

112TH CONGRESS
2D SESSION

S. _____

To amend the Immigration and Nationality Act to provide certain immigration benefits for aliens with an advanced degrees in science, technology, engineering, or mathematics and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to provide certain immigration benefits for aliens with an advanced degrees in science, technology, engineering, or mathematics and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing the Talent
5 America Requires for the 21st Century Act of 2012” or
6 the “STAR Act of 2012”.

1 **SEC. 2. DEFINITIONS.**

2 (a) STEM FIELD.—Section 101(a) of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1101(a)) is amended
4 by inserting after paragraph (52) the following new para-
5 graph:

6 “(53) STEM FIELD.—The term ‘STEM field’
7 means a field of study or occupation included on the
8 2012 STEM Designated Degree Program List pub-
9 lished by the Department of Homeland Security and
10 referred to in section 214.2(f)(11)(C)(2) of title 8,
11 Code of Federal Regulations, (or any similar suc-
12 cessor regulation) or any field of study or occupation
13 added to such list by the Secretary of Homeland Se-
14 curity.”.

15 (b) UNITED STATES RESEARCH INSTITUTION.—Sec-
16 tion 101(a) of the Immigration and Nationality Act (8
17 U.S.C. 1101(a)), as amended by subsection (a), is further
18 amended by adding at the end, the following new para-
19 graph:

20 “(54) UNITED STATES RESEARCH INSTITU-
21 TION.—The term ‘United States research institution’
22 means an institution of higher education that—

23 “(A) is described in section 101(a) of the
24 Higher Education Act of 1965 (20 U.S.C.
25 1001(a));

1 “(ii) STEM VISA HOLDER.—Visas al-
2 located under section 203(b)(2) shall be
3 made available first to aliens who graduate
4 from a United States research institution
5 with a doctorate or master’s degree in a
6 STEM field and who intend to work in a
7 related field. Visas made available under
8 this clause shall not be counted for pur-
9 poses of computing any percentage of the
10 worldwide level under this subsection.”.

11 (c) UTILIZING VISAS.—Section 202(a)(5) of the Im-
12 migration and Nationality Act (8 U.S.C. 1152(a)(5)) is
13 amended by adding at the end the following:

14 “(C) CARRY OVER VISAS.—The total num-
15 ber of visas available under paragraph (1), (2),
16 (3), (4) or (5) of section 203(b) shall be in-
17 creased by the difference between the number
18 of visas available under section 203(b) in the
19 prior fiscal year and the amount used during
20 that fiscal year.”.

21 **SEC. 5. RETAINING STUDENTS IN STEM FIELDS.**

22 (a) DUAL INTENT.—Section 101(a)(15)(F)(i) of the
23 Immigration and Nationality Act (8 U.S.C.
24 1101(a)(15)(F)(i)) is amended by striking “an alien hav-
25 ing a residence in a foreign country which he has no inten-

1 tion of abandoning, who is a bona fide student qualified
2 to pursue a full course of study and who” and inserting
3 “an alien who is a bona fide student qualified to pursue
4 a full course of study, who (except for a student who in-
5 tends to pursue a Master’s or higher degree in a STEM
6 field from a United States research institution) has a resi-
7 dence in a foreign country which the alien has no intention
8 of abandoning, and who”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) PRESUMPTION OF STATUS.—Section 214(b)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1184(b)) is amended by striking “(other than a non-
13 immigrant” and inserting “(other than a non-
14 immigrant described in section 101(a)(15)(F) if the
15 student intends to pursue a Master’s or higher de-
16 gree in a STEM field from a United States research
17 institution)”.

18 (2) INTENTION TO ABANDON FOREIGN RESI-
19 DENCE.—Section 214(h) of the Immigration and
20 Nationality Act (8 U.S.C. 1184(h)) is amended by
21 inserting “(F) (if the student intends to pursue a
22 Master’s or higher degree in a field of science, tech-
23 nology, engineering or mathematics from a quali-
24 fying research institution)” before “(H)(i)(b)”.

1 **SEC. 6. RETAINING SKILLED WORKERS SUBJECT TO VISA**
2 **BACKLOG.**

3 (a) IN GENERAL.—Section 245(a) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1255(a)) is amended—

5 (1) by redesignating paragraphs (1), (2), and
6 (3) as subparagraphs (A), (B), and (C), respectively;

7 (2) by striking “(a) The status of” and insert-
8 ing the following:

9 “(a) IN GENERAL.—

10 “(1) ADJUSTMENT OF STATUS.—The status
11 of”; and

12 (3) by adding at the end the following:

13 “(2) SUPPLEMENTAL FEE.—An application
14 that is based on a petition approved or approvable
15 under subparagraph (E) or (F) of section 204(a)(1)
16 may be filed without regard to the limitation set
17 forth in paragraph (1)(C) if a supplemental fee of
18 \$500 is paid by the principal alien at the time the
19 application is filed. A supplemental fee may not be
20 required for any dependent alien accompanying or
21 following to join the principal alien.

22 “(3) VISA AVAILABILITY.—An application for
23 adjustment filed under this paragraph may not be
24 approved until such time as an immigrant visa be-
25 comes available.”.

1 (b) USE OF FEES.—Section 286(v)(1) (8 U.S.C.
2 1356(v)(1)) is amended by inserting before the period at
3 the end “and the fees collected under section 245(a)(2).”.

4 **SEC. 7. ELIMINATION OF DIVERSITY IMMIGRANT PRO-**
5 **GRAM.**

6 (a) WORLDWIDE LEVEL OF DIVERSITY IMMI-
7 GRANTS.—Section 201 of the Immigration and Nation-
8 ality Act (8 U.S.C. 1151) is amended—

9 (1) in subsection (a)—

10 (A) by inserting “and” at the end of para-
11 graph (1);

12 (B) by striking “; and” at the end of para-
13 graph (2) and inserting a period; and

14 (C) by striking paragraph (3); and

15 (2) by striking subsection (e).

16 (b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—
17 Section 203 of such Act (8 U.S.C. 1153) is amended—

18 (1) by striking subsection (e);

19 (2) in subsection (d), by striking “(a), (b), or
20 (c),” and inserting “(a) or (b),”;

21 (3) in subsection (e), by striking paragraph (2)
22 and redesignating paragraph (3) as paragraph (2);

23 (4) in subsection (f), by striking “(a), (b), or
24 (c)” and inserting “(a) or (b),”;

1 (5) in subsection (g), by striking “(a), (b), and
2 (c)” and inserting “(a) and (b)”.

3 (c) PROCEDURE FOR GRANTING IMMIGRANT STA-
4 TUS.—Section 204 of such Act (8 U.S.C. 1154) is amend-
5 ed—

6 (1) by striking subsection (a)(1)(I); and

7 (2) in subsection (e), by striking “(a), (b), or
8 (c)” and inserting “(a) or (b)”.

9 (d) USE OF VISAS.—There shall be 55,000 immi-
10 grant visas available for the aliens described in clause (ii)
11 of section 203(b)(2)(A) of such Act (8 U.S.C.
12 1182(a)(5)(A)), as added by section 4.