Foreigners With American Graduate Degrees Get Access to 20,000 Special Worker Visas

By JOHN GRAVOIS

WASHINGTON

Foreigners who hold master's degrees or Ph.D.'s from American universities will have an edge over other foreign citizens seeking H-1B visas to work in the United States, thanks to a provision tucked into the vast spending bill that Congress approved on Saturday.

The provision would allocate 20,000 new H-1B worker visas in the current fiscal year, which promotes the budgets of 13 federal departments and dozens of agencies for the 2005 fiscal year (The Chronicle, November 22).

The Department of Homeland Security's U.S. Citizenship and Immigration Services agency was authorized to issue a total of 65,000 H-1B worker visas for the current fiscal year, the same number as in the 2004 fiscal year, which ended on September 30. The size of the cap varies from year to year, but in five of the past seven, it has been reached before the end of the fiscal year, leaving thousands of job-seekers in limbo until the start of the next visa-granting cycle.

Under the new provision, the first 20,000 applicants for H-1B visas with graduate degrees will not have to compete against the larger pool of applicants. Likewise, their visas will not be counted against the regular cap.

The regular cap for the 2005 fiscal year has already been met. While it is not yet clear how the immigration agency will apply the new exemption to this year's application cycle, the 20,000 new visas may become available to foreign graduates as soon as 90 days after the spending bill is signed into law.

Lobbyists for higher education and for industry, both of which pushed hard for the exemption, were pleased with the new provision.
For higher education, the separate quota may help to allay the fears of prospective graduate students from other countries, who worry that they may not be able to find work after getting their American degrees.

"This will ensure that foreign students find that the United States is still a welcoming entity for their academic pursuits and postgraduate job opportunities," said Sheldon E. Steinbach, vice president and general counsel at the American Council on Education.

For businesses, the provision will give access to a more talented labor supply -- particularly in fields related to mathematics, engineering, science, and technology. Those subjects are frequently dominated by foreign graduate students in American universities (*The Chronicle*, October 8).

"It's been puzzling to U.S. companies that we don't have access to the very talent that we've educated," said Sandra Boyd, a vice president at the National Association of Manufacturers. "We should never shut the door to that level of talent."

Background articles from *The Chronicle*:

- [Enrollment of Foreign Students Drops in U.S.](http://chronicle.com/temp/email.php?id=wwks6czuxjmcvlxqo8mydjo4bfscum0s) (11/19/2004)
- [Fixing the Visa Quagmire](http://chronicle.com/temp/email.php?id=wwks6czuxjmcvlxqo8mydjo4bfscum0s) (10/8/2004)