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Author: Dr. Aparna Vashisht-Rota

**Consistent with its global mission to help international students, August International Education Journal publishes topics of interest to students, agents, and educators. The journal will publish twice a year in August and January each year. The first issue is included.**

**Call for Authors:** Volume 2, No. 2, January 2023 Edition: August International Education Journal, Spring 2023 Edition

**Submission Guidelines:** Articles should run 4,500-7,000 words with citations. All contributions should be original with proper attribution. All articles should be submitted in Word or pdf, as an attachment. Articles should adhere to academic journal style APA or MLA style.

There should be an abstract for each article not more than 250 words. There should be an author biography, address, email address, phone number, with a two or three-sentence summary of the article.

**Submission Deadline:** November 30, 2022

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Topics:

- 1. STEM**
- 2. International student stories**
- 3. Data driven recruitment changes**
- 4. Policy changes**
- 5. Top 15 frustration points**

Dr. Aparna Vashisht-Rota  
August Education Group  
Private Research Institute

## **The Best STEM Recruitment Strategy begins with Improving STEM Retention: The STEM Innovation Imperative of the proposed 2022 America COMPETES Act & How to Leverage Existing Talent Through Immigration Reform.**

**Summary:** What is knowledge ultimately? It is thought leadership. The United States is known for its innovation and advancements in nearly all fields. Once the United States loses its leadership, the value of its degrees, knowledge, and expertise will fall precipitously. This article examines current problems faced by F-1 students in the context of the Biden-Harris administration's proposed America COMPETES ACT and its goal to facilitate the US's ability to remain a global leader in STEM research. An analysis of U.S. policy alongside that of China, shows that China is a global leader in STEM, and it is a credible threat to the United States. Through thoughtful analysis of the Indian Nationals' experience with U.S. international education system, this article offers solutions to the current flaws in the immigration system. These timely fixes would make the U.S. immediately more competitive, invariably improve the student experience, and facilitate word-of-mouth recruiting of other top scientists and students to pursue STEM research in the U.S. The following changes are equivalent to overhauling the entire immigration system and allow the US to retain, recruit, and grow talent.

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## **Introduction**

Since taking office in February 2020, the Biden-Harris Administration has worked to advance STEM policies, including the introduction of 22 new STEM majors. The proposed America COMPETES ACT of 2022 is a further advancement of the U.S. aimed at cultivation maintain a competitive scholarly advantage in STEM research. The America COMPETES Act is a response to China's gains in the doctoral degree grants which shows the administration's commitment to United States' academic leadership. For the United States to remain competitive and maintain its lead, the immigration community needs to address and fix challenges for STEM talent already in the United States. The taxpayers in the United States have spent the money. Thus, making the process simpler will retain current talent, recruit the best future STEM talent through word-of-mouth marketing, and grow STEM leadership. This article offers practical problems faced by F-1 students and some immediate solutions that will retain current STEM talent, relieve the pressure on both the immigration system as well as the students, and result in immediate competitive advantage with minimal financial investment.

## **The Challenge**

India and China account for the highest number of students in the United States. China competes with the United States in STEM research. As of 2018, it is within 3,000 STEM graduates at the doctoral level<sup>1</sup>. Once they take over the academic journals or thought leadership, the pursuit of American education will become less attractive to international students around the world. The investment in these students has already been made so one of the best ways to remain competitive is to retain this talent through minor and specific immigration reform. By valuing its own education more, the United States can further enhance its ability to attract new STEM professionals.

From the perspective of an active practitioner working with students possessing expiring OPTs or H seeking full time work options, the approach proposed in this paper seeks maximum gains with the lowest investment. The article highlights the often overlooked areas of immigration policy, that have the potential to, with minor improvements

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such as visa extensions, result in a more diverse immigrant STEM population.

Part 1 discusses the background and context of the article. Part Two, examines the particular case of the experience of Indian nationals' receiving a STEM degree in the U.S. alongside the practical and logistical challenges that current US immigration policy presents as a result of its discriminatory principals. The article argues that these discriminatory clauses are causing America to miss out on existing top STEM talent. Part 3 lists 12 recommendations to fix the problems identified in Part 1 and Part 2 that are low cost with highest returns in the highly competitive recruitment market.

## Part 1: Background

**On January 21, 2022**, DOS and DHS announced new actions related to STEM work authorization, J-1 Researchers, National Interest Waivers (NIWs), and O-1 Extraordinary Ability Workers. According to the Biden-Harris administration, "These actions will allow international STEM talent to continue to make meaningful contributions to America's scholarly, research and development, and innovation communities."<sup>1</sup>

On the same day, the Biden-Harris administration introduced new STEM fields, wherein the DHS expanded opportunities in the U.S. for STEM Professionals. The 22 new fields of study are bioenergy, general forestry, forest resources production and management, human-centered technology design, cloud computing, anthrozoology, climate science, earth systems science, economics and computer science, environmental geosciences, geobiology, geography and environmental studies, mathematical economics, mathematics and atmospheric and oceanic science, general data science, general data analytics, business analytics, data visualization, financial analytics, other data analytics, industrial and organizational psychology, and social sciences, research methodology, and quantitative methods.<sup>2</sup>

On January 25, 2022, The America COMPETES Act of 2022, H.R. 4521, 117<sup>th</sup> Cong. (2022) was introduced that exempts green cards caps for any U.S. equivalent STEM Ph.D. programs to counter China's advances in the doctoral field and funds STEM education for low-income U.S. citizens with a \$1,000 supplemental fee.<sup>3,4</sup>The new fields provide new channels but

the immigration process still has to move through the same eye of the needle.

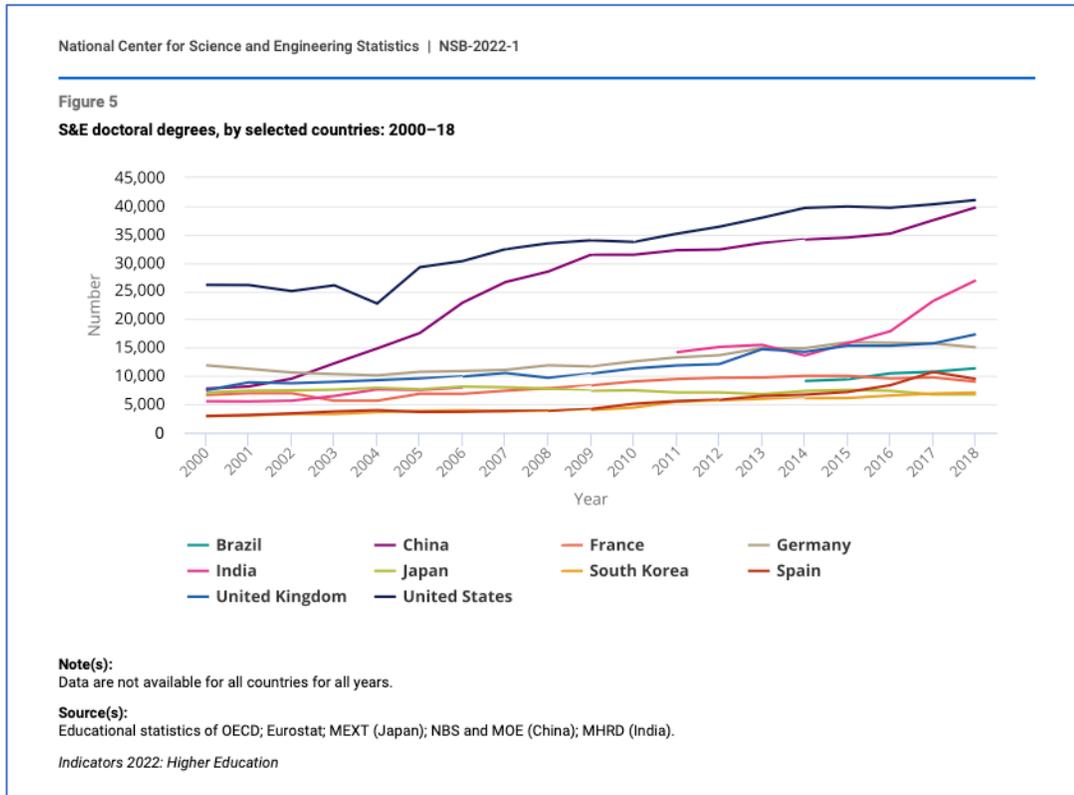


Table One: S&E doctoral degrees, by selected countries: 2000-18

Doctoral Degree by Country 2018	
United States	41,071
China	39,768
India	26,890
United Kingdom	17,366
Germany	15,061
Brazil	11,365
Spain	9,480
France	8,987
South Korea	7,077
Japan	6,754

Table Two: S&E doctoral degrees, by selected countries: 2018

Table Two 2018<sup>5</sup> shows that as of 2018, China produced 39,768 doctoral to the United States 41,071. India and China are the leading suppliers of STEM talent for the United States. China is catching up in key

measures of research output. This means that it is producing research at a faster rate as noted in the 2018 data. America relies on international students to maintain its position in the global market so creating incentives for existing STEM Professionals is key to success in academic research. But the system is not immigrant friendly. The immigration process lacks reliability, transparency, and trust in the marketplace. Students are savvy and demand a return on investment (ROI). There are known issues with budgets<sup>6</sup> and immigration courts<sup>7</sup> and a system overhaul is required. But the overhaul represents large investments.

The immigration community has to understand that academic journals are tough to break into and once Chinese universities have strong foothold over global research output, the United States won't be able to catch up. The pandemic further exacerbates the need to add talent as per the CDC "COVID-19 data shows losses<sup>8,9</sup>." The best recruitment strategy is a good retention strategy. This means that in order to recruit and attract new talent, the best vehicle for that marketing is existing students.

The article shows that on the one hand the administration is adding new fields and addressing the competition with respect to China, on the other hand, it is largely ignoring existing STEM Indian Nationals. Although all nationals are offered the same STEM OPT extension which was approved by the Final Rule for 24-months (ICEB-2021-0011)<sup>10</sup>, that time period is insufficient for Indian Nationals that face longer processing due to no fault of their own. But they face delays as described next.

## Part II Discriminatory System

India and China are the top sources of students to the United States.

<b>Rank</b>	<b>Place of Origin</b>	<b>Scholars</b>	<b>% of Total</b>	<b>% Change</b>
<b>1</b>	China	26,254	30.7	-38.7
<b>2</b>	India	12,714	14.9	-5.9
<b>3</b>	South Korea	4,928	5.8	-29.7
<b>4</b>	Canada	3,863	4.5	-12.2
<b>5</b>	Brazil	2,584	3.0	-39.5
<b>6</b>	Germany	2,419	2.8	-42.1
<b>7</b>	Italy	2,275	2.7	-36.4

8	Japan	2,243	2.6	-37.1
9	France	2,117	2.5	-38.4
10	United Kingdom	1,736	2.0	-29.4
11	Spain	1,553	1.8	-35.9
12	Mexico	1,345	1.6	-15.7
13	Iran	1,315	1.5	-14.6
14	Taiwan	1,164	1.4	-31.7
15	Turkey	1,084	1.3	-32.0
16	Israel	1,065	1.2	-26.8
17	Pakistan	820	1.0	-14.1
18	Colombia	777	0.9	-28.6
19	Australia	743	0.9	-29.9
20	Egypt	650	0.8	-26.1
21	Russia	625	0.7	-28.0
22	Greece	584	0.7	-25.6
23	Netherlands	553	0.6	-44.2
24	Argentina	506	0.6	-19.9
25	Poland	461	0.5	-40.3

Table Three: Source: Leading Places of Origin

<https://opendoorsdata.org/data/international-scholars/leading-places-of-origin/>

Indian passport holders generally suffer from longer processing because of the visa caps in employment-based preferences for work visas. However, that is discriminatory to them for several reasons, which will be further discussed in the following arguments. As seen in Table 4, the snapshot of the employment-based preferences shows that Indian Nationals are 6 years behind China in employment based 2 and 3. They are one of the main sources of STEM talent as seen in Table 3.

**EMPLOYMENT-BASED PREFERENCES<sup>11</sup>**

**A. FINAL ACTION DATES FOR EMPLOYMENT-BASED PREFERENCE CASES**

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<b>Employment-based</b>	<b>All Chargeability Areas Except Those Listed</b>	<b>CHINA-mainland born</b>	<b>EL SALVADOR GUATEMALA HONDURAS</b>	<b>INDIA</b>	<b>MEXICO</b>	<b>PHILIPPINES</b>
1st	C	C	C	C	C	C
2nd	C	01MAR19	C	01SEP13	C	C
3rd	C	22MAR18	C	15JAN12	C	C
Other Workers	C	01JUN12	C	15JAN12	C	C
4th	C	C	01MAY17	C	01APR20	C
Certain Religious Workers	C	C	01MAY17	C	01APR20	C
5th Unreserved (C5, T5, and all others)	C	C	C	C	C	C
5th Unreserved (I5 and R5)	C	22NOV15	C	C	C	C
5th Set Aside: Rural (20%)	C	C	C	C	C	C
5th Set Aside: High Unemployment (10%)	C	C	C	C	C	C
5th Set Aside: Infrastructure (2%)	C	C	C	C	C	C

*Table Four: \*Employment Third Preference Other Workers Category:* Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW final action date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002. For Fiscal Year 2022 this reduction will be limited to approximately 150.

### **Costs of Discrimination:**

The students from India complete their first MS STEM degree. Post degree, they get their first initial OPT. Once they run out of that period, those that have not found a sponsor or survived the H-1 process, they end up attending so called CPT universities. These universities offer CPT or curricular practical training from day one which means that students can work from the first day. Indian Nationals spend at least \$20,000 to \$25,000/year on tuition at these universities to continue working.

The good thing about the CPT programs is that as students have already exhausted their CPT at the first master's OPT level, they can work full time on CPT while they wait. As seen in Table Four, comparing China and India processing, Indian nationals have an additional 6 years. That is 6 years at a cost of at least \$25,000 in tuition costs or \$150,000. It takes years for Indian Nationals to get their green card. The students will take 15+ years or at a minimum cost of \$375,000 (\$25,000/year\*15 years) to complete the entire US Immigration cycle. Rather than make them spend their money on education, they don't need, the United States should allow higher OPT time periods to equalize the system for all passport holders.

## Part III: Simple Changes

The following changes are equivalent to overhauling the entire immigration system and allow the US to retain, recruit, and grow talent. This is because it will eliminate needless hurdles for STEM Professionals already in the United States. These professionals will recruit other STEM Professionals which will enable the United States to be competitive in immigration offers, and both of these steps will arguably grow STEM talent.

### 1. Extend the Final Rule from 24 months to 108 months.

Modification of Final Rule by Executive Order or through public comment can provide the fastest three automatic 36-month extensions of OPT (108 months) for F-1 nonimmigrant students who majored in a designated STEM field of study. The Final Rule Order adopted at Docket Number: ICEB-2021-0011. In 2016<sup>12</sup>, “DHS published a Final Rule providing a 24-month extension of OPT for F-1 nonimmigrant students who majored in a designated STEM field of study. (See 81 FR 13039 (Mar. 11, 2016) (“Improving and Expanding Training Opportunities for F-1 Nonimmigrant Students With STEM Degrees and Cap-Gap Relief for All Eligible F-1 Students”) (“2016 STEM Rule”). By modifying the Final Rule by Executive Order and providing three automatic 36-month extensions of OPT (108 months) for F-1 nonimmigrant students who majored in a designated STEM field of study. The Secretary has broad authority to administer and enforce the nation's immigration laws. See generally 8 U.S.C. 202; Immigration and Nationality Act of 1952, as amended (INA), 8 U.S.C. 1103. Section 101(a)(15)(F)(i) of the INA Establishes the F-1 nonimmigrant classification for individuals who wish to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an academic institution or accredited language training school certified by the U.S. Immigration and Customs Enforcement's (ICE) SEVP. See INA Sec. 101(a)(15)(F)(i), 8 U.S.C. 1101(a)(15)(F)(i). The INA provides the Secretary with broad authority to determine the time and conditions under which nonimmigrants, including F-1 students, may be admitted to the United States. See INA Sec. 214(a)(1), 8 U.S.C. 1184(a)(1). The Secretary also has broad authority to determine which individuals are authorized for employment in the

United States. *See* INA Sec. 274A(h)(3), 8 U.S.C. 1324a(h)(3). Finally, the Secretary, or his or her designee, has authority to maintain the STEM list, which is a complete list of qualifying degree program categories published on the SEVP website at <http://www.ice.gov/sevis>. Changes that are made to the STEM list may also be published in a notice in the **Federal Register**. *See* 8 CFR 214.2(f)(10)(ii)(C)(2)(ii)."

2. Allow Concurrent H-1 and OPT for immigrants so that the immigrants can concurrently pursue their H-1 visas and green cards while they work on Optional Practical Training. As OPT originates at the university level, it is easier to implement.
3. Allow 180 days for initial Post Completion OPT from current 30 days. The USCIS may consider increasing the time window to apply for OPT to 180 days from the present 30 days<sup>13</sup>. The increase in application period for applying for the OPT as a simple change that results in profound efficiency.
4. Allow Double Master's CPT students more OPT or CPT which is easier to implement. Students in a double master's degree on CPT ("Curricular Practical Training") programs should either be allowed to apply for two additional STEM OPT extensions for a total of 6 years concurrent with H-1 processing or they should be granted CPT Experiential Grants with credits enrollment from any university.
  - a. "Authorities for CPT and OPT"<sup>14</sup>
    - i. 8 CFR 214.2(f)(10)-(12)
    - ii. 8 CFR 274a.12(b)(6)(iv)
  - b. Practical Training
    - i. If you are an F student, you have the option of training in the United States by engaging in practical training during your program or after it ends. Practical training can provide valuable work experience by sharpening and adding to the skills you are learning in school. There are two types of practical training available for F-1 students: curricular practical training (CPT) and optional practical training (OPT).

### CPT

- i. CPT is integral to your major and the experience must be part of your program of study. When you enroll at the graduate level, your designated school official (DSO) may authorize CPT during your first semester if your program requires this type of experience. Ask your DSO for details.
- ii. *Your DSO will provide you a new Form I-20, "Certificate of Eligibility for Nonimmigrant Student Status," that shows that the DSO has approved you for this employment.<sup>15</sup>*
- iii. You can work on CPT either full-time or part-time.
- iv. CPT requires a signed cooperative agreement or a letter from your employer.
- v. *If you have 12 months or more of full-time CPT, you are ineligible for OPT, but part-time CPT is fine and will not stop you from doing OPT.<sup>16</sup>*

### OPT

- i. OPT must relate to your major or course of study.
- ii. You can apply for 12 months of OPT at each education level, (i.e., you may have 12 months of OPT at the bachelor's level and another 12 months of OPT at the master's level).
- iii. Your DSO will provide you with a new Form I-20 that shows the DSO recommendation for this employment.
- iv. For work authorization, you must mail a completed Form I-765, "Application for Employment Authorization," to U.S. Citizenship and Immigration Services (USCIS) and pay a filing fee. USCIS will send you a Form I-766, "Employment Authorization Document," (EAD) upon approving your Form I-765.
- v. Wait to start work until after you receive your EAD.
- vi. While school is in session, you may only work 20 hours per week.

### **24-Month STEM OPT Extension**

- i. All F-1 students who are currently on a regular period of OPT and are eligible for a STEM OPT extension must apply for the 24-month STEM OPT extension.
- ii. You may qualify for an additional 24 months of OPT under the following circumstances:
- iii. You are currently participating in a regular period of OPT.

- iv. You received a science, technology, engineering or mathematics (STEM) degree at an undergraduate level or higher and seek a training opportunity related to this degree.
  - v. You received your qualifying STEM degree from a currently accredited SEVP-certified college or university.
  - vi. The employer from which you are seeking employment uses the E-Verify program.
  - vii. You and your prospective employer have completed and signed the Form I-983, "Training Plan for STEM OPT Students."
  - viii. For more information about the specific eligibility requirements for the 24-month STEM OPT extension, please visit the STEM OPT Hub on Study in the States.
  - ix. Once your DSO verifies that your Form I-983 is complete and keeps it in your student record, they will provide you with a new Form I-20 that shows their recommendation for this training opportunity.
  - x. You must apply for work authorization by filing a Form I-765 with USCIS and paying a filing fee. USCIS will send you an EAD upon approving your petition.
  - xi. You may continue to work on your expired EAD for OPT up to 180 days while your 24-month extension petition is pending if you meet the following conditions:
  - xii. You are currently in a period of post-completion OPT.
  - xiii. You properly and in a timely manner filed your application for the 24-month extension with USCIS.
  - xiv. You must report changes in name, address, employer and loss of employment to your DSO within 10 days of any change."
5. Current Band-Aid for Indian Nationals for the immigration issue is CPT Day One Universities. Students enroll in so called CPT universities that offer full time CPT to students that have already completed their master's degree and their STEM OPT of 36 months. As the students wait for the next steps, they need work authorization. These programs on its face are effective and solve a problem in the market. The easiest alternative is that the immigration services allow CPT authorization after initial OPT of 36 months. The only criteria that should be used is whether the student is gainfully employed in STEM or not. If the student is employed in a STEM field, then the DHS may allow students

to additional OPT or CPT authorization. There is no point in bringing immigrants to the United States and then making it impossible for them to produce the revenue. The result is inefficient expenditure of taxpayer dollars as it produces sub-optimal results for United States citizens. These immigrants are needlessly having to go through a perilous process when the system should use its existing tools to make it simpler. Once they are here, it is passive aggressive to not let them settle down especially in STEM fields.

6. Allow scholars and MS students from the United States to be eligible for STEM OPT extensions and concurrent H/green card processing. The United Kingdom recently recognized certain universities whose students would be fast tracked. In addition to the below, the United States should add state universities as the money on those Ph.D. students has already been spent. The list should be 400-500<sup>17</sup> in each category with tiers to allow maximum coverage to all types of institutions.

<b>Rank</b>	<b>Institution</b>	<b>City</b>	<b>State</b>	<b>Scholars</b>
<b>1</b>	Harvard University	Cambridge	MA	3,204
<b>2</b>	Columbia University	New York	NY	2,272
<b>3</b>	Yale University	New Haven	CT	2,100
<b>4</b>	University of California - Los Angeles	Los Angeles	CA	1,942
<b>5</b>	University of Michigan - Ann Arbor	Ann Arbor	MI	1,848
<b>6</b>	Johns Hopkins University	Baltimore	MD	1,835
<b>7</b>	University of California - San Diego	La Jolla	CA	1,831
<b>8</b>	Massachusetts Institute of Technology	Cambridge	MA	1,808
<b>9</b>	University of Pittsburgh - Pittsburgh	Pittsburgh	PA	1,668
<b>10</b>	Stanford University	Stanford	CA	1,602
<b>11</b>	University of Pennsylvania	Philadelphia	PA	1,530
<b>12</b>	University of California - Berkeley	Berkeley	CA	1,478

<b>13</b>	Washington University in St. Louis	Saint Louis	MO	1,478
<b>14</b>	University of California - San Francisco	San Francisco	CA	1,439
<b>15</b>	University of Minnesota - Twin Cities	Minneapolis	MN	1,313
<b>16</b>	University of Wisconsin - Madison	Madison	WI	1,272
<b>17</b>	University of California - Davis	Davis	CA	1,212
<b>18</b>	Purdue University - West Lafayette	West Lafayette	IN	1,154
<b>19</b>	University of Illinois - Urbana-Champaign	Champaign	IL	1,116
<b>20</b>	Duke University and Medical Center	Durham	NC	1,102
<b>21</b>	Northwestern University	Evanston	IL	1,066
<b>22</b>	Ohio State University - Columbus	Columbus	OH	1,064
<b>23</b>	University of Arizona	Tucson	AZ	1,062
<b>24</b>	Princeton University	Princeton	NJ	942
<b>25</b>	University of Florida	Gainesville	FL	941
<b>26</b>	Cornell University	Ithaca	NY	906
<b>27</b>	Rutgers University - New Brunswick	New Brunswick	NJ	903
<b>28</b>	University of North Carolina - Chapel Hill	Chapel Hill	NC	895
<b>29</b>	University of Washington	Seattle	WA	851
<b>30</b>	Texas A&M University - College Station	College Station	TX	827
<b>31</b>	California Institute of Technology	Pasadena	CA	823
<b>32</b>	Michigan State University	East Lansing	MI	820
<b>33</b>	University of Texas - Austin	Austin	TX	814
<b>34</b>	New York University	New York	NY	800
<b>35</b>	Boston University	Boston	MA	796
<b>36</b>	University of Alabama - Birmingham	Birmingham	AL	796

37	Emory University	Atlanta	GA	790
38	University of California - Irvine	Irvine	CA	779
39	University of Virginia - Charlottesville	Charlottesville	VA	764
40	University of Illinois - Chicago	Chicago	IL	737

Table Four: Institutions Hosting the Most Scholars

Source: <https://opendoorsdata.org/data/international-scholars/institutions-hosting-the-most-scholars/>

7. Allow STEM Indian Students from Ukraine<sup>18</sup> with competitive tuition offers. There are students in Ukraine. The United States can attract that talent at low costs provided that it can get universities in the United States the same tuition rate. The tuition rates at American Universities can be very high. The cost of not obtaining talent for the United States' economy is larger and an irreparable investment loss in capital at all levels. The United States should always be recruiting top talent across the world but instead it spends its time in antiquated legal system exposed to immigrants.
  
8. Allow Agents to Recommend STEM Professionals for green card exemptions as the United States already uses agents. On December 21, 2021, the lawmakers passed REMOTE Act, H.R. 5545, 117th Cong. (2021) Responsible Education Mitigating Options and Technical Extensions (REMOTE) Act, introduced alongside Veterans' Affairs Committee (Chairman Mark Takano (CA-41)) and Economic Opportunity Subcommittee (Chairman Mike Levin (CA-49))<sup>19</sup>. One part of this bill seemed to disallow<sup>20</sup> incentive-based recruitment for international students. Domestically, universities can't pay agents to recruit students which leads to the next issue in recruitment of international students. As the system has agents that operate for profit, it is difficult to execute and implement policies that are incongruent with the current marketplace. For instance, it is simple to state that the United States must get the best talent for STEM programs. The reality is dollar driven. The United States needs to hire agents or approve paralegals to provide direct services in these fields to help students with their paperwork and extensive follow up needed. While the incentive-based recruitment is strife with potential

problems, at present, the agents work well with the universities. They either need to be enabled to do more or the United States needs to step it up and provide basic guidelines to ensure that the best students and talent comes to the United States.

9. Experiential CPT Grant<sup>21</sup>: The immigration community and lawyers in general step in once a situation has gone sideways. However, immigration attorneys should step in at the first stage to explain other options available to F-1 students. The second area that the immigration community can influence is extend the STEM OPT from 24 months to 3 extensions of 36 months each with concurrent H/employment processing to equalize the system given the competition for STEM students. The Biden-Harris Administration of the Department of Homeland Security can open comments for creating an **Experiential CPT Grant** post completion OPT for a period of 3 years at a time renewable 3 times or 9 years. The grant to Indian nationals in particular will create parity in the system and permit all STEM foreign nationals to have the opportunity to establish themselves financially. The executive action, if implemented, for a 30-year period, will ensure that the United States gets the best talent and that talent gets the freedom to produce the most value. The action will enable agents and channel partners in the United States to become competitive again.

**a.) Funding for the Action:** Consistent with Biden-Harris proposed America COMPETES Act, nonimmigrants that receive the STEM OPT extensions can pay a supplemental fee per \$5,000-\$10,000/year for automatic OPT Experiential Grants at the university. This is consistent with the supplemental fee proposed in the H.R. 4521 exempting green cards caps for any U.S. equivalent STEM Ph.D. programs with a \$1,000 supplemental fee. The proposed funding is consistent with that thought process. The Experiential OPT Grant will effectively make STEM programs attractive again for Indian nationals.

- i. 50% of the Experiential OPT Grant money shall go towards development or education for Americans.

- ii. 50% of the Experiential OPT Grant money will go towards funding Ph.D. students for STEM Students already in the United States.

10. CPT Better than Staffing: For students with expiring OPT, CPT these programs offer CPT or university-based work authorization from the first day of the program so the immigrants can work through CPT on a full-time basis. As they have already completed a first master's program, they will not get another OPT so students work full time on CPT. They are called 'double master's' program. Students attend two classes at a time, CPT is built into the program with monthly to quarterly attendance/hybrid due to Coronavirus. For H students, often, they do not have a first Master's Degree in the United States, therefore, they have to balance the CPT/OPT hours noted above. This means that they can't work full time.

As students have work authorization, the tuition works out cheaper than working through a staffing company that charges 30% of the salary earned. If the student earns \$100,000, which STEM professionals do, the agent keeps \$30,000. The CPT Day One Program costs \$12,000-\$18,000/year. Thus, there are savings for the students. The issue is that often this education is redundant, therefore, it is better to offer Experiential OPT Grants with supplemental fees paid directly to the DHS. The fee can help with the staffing problems with the agencies.

11. Value U.S. Education Institutes by granting immediate visa waivers with fee payment and H-1 waivers for all STEM program F-1 students from institutes in Table 4 and expand the number of institutes that are on the list that offer a variety of immediate immigration benefits.

Proposed Tier 1: Institutes in Table 3. Immediate Initial F-1 Visa waiver, H-1 waiver, and green card approval.

Proposed Tier 2: 200 Universities selected through rankings. Those would be ranked state and other tier 2 universities: Visa waiver and H-1 waiver.

Proposed Tier 3: Tier 3 universities: Visa waiver, First H-1 waiver for 3 years pre-approved.

The list across tiers 1-3 would be top 400 institutes each or certain STEM & Non-STEM Programs. Notably, establishing waivers for Table 4 alone will lead to savings on 50,580 cases. The U.S. government would waive the initial student visa interviews, grant an H-1 cap exemption and

green card waivers. It will enhance the value of a U.S. Education that the U.S. system values its own degrees.

On May 30<sup>th</sup>, 2022, the United Kingdom announced<sup>22</sup> “World’s top graduates get new UK visa option. The government says the "high potential individual" route, which opens on Monday, will attract the "brightest and best" early in their careers. The scheme will be available to alumni of the top non-UK universities who graduated in the past five years. Graduates will be eligible regardless of where they were born and will not need a job offer in order to apply. Successful applicants will be given a work visa lasting two years if they hold a bachelor's or master's degree, and three years if they hold a PhD.” The competition is high.

## **DIPSLACEMENT OF US LABOR**

The main issue with more OPT/CPT is that immigrants create negative job scenarios for US citizens but given the STEM Ph.D. shortage, the Biden-Hariss Administration can divert talent with fully funded programs for this segment allowing the United States to use its population for its greatest advancements. Racism exists in the United States and African American STEM talent suffers if there are more Chinese or Indian Nationals in the market because companies prefer to hire immigrants due to costs.

With the right incentives, the United States can allocate its capital to cover all its STEM bases to compete globally.

## **CONCLUSION**

With small, timely fixes, the DHS, USCIS, and the Biden-Harris administration with support from the immigration community can boost the STEM lead for the United States. The Final Rule for STEM OPT from 24 months to a three 36-month automatic Experiential OPT Grants with concurrent processing will attract the best STEM talent. Other countries have better offers without the needless uncertainty. It is in the national interests too because China is within 3,000 STEM graduates at the doctoral level as of 2018<sup>2</sup>. Once they take over the academic journals, the value of an

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<sup>2</sup> Table Two

American education will decrease significantly. For the United States to remain competitive and maintain its lead, the immigration community needs to address and fix challenges for immigrants already in the United States. The United States needs to enable agents/immigration attorneys, and other paralegal services to allow for faster processing. The best word of mouth marketing for the United States are those immigrants already in STEM fields.

By valuing its own education more, the United States can further enhance its ability to attract new STEM Professionals.

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## NOTES

- <sup>1</sup> Featured Issue: *Biden Administration Actions to Attract and Retain STEM Talent* (January 24, 2022) AILA Doc. No. 22012151.
- <sup>2</sup> *DHS Notice Adding 22 Qualifying Fields of Study to STEM Designated Degree Program List* (January 21, 2022) AILA Doc. No. 22012052.
- <sup>3</sup> Karin Fisher, *What's in the America COMPETES Act*, (January 31, 2022). <https://www.getrevue.co/profile/latitudes/issues/competes-edition-1003963>, Latitudes, #150.
- <sup>4</sup> *America COMPETES Act HR 4521*: <https://docs.house.gov/billsthisweek/20220131/BILLS-117HR4521RH-RCP117-31.pdf>
- <sup>5</sup> *Science and Engineering Doctoral degrees by countries 2000-2018* (January 2022). The table is available at: <https://nces.nsf.gov/pubs/nsb20221/figure/5>
- <sup>6</sup> Featured Issue: *Immigration Reforms through Budget Reconciliation* (January 11, 2022). AILA Doc. No. 21091005.
- <sup>7</sup> Featured Issue: *How the Biden Administration Must Reform Immigration Courts* (Dated May 5, 2022). AILA Doc. No. 21041931.
- <sup>8</sup> Daniel C. DeSimone, M.D., *COVID-19 infections by race: What's behind the health disparities?* (April 29, 2022). <https://www.mayoclinic.org/diseases-conditions/coronavirus/expert-answers/coronavirus-infection-by-race/faq-20488802>
- <sup>9</sup> *Health Equity Considerations & Racial & Ethnic Minority Groups*, (January 25, 2022). <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html#:~:text=Impact%20of%20Racial%20Inequities%20on%20Our%20Nation's%20Health,-Racism%2C%20either%20structural&text=COVID%2D19%20data%20shows%20that,with%20non%2DHispanic%20White%20populations.https://opendoorsdata.org/data/international-scholars/leading-places-of-origin/>
- <sup>10</sup> *Update to the Department of Homeland Security STEM Designated Degree Program List*, (January 21, 2022) Fed. Reg. Vol. 87, No. 14.
- <sup>11</sup> Daniel C. DeSimone, M.D., *COVID-19 infections by race: What's behind the health disparities?* (April 29, 2022). <https://www.mayoclinic.org/diseases-conditions/coronavirus/expert-answers/coronavirus-infection-by-race/faq-20488802>

[conditions/coronavirus/expert-answers/coronavirus-infection-by-race/faq-20488802](#)

<sup>12</sup> *Improving and Expanding Training Opportunities for F-1 Nonimmigrant Students with STEM Degrees and Cap-Gap Relief for All Eligible F-1 Students*. (March 11, 2016)., Fed. Reg. 81, 13039.

<sup>13</sup> *Optional Practical Training (OPT) for F-1 Students*, <https://www.uscis.gov/working-in-the-united-states/students-and-exchange-visitors/optional-practical-training-opt-for-f-1-students>

<sup>14</sup> *Practical Training*, (December 23, 2020).

<https://www.ice.gov/sevis/practical-training> Authorities: 8 CFR 214.2(f)(10)-(12); 8 CFR 274a.12(b)(6)(iv)

<sup>15</sup> DHS can authorize the initial degree granting universities to offer additional 3-year STEM CPTs after the first STEM OPT by enrolling in a so-called Experiential CPT Grant course with credits allowing the system to attain flexibility. The STEM Experiential CPT Grants will have the same effect of extending the Final Rule from 24 months to 36 month increments for up to 3 extensions after the first STEM OPT.

<sup>16</sup> The students should be allowed to work full time and not have a trade-off in terms of loss of OPT.

<sup>17</sup> BBC News: *World's top graduates get new UK visa option* (May 30, 2022), <https://www.bbc.com/news/uk-61628740>.

<sup>18</sup> Tabassum Barnagarwala, *How the Indian government took credit for Pesochin evacuation done by education firms* (March 9, 2022).

<https://scroll.in/article/1019052/how-the-indian-government-took-credit-for-pesochin-evacuation-done-by-education-firms>

<sup>19</sup> REMOTE Act, H.R. 5545, 117th Cong. (2021).

<https://trone.house.gov/2021/10/08/trone-takano-levin-introduce-legislation-to-protect-education-benefits-for-veterans-during-covid/>

<sup>20</sup> Karin Fisher, *The latest edition*, (December 13, 2021),

<https://www.getrevue.co/profile/latitudes/issues/the-latest-edition-917251>, Latitudes #144.

<sup>21</sup> *Improving and Expanding Training Opportunities for F-1 Nonimmigrant Students with STEM Degrees and Cap-Gap Relief for All Eligible F-1 Students*. Fed. Reg. 81, 13039 (March 11, 2016).

<https://www.federalregister.gov/d/2016-04828/p-185>

<sup>22</sup> See note 15.

### **Author Biography**

Dr. Aparna Vashisht-Rota, [LinkedIn](https://www.linkedin.com/in/avrota/) (<https://www.linkedin.com/in/avrota/>) runs August Network and August Education Group. August Network recruits and places students in the United States and globally. A large part of the population the Network serves is students of Indian origin in STEM fields with insufficient work authorization. August Education researches and resolves complex problems. In her idle time, Dr. Rota likes to help a student or study. She is presently a student of law.

She is working on a paper on management programs with her former supervisor at Grenoble Ecole de Management. The paper is in the final stages of data collection with an expanded 10-year dataset. In addition, Dr. Rota is in the planning stages of two papers, one on unranked MBA programs and the other on mindfulness. Dr. Rota is based out of San Diego, California where she lives with her husband, Mr. Jerome Rota, and her kids, Julian, and Jasper. Her oldest son, Joshua, is over the pond at university. The family has two cats--Georgia and Ollie that are loving, kind, and adorable. Dr. Rota can be reached at [avrota@augusteducationgroup.com](mailto:avrota@augusteducationgroup.com) or [avrota@augustnetwork.com](mailto:avrota@augustnetwork.com) or WhatsApp at +1-858-348-7068.