

119TH CONGRESS  
1ST SESSION

# S. 1233

To provide lawful permanent resident status for certain advanced STEM degree holders, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, MARCH 31), 2025

Mr. DURBIN (for himself, Mr. ROUNDS, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide lawful permanent resident status for certain advanced STEM degree holders, 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 “Keep STEM Talent  
5       Act of 2025”.

6       **SEC. 2. VISA REQUIREMENTS.**

7       (a) GRADUATE DEGREE VISA REQUIREMENTS.—To  
8       be approved for or maintain nonimmigrant status under  
9       section 101(a)(15)(F) of the Immigration and Nationality  
10      Act (8 U.S.C. 1101(a)(15)(F)), a student seeking to pur-

1 sue an advanced degree in a STEM field (as defined in  
2 section 201(b)(1)(F)(ii) of the Immigration and Nation-  
3 ality Act (8 U.S.C. 1151(b)(1)(F)(ii))) (as amended by  
4 section 3(a)) for a degree at the master's level or higher  
5 at a United States institution of higher education (as de-  
6 fined in section 101(a) of the Higher Education Act of  
7 1965 (20 U.S.C. 1001(a)) must apply for admission prior  
8 to beginning such advanced degree program.

9 (b) STRENGTHENED VETTING PROCESS.—The Sec-  
10 retary of Homeland Security and the Secretary of State  
11 shall establish procedures to ensure that aliens described  
12 in subsection (a) are admissible pursuant to section  
13 212(a)(3)(A) of the Immigration and Nationality Act (8  
14 U.S.C. 1182(a)(3)(A)). Such procedures shall ensure that  
15 such aliens seeking admission from within the United  
16 States undergo verification of academic credentials, com-  
17 prehensive background checks, and interviews in a manner  
18 equivalent to that of an alien seeking admission from out-  
19 side of the United States. To the greatest extent prac-  
20 ticable, the Secretary of Homeland Security and the Sec-  
21 retary of State shall also take steps to ensure that such  
22 applications for admission are processed in a timely man-  
23 ner to allow the pursuit of graduate education.

24 (c) REPORTING REQUIREMENT.—The Secretary of  
25 Homeland Security and the Secretary of State shall sub-

1 mit an annual report to the Committee on the Judiciary  
 2 of the Senate and the Committee on the Judiciary of the  
 3 House of Representatives detailing the implementation  
 4 and effectiveness of the requirement for foreign graduate  
 5 students pursuing advanced degrees in STEM fields to  
 6 seek admission prior to pursuing a graduate degree pro-  
 7 gram. The report shall include data on visa application  
 8 volumes, processing times, security outcomes, and eco-  
 9 nomic impacts.

10 **SEC. 3. LAWFUL PERMANENT RESIDENT STATUS FOR CER-**  
 11 **TAIN ADVANCED STEM DEGREE HOLDERS.**

12 (a) ALIENS NOT SUBJECT TO DIRECT NUMERICAL  
 13 LIMITATIONS.—Section 201(b)(1) of the Immigration and  
 14 Nationality Act (8 U.S.C. 1151(b)(1)) is amended by add-  
 15 ing at the end the following:

16 “(F)(i) Aliens who—

17 “(I) have earned a degree in a STEM  
 18 field at the master’s level or higher while  
 19 physically present in the United States  
 20 from a United States institution of higher  
 21 education (as defined in section 101(a) of  
 22 the Higher Education Act of 1965 (20  
 23 U.S.C. 1001(a))) accredited by an accred-  
 24 iting entity recognized by the Department  
 25 of Education;

1 “(II) have an offer of employment  
2 from, or are employed by, a United States  
3 employer to perform work that is directly  
4 related to such degree at a rate of pay that  
5 is higher than the median wage level for  
6 the occupational classification in the area  
7 of employment, as determined by the Sec-  
8 retary of Labor;

9 “(III) have an approved labor certifi-  
10 cation under section 212(a)(5)(A)(i); or

11 “(IV) are the spouses and children of  
12 aliens described in subclauses (I) through  
13 (III) who are accompanying or following to  
14 join such aliens.

15 “(ii) In this subparagraph, the term  
16 ‘STEM field’ means a field of science,  
17 technology, engineering, or mathematics  
18 described in the most recent version of the  
19 Classification of Instructional Programs of  
20 the Department of Education taxonomy  
21 under the summary group of—

22 “(I) computer and information  
23 sciences and support services;

24 “(II) engineering;

25 “(III) mathematics and statistics;

1 “(IV) biological and biomedical  
 2 sciences;  
 3 “(V) physical sciences;  
 4 “(VI) agriculture sciences; or  
 5 “(VII) natural resources and con-  
 6 servation sciences.”.

7 (b) PROCEDURE FOR GRANTING IMMIGRATION STA-  
 8 TUS.—Section 204(a)(1)(F) of the Immigration and Na-  
 9 tionality Act (8 U.S.C. 1154(a)(1)(F)) is amended by  
 10 striking “203(b)(2)” and all that follows through “Attor-  
 11 ney General” and inserting “203(b)(2), 203(b)(3), or  
 12 201(b)(1)(F) may file a petition with the Secretary of  
 13 Homeland Security”.

14 (c) LABOR CERTIFICATION.—Section 212(a)(5)(D)  
 15 of the Immigration and Nationality Act (8 U.S.C.  
 16 1182(a)(5)(D)) is amended by inserting “section  
 17 201(b)(1)(F) or under” after “adjustment of status  
 18 under”.

19 (d) DUAL INTENT FOR F NONIMMIGRANTS SEEKING  
 20 ADVANCED STEM DEGREES AT UNITED STATES INSTI-  
 21 TUTIONS OF HIGHER EDUCATION.—

22 (1) IN GENERAL.—Notwithstanding sections  
 23 101(a)(15)(F)(i) and 214(b) of the Immigration and  
 24 Nationality Act (8 U.S.C. 1101(a)(15)(F)(i) and  
 25 1184(b)), an alien who is a bona fide student admit-

1       ted to a program in a STEM field (as defined in  
 2       subparagraph (F)(ii) of section 201(b)(1) of the Im-  
 3       migration and Nationality Act (8 U.S.C.  
 4       1151(b)(1))) for a degree at the master's level or  
 5       higher at a United States institution of higher edu-  
 6       cation (as defined in section 101(a) of the Higher  
 7       Education Act of 1965 (20 U.S.C. 1001(a))) accred-  
 8       ited by an accrediting entity recognized by the De-  
 9       partment of Education may obtain a student visa, be  
 10      admitted to the United States as a nonimmigrant  
 11      student, or extend or change nonimmigrant status to  
 12      pursue such degree even if such alien seeks lawful  
 13      permanent resident status in the United States.

14           (2) RULE OF CONSTRUCTION.—Nothing in this  
 15      subsection may be construed to modify or amend  
 16      section 101(a)(15)(F)(i) or 214(b) of the Immigra-  
 17      tion and Nationality Act (8 U.S.C.  
 18      1101(a)(15)(F)(i) or 1184(b)), or any regulation in-  
 19      terpreting such authorities for an alien who is not  
 20      described in this subsection.

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