

108TH CONGRESS  
1ST SESSION

# H. R. 2154

To amend the Immigration and Nationality Act to prevent an employer from placing a nonimmigrant who is an intracompany transferee with another employer.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2003

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

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## A BILL

To amend the Immigration and Nationality Act to prevent an employer from placing a nonimmigrant who is an intracompany transferee with another employer.

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. LIMITATION ON PLACEMENT OF**  
4 **INTRACOMPANY TRANSFEREES.**

5 Section 214(c)(2) of the Immigration and Nationality  
6 Act (8 U.S.C. 1184(c)(2)) is amended by adding at the  
7 end the following:

8 “(F)(i) No alien may be admitted or provided status  
9 as a nonimmigrant described in section 101(a)(15)(L) un-

1 less the importing employer has filed with the Secretary  
2 of Labor an application stating that the employer will not  
3 place the nonimmigrant with another employer where—

4           “(I) the nonimmigrant performs duties in whole  
5           or in part at one or more worksites owned, operated,  
6           or controlled by such other employer; and

7           “(II) there are indicia of an employment rela-  
8           tionship between the nonimmigrant and such other  
9           employer.

10          “(ii) The employer shall make available for public ex-  
11          amination, within one working day after the date on which  
12          an application under this subparagraph is filed, at the em-  
13          ployer’s principal place of business or worksite, a copy of  
14          each such application (and such accompanying documents  
15          as are necessary). The Secretary shall compile, on a cur-  
16          rent basis, a list (by employer and by occupational classi-  
17          fication) of the applications filed under this subparagraph.  
18          The Secretary shall make such list available for public ex-  
19          amination in Washington, DC. The Secretary of Labor  
20          shall review such an application only for completeness and  
21          obvious inaccuracies. Unless the Secretary of Labor finds  
22          that an application is incomplete or obviously inaccurate,  
23          the Secretary of Labor shall certify to the Secretary of  
24          Homeland Security, within 7 days of the date of the filing  
25          of the application, that the requirements of this clause

1 have been satisfied. The application form shall include a  
2 clear statement explaining the liability under this subpara-  
3 graph of an employer who places a nonimmigrant with an-  
4 other employer in violation of clause (i).

5 “(iii) The provisions of section 212(n)(2) shall apply  
6 to a failure to meet a condition of clause (i) in the same  
7 manner as such provisions apply to a failure to meet a  
8 condition of section 212(n)(1)(F).”.

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