

## Immigration Reform Priorities for 2013

President Barack Obama and Members of the 113<sup>th</sup> Congress agree that the nation's immigration system is broken and in need of reform. Thus, the Administration and Members of Congress have put forth legislative proposals to reform the nation's immigration system. Below are key priorities we would like to see included in a final bill that creates a common-sense immigration approach that serves the needs of our country.

### Green Card Reforms

As educators, we believe it is important to inspire, teach, and train the next generation of domestic and international students who through innovation will help grow the American economy. Therefore, we support legislative proposals that would allow the "best and brightest" international students, to remain in the United States following the completion of their studies, especially those with science, technology, engineering, and mathematics (STEM) degrees. STEM graduates are innovators, job-creators, and critical to the nation's research enterprise. The U.S. immigration system should be reformed in order to streamline the green card process for those who graduate with an advanced STEM degree from a U.S. higher education institution so our nation can reap the benefit of having educated these future leaders.

To attract and retain the best and the brightest, the following immigration reforms should be included in a comprehensive bill:

- Create a process that streamlines the green card process for advanced STEM degree graduates.
- Recapture unused employment-based green cards from prior fiscal years to help eliminate the backlog.
- Eliminate per country cap limitation, with a gradual phase-in period. This provision will also help eliminate the backlog.
- Stop counting spouses and children against the employment-based green card cap. More than half of all employment-based green cards go to the spouses and children of workers.
- Exempt international student advanced STEM degree graduates with a direct path to a green card, outstanding researchers, and professors from the employment-based green card limit.
- Allow green card applicants to retain their place in line while waiting for green cards to become available. Vest this place in line (known as a priority date) with the immigrant petitioner and not the employer.
- Increase the overall number of green cards available annually, recognizing that a zero-sum approach neither reflects the nation's needs nor our values.
- If an increased visa fee is created to fund STEM education programs, we urge that colleges and universities be exempt from the increased fee. These institutions provide the STEM education necessary for American students to compete in the global workforce. It is counterproductive to increase the burden on institutions that are intended to benefit from the provision.
- The Department of Homeland Security has an existing definition of STEM degrees because beginning in April 2008, foreign graduates from U.S. higher education with certain STEM degrees became eligible for an extended period of optional practical training. This list of STEM degrees, expanded in 2012, is known as the STEM Designated Degree Program List. The DHS list defining STEM includes critical fields, such as biological sciences, within the definition of STEM and should be used as a reference in legislation.
- When defining an "Institution of Higher Education," use 101(a) of the Higher Education Act of 1965 to define an institution of higher education and if needed to determine institutional eligibility.
- Maintain special handling labor certification that allows U.S. institutions of higher education to permanently hire the best qualified professors.

### H-1B Visas (Temporary Worker Provisions)

- Create an uncapped exemption for professionals who have earned advanced degrees from U.S. institutions of higher education and physicians in training from the H-1B cap as envisioned in proposed legislation in 2006 and 2007.

- Maintain the higher education and research facilities exemption from the H-1B visa cap.
- If an increased visa fee is created to fund STEM education programs, we urge that colleges and universities be exempted from the increased fee. It is counterproductive to increase the burden on institutions that are intended to benefit from the provision.
- H-1B enforcement reforms should be narrowly tailored to address a minority of employers who abuse the program.
- Allow short-term study on tourist visas. This is especially important as more colleges and universities offer innovative programs requiring limited on campus residency.

### **Nonimmigrant Reforms/Student Visas**

Eliminate nonimmigrant intent for international students (F-visa holders), which forces these students to prove their intention to leave the U.S. upon completion of their studies. Extending dual intent to F-visa holders will help the U.S. to retain the best and brightest international students.

### **Expedited Path to Citizenship for Undocumented Youth**

Every year approximately 65,000 undocumented students graduate from high school in the U.S. These students are first generation immigrants who were largely raised in the U.S. and consider themselves to be Americans. As a matter of fairness to students who are in an untenable situation through no fault of their own and as self-serving economic imperative, federal and state barriers to higher education should be removed for undocumented students who were raised and educated in the United States. An expedited path to citizenship should be the reward for accomplishing academic pursuits and/or serving in the United States military.

### **Electronic Employment Verification**

If an electronic employment verification provision is included in a final immigration reform bill, the higher education community urges the inclusion of a provision that gradually phases-in employers' usage of such a system. As employers, colleges and universities urge the government to develop an effective and efficient verification system that provides accurate information as to the work eligibility of an individual.

### **Prerequisite for Legal Status: English Language and Civics Requirements**

Lawmakers should be cognizant of the impact to nonprofit educational programs of an English language and civics requirement as a prerequisite to legal status for undocumented immigrants. Presently, limited resources allow these programs to only serve a small percentage of those who qualify. Congress should consider increased appropriations within appropriate legislative vehicles for already oversubscribed English as a Second Language (ESL) and other adult education programs that would be further burdened by a surge in demand.

Prepared By:

American Association of Community Colleges (AACC)

American Association of State Colleges and Universities (AASCU)

Association of American Universities (AAU)

American Council on Education (ACE)

Association of Public and Land-grant Universities (APLU)

NAFSA: Association of International Educators