



Sustaining our Most Advanced Researchers and Technology (SMART) Jobs Act of 2012

Senators Lamar Alexander (R-Tenn.) and Chris Coons (D-Del.)

Many of the world's most talented young people come to the United States to obtain their masters or doctoral degrees in science, technology, engineering and math. Too many of those students are then forced to leave the United States to pursue their ideas and innovations elsewhere because of an outdated immigration system that hasn't adapted to the modern global economy.

Half of all masters and PhD degrees in STEM fields at American universities are earned by foreign-born students who then face an uncertain, expensive, and unwieldy path to pursuing their ideas in the United States. Our country is hemorrhaging innovations — and the jobs that come with them — because America's immigration laws have failed to keep up with modern needs.

In the past 15 years, immigrants founded a quarter of U.S. venture-backed public companies. Intel, eBay, Yahoo! and Google were all founded, at least in part, by immigrants and now employ over 150,000 people. By turning away talented, American-educated foreign nationals who want to put their skills to work here and create jobs in the U.S, we are missing an important opportunity to keep the United States competitive in the global economy.

The bipartisan SMART Jobs Act creates a new visa that allows foreign-born, American-educated holders of masters and doctorate degrees in STEM fields to pursue STEM careers here in the United States.

Under the SMART Jobs Act, U.S.-educated graduates of STEM masters and PhD programs who are hired by United States businesses can achieve permanent legal status via an expedited and straightforward process. United States businesses can capitalize on the investment already made in workers to grow U.S. operations, rather than outsourcing.

The SMART Jobs Act creates a new approach to stopping the STEM "brain drain":

- Students pursuing masters or doctorate degrees in STEM fields in the United States may enter the U.S. on a new non-immigrant (F-4) visa.
- Following completion of their degrees, the students will have one year during which they may continue to reside legally in the U.S. while seeking a job in a STEM field.
- After securing full-time employment in a STEM field, the graduates may have their status adjusted to Legal Permanent Resident.

Making it easier for foreign-born, American-educated innovators to stay in the United States is just one aspect of urgently needed immigration reform. At a time when our economy needs every job it can get, and when our country is falling behind in the competitive global marketplace, Congress has the opportunity to keep some of the most advanced scientists and engineers here in the United States.

Why do we need the SMART Jobs Act?

- **Stop the “brain drain.”** Each June, approximately 50,000 masters and doctoral students graduate from U.S. universities and about one-third return to their home country or go elsewhere. That means the United States is losing out on the innovative, job-creating potential of some 17,000 highly educated people each year.
- **Meet critical needs.** In 2010, approximately 1,600 computer science Ph.D. students graduated from U.S. universities. Of these, some 60 percent were foreign nationals. If they return home, that leaves a very small talent pool for the private sector, government, and academia in this critical area.
- **Stop fueling foreign competitors.** Countries like China and India are eager to snap up American-educated STEM graduates, paying top salaries and benefits to get graduates to return home and help their economies grow. China has vowed to increase its talent pool of creative skilled workers to 180 million in the next eight years and has launched an incentive plan called the “1000 Talents Program” to lure researchers back home. America’s loss is our foreign competitors’ gain.
- **Create new jobs here.** More than 40 percent of Fortune 500 companies were founded by immigrants or their children. These are established companies that employ more than 10 million people worldwide and have combined revenues of \$4.2 trillion - a figure greater than the GDP of every country in the world except the U.S., China, and Japan. Immigrant-founded start-up companies created 450,000 jobs in less than a decade, and collectively they have generated as much as \$52 billion in sales in a single year.
- **Promote innovation.** Highly qualified, STEM-educated immigrants are likely to work in highly innovative fields, creating and supporting businesses with the most growth and job creation potential. Immigrants are nearly twice as likely as U.S.-born individuals to start new businesses, and in Silicon Valley, over half of the new high-tech startups had an immigrant founder. Innovation drives advances in both the private and the public sector – 41 percent of the patents filed by the U.S. government had foreign-born inventors or co-inventors, and major American companies rely on the skills of their foreign-born researchers. For example, foreign-born inventors are behind 72 percent of Qualcomm's patents, 65 percent of Merck's patents, and 64 percent of General Electric's patents.

Legislative Breakdown

Section 1. *Sustaining our Most Advanced Researchers and Technology (SMART) Jobs Act of 2012.*

Section 2. *Defines the term "STEM field" as a field of study or occupation that is listed on a Degree Program List maintained and updated by the Department of Homeland Security.*

Section 3.

- Creates a new student visa category (F-4).
- Defines "institution of high education".
- Establishes criteria for the new student visa:
 - Student must express intent to either immediately return to their country of residence after completing their degree program or obtain employment in the United States in a STEM field.
 - The visa is valid for the complete period of study while enrolled in an academic program.
 - Once the degree is completed, and as long as the student is actively pursuing employment, the new student visa remains valid for 1 year
 - Finally, while the adjustment of status application is pending to obtain a green card, the student visa remains valid for an additional 6 months.
- Establishes process for obtaining a green card: Upon completion of an advanced degree and obtaining employment, the student is eligible to obtain a green card and become a permanent legal resident of the United States.
- Fees will be used for job training programs and for fraud prevention and detection.

Section 4. *Provides that individuals who receive a green card under this program do not count toward any existing numerical limitations on employment-based immigrants.*

Section 5. *Requires an annual report from the Department of Homeland Security listing the number of F-4 visas granted, the country of origin of F-4 students, and the schools they attend.*