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Will Lawmakers Reform Immigration Rules for STEM Graduates?

JULIE PALAKOVICH CARR

Ranjini Prithviraj is at the start of a promising career in neuroscience. She is a postdoctoral fellow at the National Institutes of Health (NIH), serves as an editor on the NIH Fellows Editorial Board, and mentors students interested in careers in science. Despite her strong résumé and her PhD in cell and molecular biology from a well-regarded American university, Prithviraj's ability to continue to work in the United States is uncertain, because she was born in India and raised in Dubai.

"I would like to stay in the US long term, but I'm not sure as of now," said Prithviraj. "The reason I'm not sure is because the US makes it so hard for us foreign nationals to get a green card, irrespective of how qualified we are."

The dilemma faced by Prithviraj and other foreign-born graduates with an advanced degree in science, technology, engineering, or mathematics (STEM) is that they must either wait for years for the chance to attain permanent residency in the United States or return abroad. Under current immigration policy, there is no direct path from graduation from an American university to permanent residency. Instead, many graduates use a temporary visa to work in the United States while they wait for a green card. The process can take years—even up to a decade. During this time, visa holders may be unable to seek promotions, move to a new city, or change jobs.

"The world's best and brightest aren't begging to be let into the United States any more," said Vivek Wadhwa, director of research at Duke University's Center for Entrepreneurship and Research Commercialization, at a recent hearing held by the Committee

on the Judiciary of the House of Representatives. "They often have better opportunities in their home countries than they have in the US. We can't take it for granted that everyone wants to come here; we have to start competing for the best global talent."

For the time being, the United States is still the top destination for students from abroad. America's edge, however, is shrinking. In 2006, 20 percent of foreign students worldwide attended US universities, down from 25 percent in 2000. Despite this decline, temporary residents still make up a sizable proportion of US STEM graduates: 24 percent of master's degree recipients and 33 percent of doctoral degree recipients in 2007.

Although most of these graduates plan to stay in the United States after completing their degrees, the percentage of doctoral recipients who actually stay in the country is dropping. For the doctoral class of 2002, 62 percent were still in the country five years later. This figure is slightly lower than the five-year stay rate for the class of 2000, although it is higher than that of the previous decade.

Despite high retention of STEM graduates, lawmakers from both ends of the political spectrum are concerned about the roughly 40 percent of foreign graduates who leave the country after their training is complete. Congressional Democrats and Republicans have floated legislation to reform immigration policies to address this issue.

"It makes no sense for us to educate the world's brightest students and then ship them back to their home countries to compete against us," stated Representative Zoe Lofgren (D-CA), ranking member of the House's

Subcommittee on Immigration Policy and Enforcement, in a press release. Lofgren, whose district includes part of Silicon Valley, is the sponsor of legislation (HR 2161) that would help American companies attract and retain the best and the brightest workers by empowering these companies to seek green cards for graduates with an advanced STEM degree from an American university.

Representative Jeff Flake (R-AZ) has proposed legislation (HR 399) that would offer permanent residency to foreign-born students who earn a PhD in a STEM field from an American university and who have an offer of employment. Flake's bill, known as the STAPLE Act, would "staple a green card to every diploma," notes the congressman. "Unless we want to see the next Google or Intel created overseas, we've got to enact legal immigration reforms that allow foreign-born, US-educated students who have earned advanced degrees to remain and work in the country after they've graduated," said Flake in a statement issued by his office. HR 399 has drawn bipartisan support from more than a dozen cosponsors.

Despite some bipartisan rhetoric, the future of immigration reform for skilled STEM workers is uncertain. The largest hurdle is likely to be that congressional action will probably be tied to the issue of illegal immigration, a debate that has been stalled for years.

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