

## S 1195

### POWER Act

**Congress:** 112 (2011–2013, Ended)

**Chamber:** Senate

**Policy Area:** Immigration

**Introduced:** Jun 14, 2011

**Current Status:** Read twice and referred to the Committee on the Judiciary.

**Latest Action:** Read twice and referred to the Committee on the Judiciary. (Jun 14, 2011)

**Official Text:** <https://www.congress.gov/bill/112th-congress/senate-bill/1195>

### Sponsor

**Name:** Sen. Menendez, Robert [D-NJ]

**Party:** Democratic • **State:** NJ • **Chamber:** Senate

### Cosponsors

No cosponsors are listed for this bill.

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Jun 14, 2011

### Subjects & Policy Tags

#### Policy Area:

Immigration

### Related Bills

Bill	Relationship	Last Action
112 HR 2169	Identical bill	Aug 25, 2011: Referred to the Subcommittee on Immigration Policy and Enforcement.

Protect Our Workers from Exploitation and Retaliation Act or the POWER Act - Amends the Immigration and Nationality Act to exclude from the definition of "immigrant" under such Act a nonimmigrant alien who files a petition for status if the Secretary of Homeland Security (DHS) determines that the alien: (1) has suffered abuse or harm as a result of having been a victim of criminal activity; (2) has suffered substantial abuse or harm related to specified labor or employment violations related to a workplace claim (workplace violation); (3) is a victim of specified criminal activity and would suffer extreme hardship upon removal; (4) has suffered a workplace violation and would suffer extreme hardship upon removal; (5) has been helpful to a local judge, DHS, the Equal Employment Opportunity Commission (EEOC), the Department of Labor, or the National Labor Relations Board (NLRB) or to other authorities investigating, prosecuting, or seeking civil remedies for workplace violation; or (6) has filed, is a material witness in, or is likely to be helpful in the investigation of, a bona fide workplace claim and reasonably fears, has been threatened with, or has been the victim of, an action involving force, physical restraint, retaliation, or abuse of the immigration or other legal process by the employer in relation to acts underlying or related to the filing of the claim.

Authorizes the Secretary to permit an alien to temporarily remain in the United States and grant the alien employment authorization upon determining that the alien: (1) has filed for relief under such provisions; (2) has filed, or is a material witness to, a bona fide workplace claim; and (3) has been helpful to a federal, state, or local law enforcement official, prosecutor, or judge, to DHS, EEOC, the Department of Labor, or NLRB, or to other federal, state, or local authorities investigating, prosecuting, or seeking civil remedies related to the claim.

Sets forth provisions governing procedural requirements and protections in an enforcement action leading to a removal proceeding taken against an alien: (1) as a result of information provided to DHS in retaliation against an individual for exercising or attempting to exercise employment or other legal rights; (2) at a facility about which a workplace claim has been filed; or (3) who has filed a workplace claim, who is a material witness in any proceeding involving a bona fide workplace claim, or who has filed for relief under this Act. Makes exceptions to any entitlement to a stay of removal or other specified relief where DHS establishes, by a preponderance of the evidence in proceedings before the immigration judge presiding over that alien's removal hearing, that: (1) the alien has been convicted of a felony, or (2) the workplace claim was filed in bad faith with intent to delay or avoid the alien's removal.

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## **Actions Timeline**

- **Jun 14, 2011:** Introduced in Senate
- **Jun 14, 2011:** Read twice and referred to the Committee on the Judiciary.