



Fact Sheet: Chairman Smith's Draft STEM Bill

Summary of Draft Bill: Chairman Smith's proposed legislation eliminates the diversity lottery green card program and reallocates up to 55,000 green cards a year to new green card programs for foreign graduates of U.S. universities with advanced STEM degrees. These green cards are first made available to foreign graduates with doctorates and any remaining green cards are then made available for foreign graduates with master's degrees.

Which Students Qualify?

PhDs: The draft bill creates a new green card category for aliens who have received STEM doctorates from U.S. universities. Foreign students will be eligible for STEM green cards if they –

- Have received a doctorate from an eligible U.S. university in computer science, engineering, mathematics, or the physical sciences (other than biological sciences);
- Agree to work for at least five years for the petitioning employer or in the U.S. in a STEM field;
- Have taken all their course work (including internet courses) while physically present in the United States; and
- Are petitioned for by an employer who has gone through labor certification to show that there are not sufficient American workers able, willing, qualified and available for the job.

Master's Degrees: The draft bill creates a new green card category for aliens who have received STEM master's degrees from U.S. universities. If any green cards are not used by aliens with doctorates, they will then be made available to foreign graduates with master's degrees. To be eligible, an alien must –

- Have received a two year master's degree from an eligible U.S. university in computer science, engineering, mathematics, or the physical sciences (other than biological sciences);
- Have majored in college in a STEM field;
- Agree to work for at least five years for the petitioning employer or in the U.S. in a STEM field; Have taken all their course work (including internet courses) while physically present in the United States; and
- Be petitioned for by an employer who has gone through labor certification.

Which Universities Qualify? The draft bill narrowly defines what constitutes a research university to ensure the STEM green card system is not just a golden ticket for those wanting to come to the U.S. To qualify for the STEM green card program, a school must –

- Be eligible for federal student financial aid programs;
- Be accredited;
- Be classified by the Carnegie Foundation for the Advancement of Teaching as a doctorate-granting university with very high or high level of research activity, or be classified by the National Science Foundation after the date of enactment, pursuant to an application by the university, as having equivalent research activity to such schools;
- Be at least 10 years old; and
- Not provide incentive payments to persons based on securing foreign students for the university.

The Draft Bill Protects American Students and Workers. In order to protect American students and workers in STEM fields, the proposed bill requires as part of the labor certification process that an employer submit a job order to the appropriate state workforce agency. In addition, it requires that the state workforce agency post the job order on its official agency website to make it more accessible to American workers seeking employment.

The draft legislation also requires that the Department of Homeland Security post on its official website information about the employers who sponsor STEM graduates for green cards, the number of STEM graduates they sponsor, and the occupations of the STEM graduates they sponsor.

In addition, because of the often difficult career prospects for American students graduating with PhDs in biological and biomedical fields, foreign students with degrees in these fields will not be eligible for STEM green cards.

###