

119TH CONGRESS
2D SESSION

H. R. 9234

To establish a W nonimmigrant visa program for careworkers.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2026

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

A BILL

To establish a W nonimmigrant visa program for
careworkers.

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 “Careworker Visa Act
5 of 2026”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The United States faces a substantial and
9 growing shortage of qualified careworkers to provide
10 childcare, eldercare, and in-home care for individuals
11 with disabilities.

1 (2) As the U.S. population ages, demand for
2 eldercare and in-home support services is projected
3 to increase significantly, outpacing the current do-
4 mestic labor supply.

5 (3) Access to reliable childcare and eldercare
6 enables other American workers to remain in the
7 workforce, supporting economic growth and produc-
8 tivity.

9 (4) Careworkers have often worked in informal
10 economies with exposure to poor work conditions
11 and pay.

12 (5) Establishing a dedicated careworker visa
13 classification will formalize these employment rela-
14 tionships, ensure wage protections for domestic
15 workers, and provide a reliable and accountable
16 pathway for employers to obtain qualified care.

17 **SEC. 3. CAREWORKER NONIMMIGRANTS.**

18 Section 101(a)(15) of the Immigration and Nation-
19 ality Act (8 U.S.C. 1101(a)(15)) is amended—

20 (1) in subparagraph (U)(iii), by striking the
21 “or” at the end;

22 (2) in subparagraph (V), by striking the period
23 at the end and inserting “; or”; and

24 (3) by adding at the end the following:

1 “(W)(i) an alien who is sponsored by an
 2 employer who has been certified by the U.S.
 3 Department of Labor and is coming temporarily
 4 to the United States to work for such employer
 5 as a careworker in accordance with section
 6 214(s)); and

7 “(ii) the alien spouse of an alien de-
 8 scribed in clause (i) and any children
 9 younger than 21 years of age of such an
 10 alien.”.

11 **SEC. 4. W NONIMMIGRANTS.**

12 Section 214 of the Immigration and Nationality Act
 13 (8 U.S.C. 1184) is amended by:

14 (1) In subsection (b), by deleting “subpara-
 15 graph (L) or (V)” and inserting “subparagraph (L),
 16 (V), or (W)”.

17 (2) By adding at the end the following:

18 “(s) CAREWORKER.—

19 “(1) DEFINITIONS.—In this subsection:

20 “(A) CAREWORKER.—

21 “(i) The term ‘careworker’ means an
 22 individual whose primary duties consist of
 23 providing—

24 “(I) childcare, including super-
 25 vision, instruction, and developmental

1 support of children in a home or small
2 group setting;

3 “(II) eldercare, including non-
4 medical assistance, companionship,
5 and activities of daily living support
6 for older adults; or

7 “(III) in-home or community-
8 level personal support for individuals
9 with disabilities, including assistance
10 with activities of daily living, mobility,
11 and communication.

12 “(ii) The term does not include indi-
13 viduals primarily employed by hospitals,
14 skilled nursing facilities, residential care
15 institutions with 25 or more employees, or
16 other institutional healthcare employers.

17 “(iii) Any careworker as defined in
18 clause (i) shall perform their duties in
19 compliance with all Federal, State and
20 local requirements.

21 “(B) COVERED EMPLOYER.—

22 “(i) The term ‘covered employer’
23 means—

24 “(I) an individual or family that
25 employs a careworker to provide care

1 in the individual's or family's private
2 residence; or

3 “(II) a small caregiving business
4 with fewer than 25 employees, includ-
5 ing daycare centers, small eldercare
6 facilities, and small group-home or
7 residential care facilities, and that is
8 lawfully organized under the laws of a
9 State.

10 “(ii) The term does not include an
11 employer if the employer—

12 “(I) has, with respect to the ap-
13 plication required under paragraph
14 (2)(B), including any attestations re-
15 quired by law—

16 “(aa) knowingly misrep-
17 sented a material fact;

18 “(bb) knowingly made a
19 fraudulent statement; or

20 “(cc) knowingly failed to
21 comply with the terms of such at-
22 testations;

23 “(II) failed to cooperate with an
24 investigation by the Secretary or Sec-
25 retary of Labor;

1 “(III) the employer or any officer
2 of the employer has been convicted of
3 an offense set out in chapter 77 of
4 title 18, United States Code, or any
5 conspiracy to commit such offenses, or
6 any human trafficking offense under
7 State or territorial law;

8 “(IV) has, within 2 years prior to
9 the date of application—

10 “(aa) received a final adju-
11 dication of having committed any
12 hazardous occupation orders vio-
13 lation resulting in injury or death
14 under the child labor provisions
15 contained in section 12 of the
16 Fair Labor Standards Act of
17 1938 (29 U.S.C. 211) and any
18 pertinent regulation;

19 “(bb) received a final adju-
20 dication assessing a civil money
21 penalty for any repeated or will-
22 ful violation of the minimum
23 wage provisions of section 6 of
24 the Fair Labor Standards Act of
25 1938 (29 U.S.C. 206); or

1 “(cc) received a final adjudication assessing a civil money
2 penalty for any willful violation
3 of the overtime provisions of section 7 of the Fair Labor Standards
4 Act of 1938 or any regulations thereunder; or

5 “(V) has, within 2 years prior to
6 the date of application, received a
7 final adjudication for a willful violation or repeated serious violations involving
8 injury or death—

9 “(aa) of section 5 of the Occupational Safety and Health Act
10 of 1970 (29 U.S.C. 654);

11 “(bb) of any standard, rule,
12 or order promulgated pursuant to
13 section 6 of the Occupational
14 Safety and Health Act of 1970
15 (29 U.S.C. 655); or

16 “(cc) of a plan approved
17 under section 18 of the Occupational
18 Safety and Health Act of
19 1970 (29 U.S.C. 667).

1 “(C) SECRETARY.—The term ‘Secretary’
2 means the Secretary of Homeland Security.

3 “(D) PREVAILING WAGE.—The term ‘pre-
4 vailing wage’ means the wage determined for
5 the relevant occupation and metropolitan statis-
6 tical area using data from the Department of
7 Labor’s Office of Foreign Labor Certification
8 Wage Search tool, or any successor data source
9 designated by the Secretary of Labor.

10 “(E) W NONIMMIGRANT.—The term ‘W
11 nonimmigrant’ means an alien with status as a
12 nonimmigrant under section 101(a)(15)(W).

13 “(2) EMPLOYER PARTICIPATION.—

14 “(A) ELIGIBILITY.—A covered employer is
15 eligible to participate in the sponsorship process
16 under this subsection if the employer—

17 “(i) employs or seeks to employ a W
18 nonimmigrant as a careworker in a year-
19 round role as a caregiver or personal sup-
20 port worker; and

21 “(ii) in the case of a covered employer
22 who is an individual or family, is a United
23 States citizen or a lawful permanent resi-
24 dent.

1 “(B) PETITION.—A covered employer seek-
2 ing to employ a W nonimmigrant as a
3 careworker under this subsection shall file a pe-
4 tition with the Secretary on a form and in a
5 manner prescribed by the Secretary, which shall
6 include—

7 “(i) submission of—

8 “(I) a job offer letter or employ-
9 ment contract from the covered em-
10 ployer;

11 “(II) an attestation of compliance
12 with the prevailing wage requirements
13 set forth in paragraph (5);

14 “(III) evidence demonstrating the
15 beneficiary’s eligibility and admissi-
16 bility, or waiver of inadmissibility,
17 under paragraph (3);

18 “(IV) a fee, as required by the
19 Secretary;

20 “(V) biometrics of the employer,
21 for an individual employer; and for
22 the owner or directing officer, for a
23 business employer; and

24 “(VI) the last three years of tax
25 returns for the individual or business,

1 as applicable, to demonstrate their
2 ability to pay the salary of the care-
3 giver if approved.

4 “(ii) The Secretary shall adjudicate
5 petitions within 90 days of receipt of a
6 complete filing.

7 “(C) CONTINUING OBLIGATIONS.—A cov-
8 ered employer that employs a W nonimmigrant
9 under this subsection shall—

10 “(i) maintain records of wages paid to
11 the W nonimmigrant and make such
12 records available for inspection by the Sec-
13 retary of Labor upon request;

14 “(ii) notify the Secretary within 14
15 days of any material change in the terms
16 or conditions of employment, including sep-
17 aration; and

18 “(iii) comply with all applicable Fed-
19 eral and State labor and employment laws.

20 “(3) BENEFICIARY.—

21 “(A) ELIGIBILITY.—An alien is eligible for
22 status under section 101(a)(15)(W) if the
23 alien—

1 “(i) has received a qualifying job offer
2 as a caregiver from an approved covered
3 employer;

4 “(ii) is admissible to the United
5 States, or eligible for a waiver of inadmis-
6 sibility pursuant to subparagraph (B); and

7 “(iii) passes a background check, in-
8 cluding a check of criminal records and
9 relevant databases, conducted by the Sec-
10 retary.

11 “(B) WAIVERS.—The Secretary is author-
12 ized to waive the grounds of inadmissibility
13 under section 212(a)(9)(B) if the alien—

14 “(i) files a petition requesting a waiv-
15 er of inadmissibility;

16 “(ii) demonstrates payment of all ap-
17 plicable Federal, State, and local taxes, in-
18 cluding any back taxes owed, for all peri-
19 ods of unauthorized presence in the United
20 States; and

21 “(iii) pays a fee of \$500.

22 “(C) MOTIONS FOR TERMINATION OR RE-
23 MOVAL.—The Secretary, in coordination with
24 the Attorney General, shall establish a process
25 for an alien—

1 “(i) in removal proceedings, upon ap-
2 proval of the petition in paragraph (2)(B),
3 to request termination of proceedings; or

4 “(ii) with a final order of removal,
5 upon approval of the petition in paragraph
6 (2)(B), to file a motion to reopen the final
7 order and terminate proceedings.

8 “(D) ADJUSTMENT OF STATUS.—

9 “(i) ELIGIBILITY.—An alien is eligible
10 for adjustment of status to that of a W
11 nonimmigrant if that alien—

12 “(I) submits an application or
13 has an eligible employee submit a pe-
14 tition on their behalf;

15 “(II) pays the fee under subpara-
16 graph (B)(iii) as required and any tax
17 liability owed to the United States;

18 “(III) was present in the United
19 States as of January 1, 2024—

20 “(aa) without lawful status
21 under the immigration laws;

22 “(bb) with deferred action
23 granted to the alien pursuant to
24 the Deferred Action for Child-
25 hood Arrivals program set forth

1 in the memorandum of the Sec-
2 retary dated June 15, 2012;

3 “(cc) as a parolee;

4 “(dd) with deferred enforced
5 departure; or

6 “(ee) with status as a non-
7 immigrant that has employment
8 authorization;

9 “(IV) has been continuously
10 present in the United States during
11 the period beginning on January 1,
12 2024, through the date of the applica-
13 tion for status; and

14 “(V) is not inadmissible under
15 paragraph (1), (6)(E), (6)(G), (8), or
16 (10) of section 212(a) of the Immi-
17 gration and Nationality Act (8 U.S.C.
18 1182(a)), except that with respect to
19 any benefit under this subparagraph,
20 and in addition to the waivers under
21 subparagraph (B), the Secretary may
22 waive the grounds of inadmissibility
23 under paragraph (1), (6)(E), (6)(G),
24 or (10)(D) of section 212(a) for hu-
25 manitarian purposes, for family unity,

1 or because the waiver is otherwise in
2 the public interest.

3 “(ii) GROUND OF INELIGIBILITY.—
4 Except as provided in clause (iii), an alien
5 is ineligible under this subparagraph if any
6 of the following apply:

7 “(I) The alien is inadmissible
8 under paragraph (2) or (3) of section
9 212(a).

10 “(II) Excluding any offense
11 under State law for which an essential
12 element is the alien’s immigration sta-
13 tus, and any minor traffic offense, the
14 alien has been convicted of—

15 “(aa) any felony offense;

16 “(bb) three or more mis-
17 demeanor offenses (excluding
18 simple possession of cannabis or
19 cannabis-related paraphernalia,
20 any offense involving cannabis or
21 cannabis-related paraphernalia
22 which is no longer prosecutable
23 in the State in which the convic-
24 tion was entered, and any offense
25 involving civil disobedience with-

1 out violence) not occurring on the
2 same date, and not arising out of
3 the same act, omission, or
4 scheme of misconduct; or

5 “(cc) a misdemeanor offense
6 of domestic violence, unless the
7 alien demonstrates that such
8 crime is related to the alien hav-
9 ing been—

10 “(AA) a victim of do-
11 mestic violence, sexual as-
12 sault, stalking, child abuse
13 or neglect, abuse or neglect
14 in later life, or human traf-
15 ficking;

16 “(BB) battered or sub-
17 jected to extreme cruelty; or

18 “(CC) a victim of crimi-
19 nal activity described in sec-
20 tion 101(a)(15)(U)(iii).

21 “(iii) WAIVER FOR CERTAIN MIS-
22 DEMEANORS.—For humanitarian purposes,
23 family unity, or if otherwise in the public
24 interest, the Secretary may—

1 “(I) waive the grounds of inad-
2 missibility under subparagraphs (A),
3 (C), and (D) of section 212(a)(2), un-
4 less the conviction forming the basis
5 for inadmissibility would otherwise
6 render the alien ineligible under
7 clause (ii)(II); and

8 “(II) for purposes of clauses (ii)
9 and (iii) of paragraph (1)(B), waive
10 consideration of—

11 “(aa) one misdemeanor of-
12 fense if the alien has not been
13 convicted of any offense in the 5-
14 year period preceding the date on
15 which the alien applies for ad-
16 justment of status under this
17 title; or

18 “(bb) up to two mis-
19 demeanor offenses if the alien
20 has not been convicted of any of-
21 fense in the 10-year period pre-
22 ceding the date on which the
23 alien applies for adjustment of
24 status under this title. (3)

1 “(iv) DEFINITIONS.—For purposes of
2 this subparagraph—

3 “(I) the term ‘felony offense’
4 means an offense under Federal or
5 State law that is punishable by a
6 maximum term of imprisonment of
7 more than 1 year;

8 “(II) the term ‘misdemeanor of-
9 fense’ means an offense under Federal
10 or State law that is punishable by a
11 term of imprisonment of more than 5
12 days but not more than 1 year; and

13 “(III) the term ‘crime of domes-
14 tic violence’ means any offense that
15 has as an element the use, attempted
16 use, or threatened use of physical
17 force against a person committed by a
18 current or former spouse of the per-
19 son, by an individual with whom the
20 person shares a child in common, by
21 an individual who is cohabiting with
22 or has cohabited with the person as a
23 spouse, by an individual similarly situ-
24 ated to a spouse of the person under
25 the domestic or family violence laws of

1 the jurisdiction where the offense oc-
2 curs, or by any other individual
3 against a person who is protected
4 from that individual's acts under the
5 domestic or family violence laws of the
6 United States or any State, Indian
7 Tribal government, or unit of local
8 government.

9 “(v) CERTIFICATION.—Any alien who
10 seeks status as a W nonimmigrant for the
11 purpose of performing skilled or unskilled
12 labor is inadmissible, unless the Secretary
13 of Labor has determined and certified to
14 the Secretary of State and the Attorney
15 General that—

16 “(I) there are not sufficient
17 workers who are able, willing, quali-
18 fied and available at the time of appli-
19 cation for a visa and admission to the
20 United States and at the place where
21 the alien is to perform such skilled or
22 unskilled labor; and

23 “(II) the employment of such
24 alien will not adversely affect the
25 wages and working conditions of

1 workers in the United States similarly
2 employed.

3 “(4) EMPLOYMENT AUTHORIZATION.—

4 “(A) Employment authorization under this
5 subsection is incident to status and is confined
6 to the covered employer named in the approved
7 petition.

8 “(B) A W nonimmigrant who separates
9 from an employer and seeks to transfer to a
10 new covered employer shall be afforded a grace
11 period of 90 days, during which the W non-
12 immigrant retains lawful status, to allow a new
13 covered employer to file a petition on the W
14 nonimmigrant’s behalf.

15 “(C) During the 90-day grace period de-
16 scribed in subparagraph (B), the W non-
17 immigrant is authorized to transition to any
18 qualifying caretaker role with a new covered
19 employer.

20 “(D) Within 10 business days, the new
21 employer must file a petition with the Depart-
22 ment to demonstrate that the W nonimmigrant
23 is employed as a caregiver or personal support
24 worker.

25 “(5) PREVAILING WAGE REQUIREMENTS.—

1 “(A) A covered employer shall pay a W
2 nonimmigrant wages that meet or exceed the
3 prevailing wage for the relevant occupation in
4 the applicable metropolitan statistical area.

5 “(B) The Secretary of Labor shall estab-
6 lish an office to—

7 “(i) certify prevailing wages for W
8 nonimmigrant positions;

9 “(ii) receive complaints from W non-
10 immigrant, including for wage theft or
11 other wage violations or poor working con-
12 ditions, and imposing penalties for non-
13 compliance;

14 “(iii) investigate complaints received
15 in clause (ii);

16 “(iii) provide information in the top
17 ten languages of approved W non-
18 immigrants as well as the ability to trans-
19 late information through a help-line; and

20 “(iv) develop and share resources with
21 W nonimmigrants about their workplace
22 rights.

23 “(6) FILING FEES.—

24 “(A) A covered employer shall pay a filing
25 fee at the time of submitting a petition. The

1 Secretary shall set the filing fee in an amount
2 sufficient to cover the full cost of processing the
3 sponsorship petition and W nonimmigrant ap-
4 plication.

5 “(B) The Secretary shall review and adjust
6 filing fees not less frequently than every 2 years
7 to ensure that fee revenues remain sufficient to
8 cover program costs.

9 “(7) ANNUAL LIMIT.—

10 “(A) IN GENERAL.—Not more than
11 100,000 aliens may be accorded status as W
12 nonimmigrants each fiscal year.

13 “(B) ALLOCATION.—The Secretary shall
14 by regulation establish procedures for the allo-
15 cation of available visas when demand exceeds
16 the annual limit, including provisions to ensure
17 equitable access for both individual/family and
18 small business employers.

19 “(8) DURATION.—

20 “(A) A visa issued to a W nonimmigrant
21 shall have an initial validity period of 3 years.

22 “(B) A W nonimmigrant may renew a W
23 nonimmigrant visa in additional 3-year incre-
24 ments, subject to continued eligibility under this
25 section.

1 “(C) Applications for renewal may be filed
2 from within the United States and shall be ad-
3 judicated by the Secretary.

4 “(D) A W nonimmigrant may seek adjust-
5 ment of status to lawful permanent resident in
6 accordance with the following:

7 “(i) The Secretary shall establish a
8 process and required fees no higher than
9 \$500 for adjustment of status in accord-
10 ance with this section.

11 “(ii) An alien whose status is adjusted
12 to that of an alien lawfully admitted for
13 permanent residency under this section is
14 not subject to the worldwide levels or nu-
15 merical limitations of section 201(a).

16 “(9) NON-RETALIATION.—

17 “(A) It shall be unlawful for a covered em-
18 ployer to—

19 “(i) intimidate, threaten, or retaliate
20 against a W nonimmigrant for exercising
21 any right under this Act;

22 “(ii) use the W nonimmigrant’s immi-
23 gration status as a means of coercion or
24 control; or

1 “(iii) terminate the W nonimmigrant’s
2 employment in retaliation for reporting
3 wage violations or unsafe working condi-
4 tions to a Federal or State agency.

5 “(B) INFORMATION.—The Secretary shall
6 provide each W nonimmigrant, in plain lan-
7 guage and in the W nonimmigrant’s primary
8 language where practicable, a written summary
9 of the W nonimmigrant’s rights under this Act
10 and applicable Federal and State labor laws.

11 “(10) RULEMAKING.—Not later than 90 days
12 after the date of enactment of this subsection, the
13 Secretary, in consultation with the Secretary of
14 Labor and the Secretary of State, shall finalize regu-
15 lations implementing this Act.

16 “(11) ANNUAL REPORT TO CONGRESS.—Not
17 later than 2 years after the date of enactment of
18 this Act, and annually thereafter, the Secretary shall
19 submit to the Committee on the Judiciary of the
20 House of Representatives and the Committee on the
21 Judiciary of the Senate a report on the implementa-
22 tion of this Act, including—

23 “(A) the number of sponsorship petitions
24 filed, approved, and denied;

1 “(B) the number of W nonimmigrant visas
2 issued and renewed;

3 “(C) the number and disposition of wage
4 violation complaints; and

5 “(D) recommendations for legislative
6 changes, if any, to improve the program.”.

7 **SEC. 5. WHISTLEBLOWER PROTECTIONS.**

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

11 “(15) WHISTLEBLOWER PROTECTIONS.—

12 “(A) PROHIBITIONS.—A person may not
13 discharge, demote, suspend, threaten, harass,
14 decline to hire, or in any other manner discrimi-
15 nate against a worker in the terms and condi-
16 tions of employment because such worker—

17 “(i) has filed a complaint, testified,
18 assisted, or cooperated or seeks to cooper-
19 ate, in an investigation or other proceeding
20 concerning compliance with the require-
21 ments under this title or any rule or regu-
22 lation pertaining to any workplace claim;

23 “(ii) has disclosed information to any
24 other person or entity, that the worker rea-
25 sonably believes evidences a violation of

1 this title or any rule or regulation per-
2 taining to this title, or grounds for any
3 workplace claim;

4 “(iii) has assisted or participated, or
5 has information that may assist, in any
6 manner in a proceeding or in any other ac-
7 tion to carry out the purposes of this title
8 or any workplace claim;

9 “(iv) has furnished information to the
10 Department of Labor, the Department of
11 Homeland Security, the Department of
12 Justice, the Equal Employment Oppor-
13 tunity Commission, the National Labor
14 Relations Board, or any Federal, State, or
15 local regulatory or law enforcement agency
16 relating to a violation of this title or any
17 workplace claim, or has such information
18 to furnish to the relevant agency; or

19 “(v) has objected to, or refused to
20 participate in, any activity, policy, practice,
21 or assigned task that the worker (or other
22 such individual) reasonably believed to be
23 in violation of any provision of this Act or
24 any other Act, or any order, rule, regula-
25 tion, standard, or ban under any Act.

1 “(B) ENFORCEMENT.—A worker who be-
2 lieves that he or she has suffered a violation of
3 subparagraph (A) may seek relief in accordance
4 with the procedures, notifications, burdens of
5 proof, remedies, and statutes of limitations.”.

6 **SEC. 6. EFFECTIVE DATE.**

7 This Act and the amendments made by this Act shall
8 take effect on the date that is 90 days after the date of
9 enactment, except that the Secretary may implement any
10 provision earlier to the extent necessary to prepare regula-
11 tions and operational capacity.

12 **SEC. 7. RULEMAKING.**

13 Not later than 90 days after the date of enactment
14 of this subsection, the Secretary of Homeland Security,
15 in consultation with the Secretary of Labor and the Sec-
16 retary of State, shall finalize rules implementing this Act
17 and the amendments made by this Act.

18 **SEC. 8. ANNUAL REPORT TO CONGRESS.**

19 Not later than 2 years after the date of enactment
20 of this Act, and annually thereafter, the Secretary shall
21 submit to the Committee on the Judiciary of the House
22 of Representatives and the Committee on the Judiciary
23 of the Senate a report on the implementation of this Act
24 and the amendments made by this Act, including—

- 1 (1) the number of sponsorship petitions filed,
2 approved, and denied;
- 3 (2) the number of W nonimmigrant visas issued
4 and renewed;
- 5 (3) the number and disposition of wage viola-
6 tion complaints; and
- 7 (4) recommendations for legislative changes, if
8 any, to improve the program.

