; or

15 (iii) a misdemeanor offense of domes-
16 tic violence, unless the alien demonstrates
17 that such crime is related to the alien hav-
18 ing been—

19 (I) a victim of domestic violence,
20 sexual assault, stalking, child abuse or
21 neglect, abuse or neglect in later life,
22 or human trafficking;

23 (II) battered or subjected to ex-
24 treme cruelty; or

1 (III) a victim of criminal activity
2 described in section 101(a)(15)(U)(iii)
3 of the Immigration and Nationality
4 Act (8 U.S.C. 1101(a)(15)(U)(iii)).

5 (2) WAIVERS FOR CERTAIN MISDEMEANORS.—
6 For humanitarian purposes, family unity, or if oth-
7 erwise in the public interest, the Secretary may—

8 (A) waive the grounds of inadmissibility
9 under subparagraphs (A), (C), and (D) of sec-
10 tion 212(a)(2) of the Immigration and Nation-
11 ality Act (8 U.S.C. 1182(a)(2)), unless the con-
12 viction forming the basis for inadmissibility
13 would otherwise render the alien ineligible
14 under paragraph (1)(B) (subject to subpara-
15 graph (B)); and

16 (B) for purposes of clauses (ii) and (iii) of
17 paragraph (1)(B), waive consideration of—

18 (i) one misdemeanor offense if the
19 alien has not been convicted of any offense
20 in the 5-year period preceding the date on
21 which the alien applies for adjustment of
22 status under this title; or

23 (ii) up to two misdemeanor offenses if
24 the alien has not been convicted of any of-
25 fense in the 10-year period preceding the

1 date on which the alien applies for adjust-
2 ment of status under this title.

3 (3) DEFINITIONS.—For purposes of this sub-
4 section—

5 (A) the term “felony offense” means an of-
6 fense under Federal or State law that is pun-
7 ishable by a maximum term of imprisonment of
8 more than 1 year;

9 (B) the term “misdemeanor offense”
10 means an offense under Federal or State law
11 that is punishable by a term of imprisonment of
12 more than 5 days but not more than 1 year;
13 and

14 (C) the term “crime of domestic violence”
15 means any offense that has as an element the
16 use, attempted use, or threatened use of phys-
17 ical force against a person committed by a cur-
18 rent or former spouse of the person, by an indi-
19 vidual with whom the person shares a child in
20 common, by an individual who is cohabiting
21 with or has cohabited with the person as a
22 spouse, by an individual similarly situated to a
23 spouse of the person under the domestic or
24 family violence laws of the jurisdiction where
25 the offense occurs, or by any other individual

1 against a person who is protected from that in-
2 dividual’s acts under the domestic or family vio-
3 lence laws of the United States or any State,
4 Indian Tribal government, or unit of local gov-
5 ernment.

6 (h) DEFINITIONS.—For purposes of this section:

7 (1) IN GENERAL.—Terms used have the mean-
8 ings given such terms in section 101 of the Immi-
9 gration and Nationality Act.

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of Homeland Security.

12 (3) COVERED PROFESSION DEFINED.—For pur-
13 poses of this section, the term “covered profession”
14 means the following:

15 (A) Health care.

16 (B) Emergency response.

17 (C) Energy.

18 (D) Education, including early education.

19 (E) Sanitation.

20 (F) Restaurant ownership, food prepara-
21 tion, vending, catering, food packaging, food
22 services, or delivery.

23 (G) Hotel or retail.

24 (H) Fish, poultry, and meat processing
25 work.

1 (I) Agricultural work, including labor that
2 is seasonal in nature.

3 (J) Commercial or residential landscaping.

4 (K) Commercial or residential construction
5 or renovation.

6 (L) Housing, residential, and commercial
7 construction related activities or public works
8 construction.

9 (M) Domestic work in private households,
10 including child care, home care, or house clean-
11 ing.

12 (N) Natural disaster recovery, disaster re-
13 construction, and related construction.

14 (O) Home and community-based work, in-
15 cluding—

16 (i) home health care;

17 (ii) residential care;

18 (iii) assistance with activities of daily
19 living;

20 (iv) any service provided by direct
21 care workers (as defined in section 799B
22 of the Public Health Service Act (42
23 U.S.C. 295p)), personal care aides, job
24 coaches, or supported employment pro-
25 viders; and

1 (v) any other provision of care to indi-
2 viduals in their homes by direct service
3 providers, personal care attendants, and
4 home health aides.

5 (P) Family care, including child care serv-
6 ices, in-home child care services such as nanny
7 services, and care services provided by family
8 members to other family members.

9 (Q) Manufacturing.

10 (R) Warehousing.

11 (S) Transportation or logistics.

12 (T) Janitorial.

13 (U) Laundromat and dry-cleaning opera-
14 tors.

15 (V) Any other work performed by “essen-
16 tial critical infrastructure workers”, as de-
17 scribed in the memorandum of the Department
18 of Homeland Security entitled “Advisory Memo-
19 randum on Ensuring Essential Critical Infra-
20 structure Workers Ability to Work During the
21 COVID–19 Response”, which was originally
22 issued by the Director of the Cybersecurity and
23 Infrastructure Security Agency on March 19,
24 2020, and last updated on August 10, 2021.

1 (W) Any other work, industry, or profes-
2 sion that a State or local government deemed
3 essential during the COVID-19 Public Health
4 Emergency.

5 (X) Workers who are employed in any of
6 the listed professions who do so remotely or hy-
7 brid.

○