

## **Analysis: Immigration Provisions in the America COMPETES Act**

The America Creating Opportunities for Manufacturing, Pre-Eminence in Technology and Economic Strength Act (America COMPETES Act, or [H.R. 4521](#)) is a 3,600-page legislative package designed to boost U.S. scientific research, education, manufacturing, and technological advancement in the face of growing economic and technological competition with China. The bill contains several immigration provisions, including those that would support and attract immigrant entrepreneurs and STEM PhDs and those that would provide protections to certain Hong Kong and Uyghur populations persecuted by the Chinese Communist Party.

The America COMPETES Act passed the House on February 4, 2022 by a vote of [222-210](#). The bill is a significantly amended version of the U.S. Innovation and Competition Act (USICA, or [S. 1260](#)), which previously passed the Senate by a vote of [68-32](#) on June 8, 2021. USICA did not include the immigration provisions included in the House effort. The House and Senate are [set to go to conference](#) sometime in spring 2022 to reconcile the two bills, which have also been referred to as the “Bipartisan Innovation Act.”

### **Background**

America’s reputation as a beacon of freedom and opportunity has long been a major asymmetric advantage over competing countries around the world. The world’s best students, doctors, scientists, entrepreneurs want to study at U.S. universities, work at U.S. firms, and kickstart their own businesses in U.S. hubs for innovation and technological advancement. For generations, this country has welcomed freedom-loving people fleeing oppressive regimes, and in doing so it has reaped enormous economic, cultural, and strategic benefits.

But an outdated immigration system has limited the country’s ability to capitalize on this competitive advantage. Highly educated immigrant STEM workers with job offers in the U.S. are stuck in decades-long green card backlogs. The U.S. is one of the only developed countries in the world without a start-up visa pathway for immigrant entrepreneurs. Over two dozen other countries have start up visas, [including](#) China.

In addition, as [other countries](#) open their doors to Hong Kongers, the U.S. has done little to extend protections to those persecuted by the CCP. Politicians on [both sides](#) of the aisle have [voiced support](#) for persecuted Uyghurs in Xinjiang, yet last fiscal year the U.S. resettled [zero](#) Uyghur refugees.

### **Immigration Provisions in the America COMPETES Act**

#### **Exemption for STEM PhDs from Green Card Backlog**

- The bill would exempt immigrants with PhDs in STEM fields from annual green card limits, allowing them an opportunity to obtain permanent residence in the United States without being subject to the green card backlog or per-country caps.
- Applicants must be seeking admission to work within the United States for a field related to their degrees and have earned their degrees from either a qualified U.S. research institution or a comparable foreign institution.
- 42% of all STEM PhD graduates from U.S. institutions are international students. The current wait time for a green card for many STEM PhDs with job offers in the U.S. can

stretch to [over](#) 10 years. An estimated [3,000 to 5,000](#) STEM doctorates apply for permanent residence in the U.S. each year.

For more information, see: [High Skilled Immigration: America's Key for Competitiveness and National Security](#)

### New “W” Start Up Visa

- The bill includes the text of the Let Immigrants Kickstart Employment (LIKE) Act ([H.R. 4681](#)), which would establish a new nonimmigrant “W” visa status for international entrepreneurs and essential employees affiliated with the management or operations of a start-up entity.
- The new “W” visa would formalize the already existing [International Entrepreneur Parole Program](#), providing initial three-year grants of status that can be extended for an additional five years if certain conditions are met.
- The Department of Homeland Security (DHS) [estimated](#) that 2,940 entrepreneurs would be eligible for a pathway like the proposed W visa each year. A New American Economy [economic analysis](#) estimated that ten years of the welcoming these entrepreneurs would create more than 429,000 jobs and inject \$18 billion into the U.S. economy.

For more information, see: [Bill Analysis: Let Immigrants Kickstart Employment Act](#)

### Protections for Persecuted Hong Kongers

- The provisions (which represent a combination of the bipartisan [Hong Kong Safe Harbor Act](#) and [Hong Kong People's Freedom of Choice Act](#)) would grant Temporary Protected Status (TPS) to Hong Kongers currently in the U.S., providing them with protection from deportation and work authorization for an initial period of 18 months.
- The bill also clarifies that certain Hong Kong residents facing persecution from the CCP are eligible for refugee and asylum status, and it would prevent any refugees admitted under these conditions from counting against annual refugee or immigration ceilings.
- Hong Kong residents filing for visas and other U.S. immigration benefits would be considered separately from Chinese applicants, exempting them China-specific per country caps.
- The bill would also create a Special Immigration Status for up to 5,000 Hong Kong college graduates to emigrate to the U.S. for five years following passage.

For more information, see: [Bill Summary: The Hong Kong Safe Harbor Act](#)

### Protections for Uyghur Refugees

- The bill includes the text of the bipartisan Uyghur Human Rights Protection Act ([H.R. 1630](#) and [S. 1080](#)) which would create a Priority 2 (P2) program for certain persecuted Uyghurs, providing them with direct access to the U.S. refugee resettlement program.
- The bill would also require the U.S. to prioritize diplomatic efforts with third countries hosting Uyghur refugees who are facing pressure from the Chinese government to return the Uyghurs to Xinjiang.
- The bill would prevent any refugees admitted under the P2 program from counting against the annual refugee ceiling.

For more information, see: [Bipartisan bill to Expedite Uyghur Refugee Process Introduced](#)

### **Adjustment of Status for Certain Adoptees**

- The bill includes the text of the bipartisan Adoptee Citizenship Act ([H.R. 2731](#) and S. ), which would provide U.S. citizenship to individuals born outside of the United States who were adopted as children by American parents.
- The bill would fix a loophole in the Child Citizenship Act (CCA) of 2000, which did not apply to foreign-born adoptees who were over the age of 18 at the time the law went into effect.
- The bill would protect an estimated 35,000 adoptees who were legally adopted but remain subject to deportation and face challenges working, traveling outside the country, and engaging in civic activities.

For more information, see: [Adoptee Citizenship Act of 2019: Bill Summary](#)

### **Conclusion**

While the COMPETES Act passed the House in a largely partisan vote, the immigration provisions enjoy broad and bipartisan support. They are based on bills and ideas that have gained significant backing from lawmakers on both sides of the aisle. On March 24, Senator Todd Young (R-Indiana), a cosponsor of the Senate competitiveness bill, [said](#) that “I’m absolutely open to including [the immigration provisions],” noting further that “in terms of skills-based immigration reform, I think it’s essential to maintaining our national competitiveness.” Senator John Cornyn (R-Texas) [said](#) he was “certainly open” to including some of the House passed provisions in a final bill.

America has long enjoyed an asymmetric advantage as a land of opportunity and a beacon of freedom and democracy to those throughout the world. Should they be included in the final bill, the immigration provisions discussed here would be a part of that legacy. They would play a key role in advancing the bill’s overall goal of bolstering U.S. competitiveness on the world stage.

*The National Immigration Forum would like to thank Louis Sanchez, policy intern, for his extensive contributions to this analysis.*