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POLITICS

Biden Administration Makes Visa Changes to Retain Foreign STEM Students

Moves are designed to boost innovation in the U.S. while keeping pace with competitors such as China



President Biden's administration has promised to find ways to improve the legal immigration system in lieu of action by Congress.

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By [Michelle Hackman](#)

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WASHINGTON—The Biden administration is making a series of policy changes aimed at easing the path for foreign students and professionals in the fields of science, technology, engineering and math to remain in the U.S. on a long-term basis.

The new policies, the likes of which have long been called for by Silicon Valley and other companies, are designed to retain foreign students educated in the U.S. in STEM fields to boost innovation while keeping pace with competitors such as China, senior administration officials said.

Though the changes are technical, Biden administration officials said they are necessary to make it easier for foreign STEM graduates to live and work in the U.S., rather than in other countries with friendlier immigration systems.

The most significant of the changes will expand the number of disciplines that international students can study to qualify to work in the U.S. on their student visas. With the change, students in those disciplines will be permitted to work in the U.S. for three years after graduation, rather than the one year offered to all international students. Right now, that extended work time—known as optional practical training—is meant to be offered to anyone in a STEM field, but it doesn't cover some newly created disciplines.

In all, the Department of Homeland Security is planning to add 22 new eligible degree fields, including data science and financial analytics. The changes take effect immediately.

It is unlikely that tweaking such visa policies will make a significant difference in attracting more foreign students. Broader changes, such as increasing the number of visas available or expanding visa eligibility, must be made by Congress, where any immigration legislation has become caught up in larger political fights.

Still, higher-education and business advocates applauded the Biden administration's moves as meaningful changes that would help attract students to the U.S. or make it easier for them to work here after graduation.

“These targeted actions will help American companies meet their critical workforce needs moving forward and is one of a series of key actions needed to address the workforce shortage crisis,” said Jon Baselice, vice president of immigration policy at the U.S. Chamber of Commerce, who received an early briefing on the changes.

“Much more needs to be done to update and modernize our nation's immigration system, and those types of changes require congressional action,” he said.

During the past half-decade, international-student enrollment at U.S. colleges and universities has fallen, as more students opt to study in other English-speaking countries such as Canada or the U.K., where education is cheaper and the path to becoming a permanent resident is clearer cut.

Though many international students dream of studying in the U.S., the uncertainty around whether they can build lives here after graduation—often determined by visa lotteries or other arcane criteria—has driven some would-be students away from making the attempt.

“One of the things we’ve really been calling for is for the White House to send a more welcoming message to international students,” said Sarah Spreitzer, the assistant vice president for government relations at the American Council on Education, a higher-education trade organization in Washington.

Another change would allow students studying on J-1 visas, a less common path for international students, to work in the U.S. for up to three years as well. They are now allowed to work up to 18 months.

The administration is attempting to create opportunities for scientific researchers to work for businesses on J-1 visas, providing an alternative to the popular H-1B visa for foreign professionals. Though the H-1B is the most popular visa type that international students use to remain in the U.S., the number that is handed out each year is limited and demand always outstrips supply.

It is also offering new guidelines to help professionals in STEM fields apply for O-1 visas for people with extraordinary ability, a category sometimes called the “Einstein Visa” that is notoriously difficult to qualify for but that is unlimited in how many can be awarded each year.

The administration is also releasing new guidelines to help more STEM professionals applying for green cards skip a step in the process. Normally, when employers sponsor foreign employees for green cards, they need to show that Americans aren’t available to fill those jobs. Employers can apply for a national interest waiver, which allows them to skip that part of the process. Immigration lawyers say winning a national interest waiver could shorten the green card process by several months.

The policy changes are a reversal from the Trump administration, which believed that smoothing visa pathways for international students and professionals would create more competition with American professionals and potentially lower their wages.

Rob Law, who was a top immigration-policy official in the Trump administration, said the changes appear designed to circumvent the cap on H-1B visas issued each year at 85,000.

“Why would an American college student take on the debt and effort of getting a STEM degree if the labor force isn’t going to reward them, because the foreign worker can always work for less,” he said.

The Biden administration has more broadly promised to find ways to improve the legal immigration system, in lieu of action by Congress, but has been slower in delivering many of the changes that immigration, higher-education and business advocates had hoped to see.

But backlogs in the immigration system have grown dramatically worse under the Biden administration, caused by the Covid-19 pandemic and a lack of financial resources. Everything from applying for citizenship, a green card or a work permit is taking longer than it did a couple of years ago, according to government data.

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