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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Immigration and Nationality Act to establish a new class of nonimmigrant visas for public service employees and authorize lawful permanent resident status for certain individuals holding public service jobs who entered the United States as children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BERA introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Immigration and Nationality Act to establish a new class of nonimmigrant visas for public service employees and authorize lawful permanent resident status for certain individuals holding public service jobs who entered the United States as children, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “SERVICE for America
5 Act”.

1 **SEC. 2. W-VISAS.**

2 (a) PUBLIC SERVICE JOBS.—Section 101(a) of the
3 Immigration and Nationality Act (8 U.S.C. 1101(a)) is
4 amended—

5 (1) in paragraph (15)—

6 (A) in subparagraph (U)(iii), by striking
7 “or” at the end;

8 (B) in subparagraph (V)(ii)(II), by striking
9 the period at the end and inserting “; or”; and

10 (C) by adding at the end the following:

11 “(W) An alien described in section
12 214(s)(3), and the alien spouse and minor chil-
13 dren of such alien.”.

14 (2) by adding at the end the following:

15 “(53) The term ‘public service job’ means—

16 “(A) a full-time job in emergency manage-
17 ment, government (excluding time served as a
18 member of Congress), military service, public
19 safety, law enforcement, public health (includ-
20 ing nurses, nurse practitioners, nurses in a clin-
21 ical setting, and full-time professionals engaged
22 in health care practitioner and technical occu-
23 pations and health care support occupations, as
24 such terms are defined by the Bureau of Labor
25 Statistics), public education, social work in a
26 public child or family service agency, public in-

1 terest law services (including prosecution or
2 public defense or legal advocacy on behalf of
3 low-income communities at a nonprofit organi-
4 zation), early childhood education (including li-
5 censed or regulated childcare, Head Start, and
6 State funded prekindergarten), public service
7 for individuals with disabilities, public service
8 for the elderly, public library sciences, school-
9 based library sciences and other school-based
10 services, or at an organization that is described
11 in section 501(c)(3) of the Internal Revenue
12 Code of 1986 and exempt from taxation under
13 section 501(a) of such Code; or

14 “(B) teaching as a full-time faculty mem-
15 ber at a Tribal College or University as defined
16 in section 316(b) and other faculty teaching in
17 high-needs subject areas or areas of shortage
18 (including nurse faculty, foreign language fac-
19 ulty, and part-time faculty at community col-
20 leges), as determined by the Secretary.”.

21 (b) ADMISSION OF NONIMMIGRANTS.—Section 214 of
22 the Immigration and Nationality Act (8 U.S.C. 1184) is
23 amended by adding at the end the following:

24 “(s) REQUIREMENT APPLICABLE TO NON-
25 IMMIGRANTS DESCRIBED IN SECTION 101(A)(15)(W).—

1 “(1) IN GENERAL.—An alien may be accorded
2 status under section 101(a)(15)(W) in accordance
3 with this subsection.

4 “(2) TERM.—Status under section
5 101(a)(15)(W) shall be valid for a period of 3 years,
6 and may be extended for a single additional period
7 of 3 years, while the alien remains employed in a
8 public service job.

9 “(3) ELIGIBILITY.—To be eligible to be ac-
10 corded status under section 101(a)(15)(W), an alien
11 shall—

12 “(A) have—

13 “(i) been lawfully present in the
14 United States as a dependent child of a
15 nonimmigrant admitted to engage in em-
16 ployment in the United States (other than
17 a nonimmigrant described in subparagraph
18 (A), (G), (N), or (S) of section 101(a)(15))
19 for an aggregate period of not less than 5
20 years; or

21 “(ii) been granted deferred action
22 pursuant to the Deferred Action for Child-
23 hood Arrivals policy announced by the Sec-
24 retary of Homeland Security on June 15,
25 2012;

1 “(B) on the date on which an application
2 for status under section 101(a)(15)(W) is sub-
3 mitted, have been physically present in the
4 United States for an aggregate period of not
5 less than 5 years; and

6 “(C) shall be employed in a public service
7 job, or have received an offer to be so employed
8 contingent on receiving such status.

9 “(4) WAIVER OF GROUNDS OF INADMIS-
10 SIBILITY.—With respect to any benefit under this
11 subsection, the Secretary may waive the grounds of
12 inadmissibility under paragraph (1), (6)(E), (6)(G),
13 or (10)(D) of section 212(a) for humanitarian pur-
14 poses, for family unity, or because the waiver is oth-
15 erwise in the public interest.

16 “(5) EMPLOYMENT AUTHORIZATION.—An alien
17 accorded status under section 101(a)(15)(W) (and
18 the spouse and each child of that alien) shall be au-
19 thorized to be employed in the United States inci-
20 dent to status.”.

1 **SEC. 3. PERMANENT RESIDENT STATUS FOR CERTAIN INDIVIDUALS HOLDING PUBLIC SERVICE JOBS**
2
3 **WHO ENTERED THE UNITED STATES AS CHILDREN.**
4

5 (a) REQUIREMENTS.—Section 201(b)(1) of the Im-
6 migration and Nationality Act (8 U.S.C. 1151(b)(1)) is
7 amended by adding at the end the following:

8 “(F) REQUIREMENTS.—

9 “(i) IN GENERAL.—Notwithstanding
10 any other provision of law, an alien may
11 apply for adjustment of status to that of
12 an alien lawfully admitted for permanent
13 residence, and such status may be ad-
14 justed, if that alien—

15 “(I) either—

16 “(aa) was—

17 “(AA) present in the
18 United States with lawful
19 status as a dependent child
20 of a nonimmigrant (other
21 than a nonimmigrant de-
22 scribed in subparagraph (A),
23 (G), (N), or (S) of section
24 101(a)(15)) admitted to the
25 United States and author-
26 ized to be employed therein

1 for an aggregate period of 7
2 years, and such presence
3 was valid as of the date that
4 is 6 months prior to the
5 date of application for ad-
6 justment of status; or

7 “(BB) granted deferred
8 action pursuant to the De-
9 ferred Action for Childhood
10 Arrivals policy announced by
11 the Secretary of Homeland
12 Security on June 15, 2012;
13 or

14 “(bb) has had status as a
15 nonimmigrant described under
16 section 101(a)(15)(W) for at
17 least 2 years;

18 “(II) as of the date on which an
19 application under this subparagraph is
20 submitted, has been physically present
21 in the United States for an aggregate
22 period of not less than 7 years; and

23 “(III) has been employed in a
24 public service job in the United States

1 for at least 2 years (which need not
2 be consecutive).

3 “(ii) WAIVER OF GROUNDS OF INAD-
4 MISSIBILITY.—With respect to any benefit
5 under this subparagraph, the Secretary
6 may waive the grounds of inadmissibility
7 under paragraph (1), (6)(E), (6)(G), or
8 (10)(D) of section 212(a) for humanitarian
9 purposes, for family unity, or because the
10 waiver is otherwise in the public interest.

11 “(iii) PENDING APPLICATIONS.—No
12 alien may be detained or removed while an
13 application is pending under this sub-
14 section.”.

15 (b) PETITION.—Section 204(a)(1) of the Immigra-
16 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-
17 ed by adding at the end the following:

18 “(M) Any alien entitled to classification
19 under section 201(b)(1)(F) may file a petition
20 with the Secretary of Homeland Security for
21 such classification.”.

22 **SEC. 4. AMERICORPS ELIGIBILITY FOR DACA RECIPIENTS.**

23 Section 137(a)(5) of the National and Community
24 Service Act of 1990 (42 U.S.C. 12591(a)(3)) is amended
25 to read as follows:

1 “(5) is—

2 “(A) a citizen or national of the United
3 States;

4 “(B) a lawful permanent resident alien of
5 the United States;

6 “(C) an individual granted deferred action
7 pursuant to the Deferred Action for Childhood
8 Arrivals policy announced by the Secretary of
9 Homeland Security on June 15, 2012 (without
10 regard to the limitations imposed under subtitle
11 A of title IV of the Personal Responsibility and
12 Work Opportunity Reconciliation Act of 1996
13 (8 U.S.C. 1611 et seq.)); or

14 “(D) an alien who was lawfully present in
15 the United States as a dependent child of a
16 nonimmigrant admitted to engage in employ-
17 ment in the United States (other than a non-
18 immigrant described in subparagraph (A), (G),
19 (N), or (S) of section 101(a)(15)) for an aggre-
20 gate period of not less than 5 years.”.