



POLICY ALERT

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New Immigration Policies and Initiatives for Attracting and Retaining STEM Workers in the US

By: Rebecca Cohen

On January 21, 2022, the Biden Administration announced several agency actions to attract and retain international science, technology, engineering, and math (STEM) talent. Attracting STEM talent is one of the administration's key strategies for U.S. technological and economic global competitiveness. The administration set forth new policies to provide clearer and more predictable pathways for international STEM talent, via the F-1 student, J-1 exchange visitor, O-1 extraordinary ability non-immigrant visa categories and via the EB-2 National Interest Waiver immigrant visa category.

These policies will enable potential STEM workers to stay in the U.S. after completing their college education, enter the U.S. as workers or researchers, and/or apply for permanent residence and citizenship.

New policies have been introduced in four major areas:

Enhanced Opportunities for J-1 Exchange Visitors in STEM Fields

The Department of State expanded the use of J-1 exchange visitor visas to provide more pathways for individuals in STEM fields through two initiatives. The Early Career STEM Research initiative facilitates the use of J-1 exchange visitors to conduct research, training and educational exchange programs with host organizations, including businesses. A second temporary initiative will allow additional academic training for J-1 undergraduate and graduate students in STEM fields for periods of up to 36 months. This program is limited to the 2021-22 and 2022-23 academic years.

Expanded Opportunities for Students to Gain Experience through STEM OPT

The Department of Homeland Security (DHS) added 22 new fields of study to the STEM Designated Degree Program List for the Optional Practical Training (OPT) program. The list can be found [here](#). These additional fields of study are mostly new multidisciplinary or emerging fields, such as cloud computing, data analytics, and business analytics. This change will allow more F-1 students to be eligible to gain practical experience through STEM OPT, and potentially a work visa later.



Expanded Access to O-1A Visas for Workers in STEM Fields

U.S. Citizenship and Immigration Services (USCIS) is making the O-1A visa category more accessible to individuals focused on STEM careers. USCIS updated their policy manual to provide clarity on how it determines eligibility for individuals of extraordinary ability and what evidence may satisfy the evidentiary criteria, including providing examples of evidence. DHS is also clarifying eligibility for people with extraordinary ability in these fields. This visa category is available to people with extraordinary ability in science, education, business, or athletics.

Updated Guidance on National Interest Waivers

Finally, USCIS updated guidance in the USCIS policy manual to address requests for national interest waivers (NIWs) for advanced degree professionals or persons of exceptional ability. The guidance specifically addresses how someone with a STEM degree or someone who is an entrepreneur can use the NIW process.

If you would like more information about immigration options in STEM fields, please [contact us](#).

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