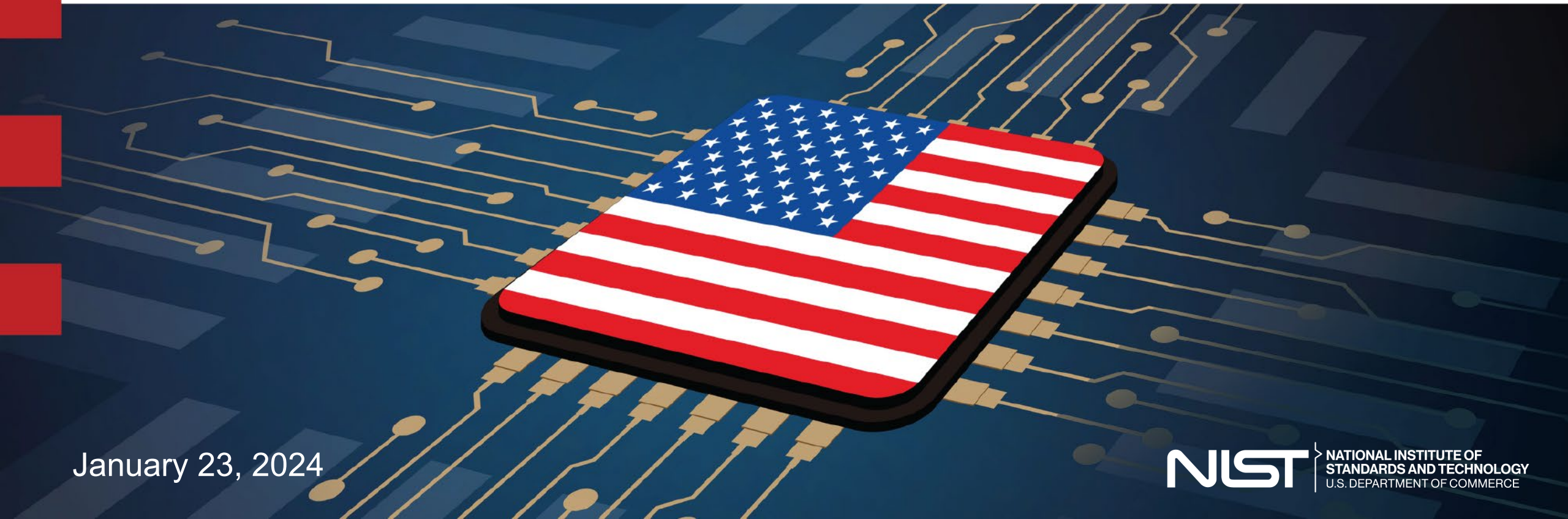
Global STEM Talent Pathways for Semiconductors, AI, and Emerging Technologies



January 23, 2024

NIST NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
U.S. DEPARTMENT OF COMMERCE

Today's Speakers

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CHIPS for America

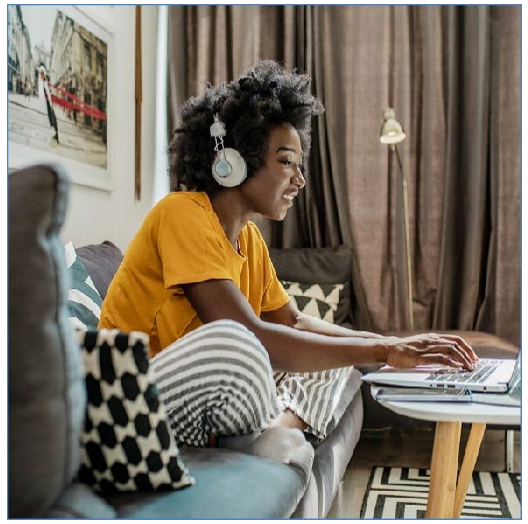
CHIPS for America Vision

Economic Security

The CHIPS Act will strengthen supply chain security and increase economic resilience in critical sectors.

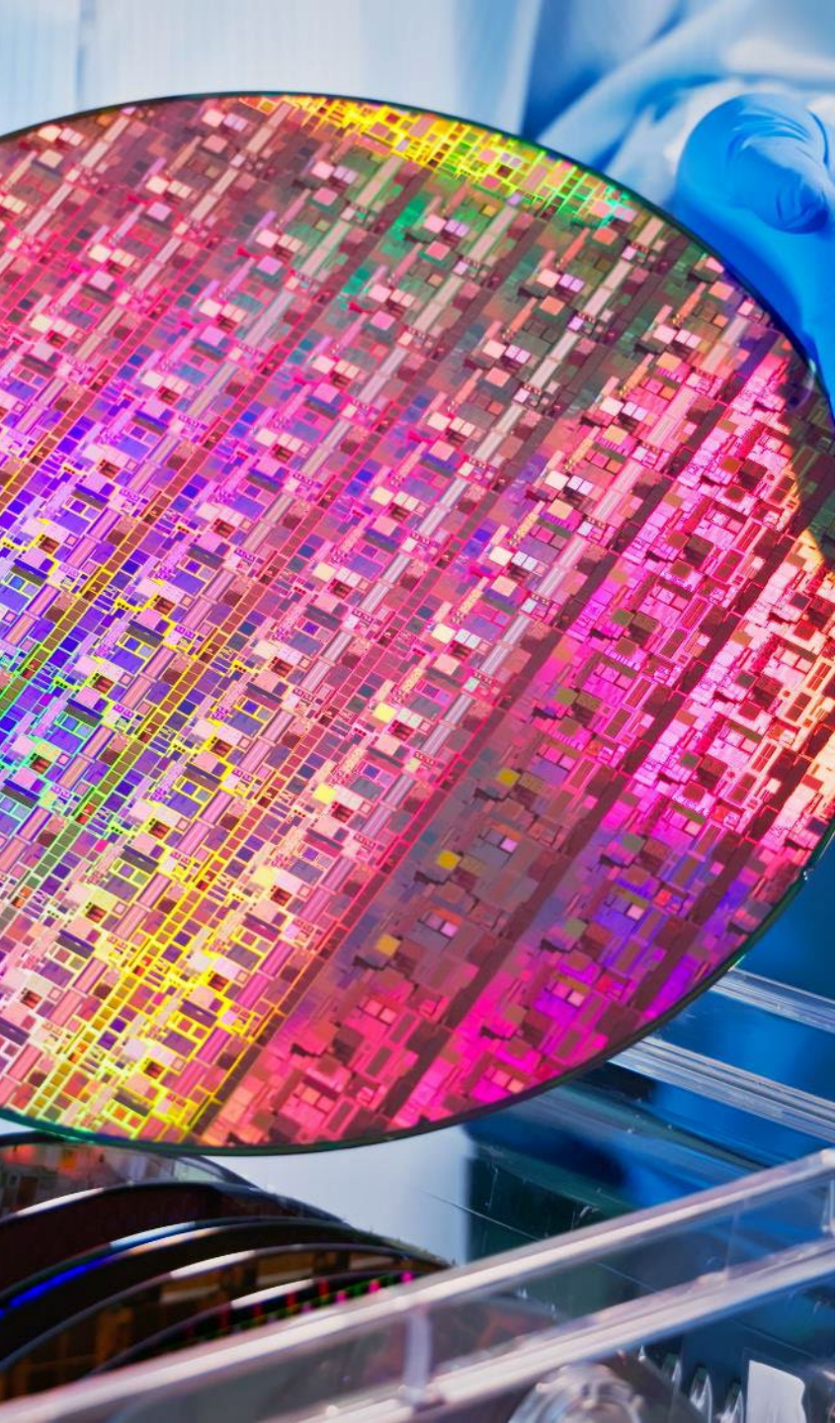
National Security

The CHIPS Act will ensure that the U.S. can manufacture advanced technologies, including secure chips for the U.S. military.



Future Innovation

The CHIPS Act will spur innovation, increase competitiveness, and ensure long-term U.S. leadership in the sector.



CHIPS Workforce Development Vision

- Delivering on our **national and economic security objectives** demands **major investments in the semiconductor workforce** that will support **good-paying jobs across the industry.**
- **America's diversity is a comparative advantage**; we must make significant investments to create opportunities for **Americans from historically underserved communities**.
- Effective workforce solutions **enable key stakeholders to work together.**

CHIPS Workforce Call to Action

OVER THE NEXT DECADE…

Double the U.S. semiconductor workforce overall.

Triple the number of graduates in semiconductor-related fields, including engineering.

Train 100,000 new technicians through apprenticeships, career and technical education, and career pathway programs.

Expand recruitment for **more people from underserved communities** – including women and veterans – to launch semiconductor industry careers.

Hire and **train an additional million women in construction** to meet the demand across a range of industries, including CHIPS projects.

Key CHIPS for America workforce milestones to date

SINCE THE PASSAGE OF THE CHIPS AND SCIENCE ACT…

At least **nine states have dedicated new funding** to support workforce training for semiconductor jobs.

Over **50 community colleges across 19 states** have announced new or expanded programming to support semiconductor opportunities.

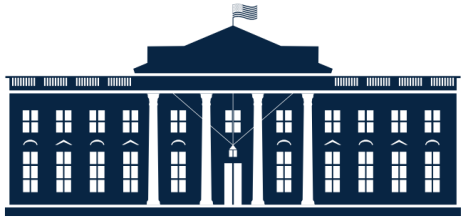
Semiconductor companies partnering with labor unions to recruit, train and retain a skilled construction workforce, **including several that committed to Project Labor Agreements.**

CHIPS for America has engaged directly with **education and training partners in over 25 states** — including hosting in-person workforce roundtables and listening tour sessions.

NSTC Vision and Strategy Paper named workforce development as one of **NSTC's Top Three priorities**

White House Office of Science and Technology Policy

Biden-Harris Administration Actions



FEBRUARY 02, 2021

Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans

JANUARY 21, 2022

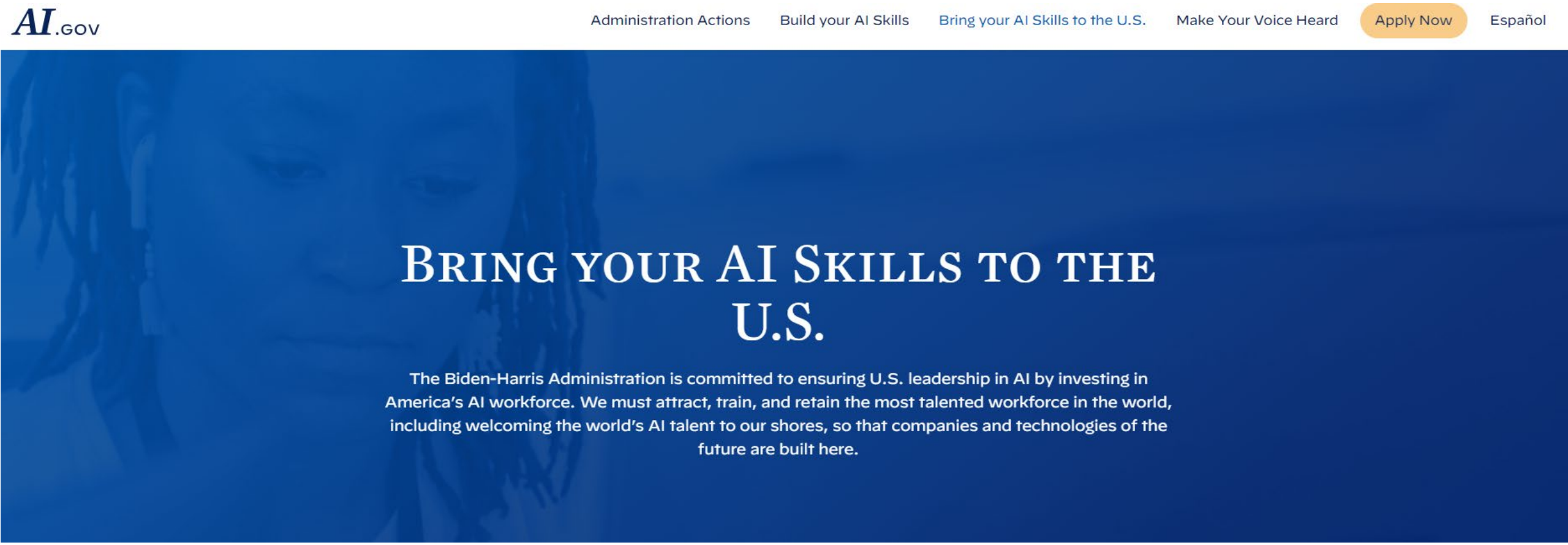
FACT SHEET: Biden-Harris Administration Actions to Attract STEM Talent and Strengthen our Economy and Competitiveness

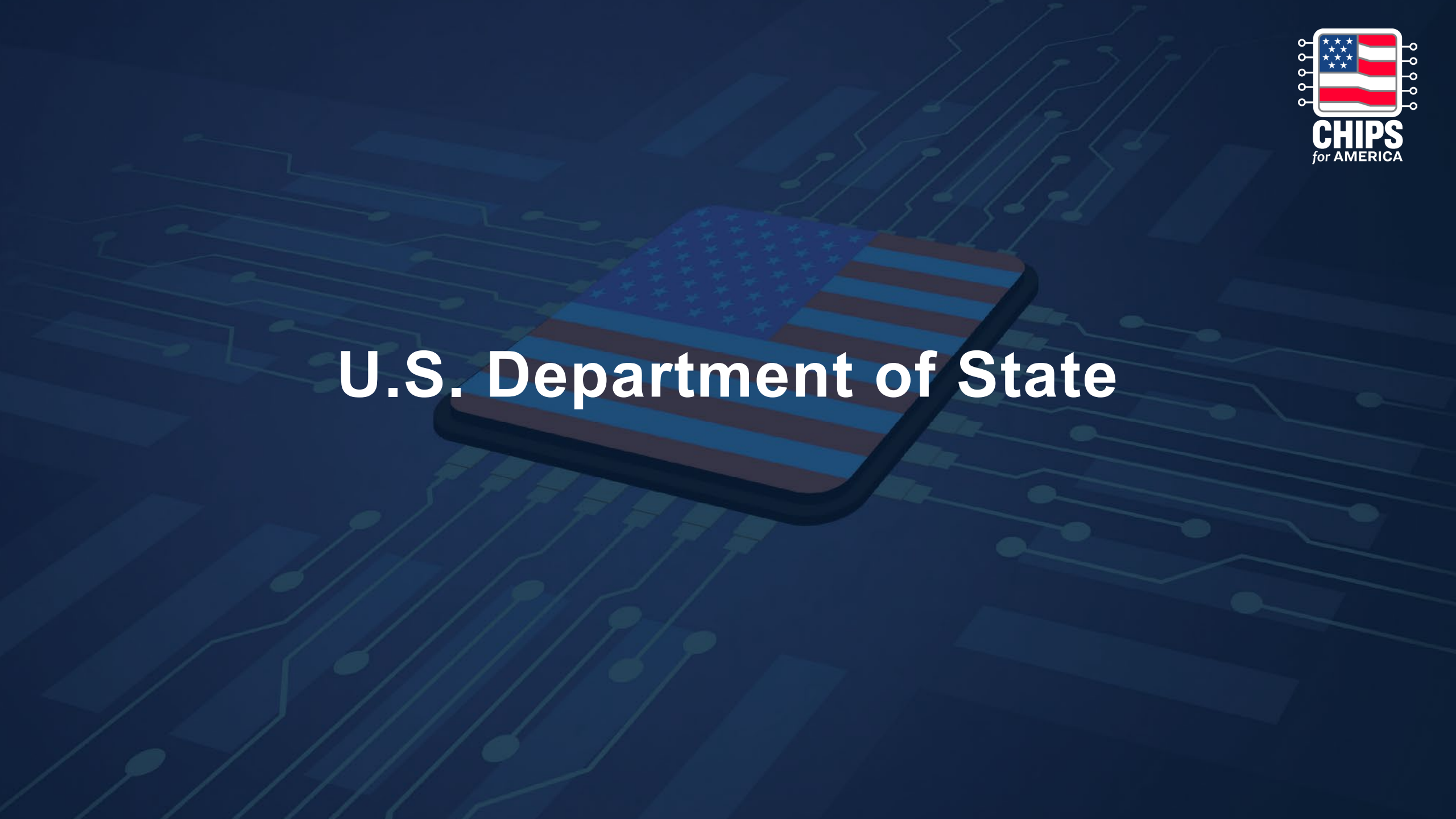
OCTOBER 30, 2023

Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence

Biden-Harris Administration Actions

THE WHITE HOUSE





U.S. Department of State

State Department: Business Visa Center

- The Department of State Business Visa Center (BVC) works with businesses to facilitate global mobility for high-skilled labor.
- Industry partners may reach out to the BVC at BusinessVisa@state.gov for information regarding visa processing.

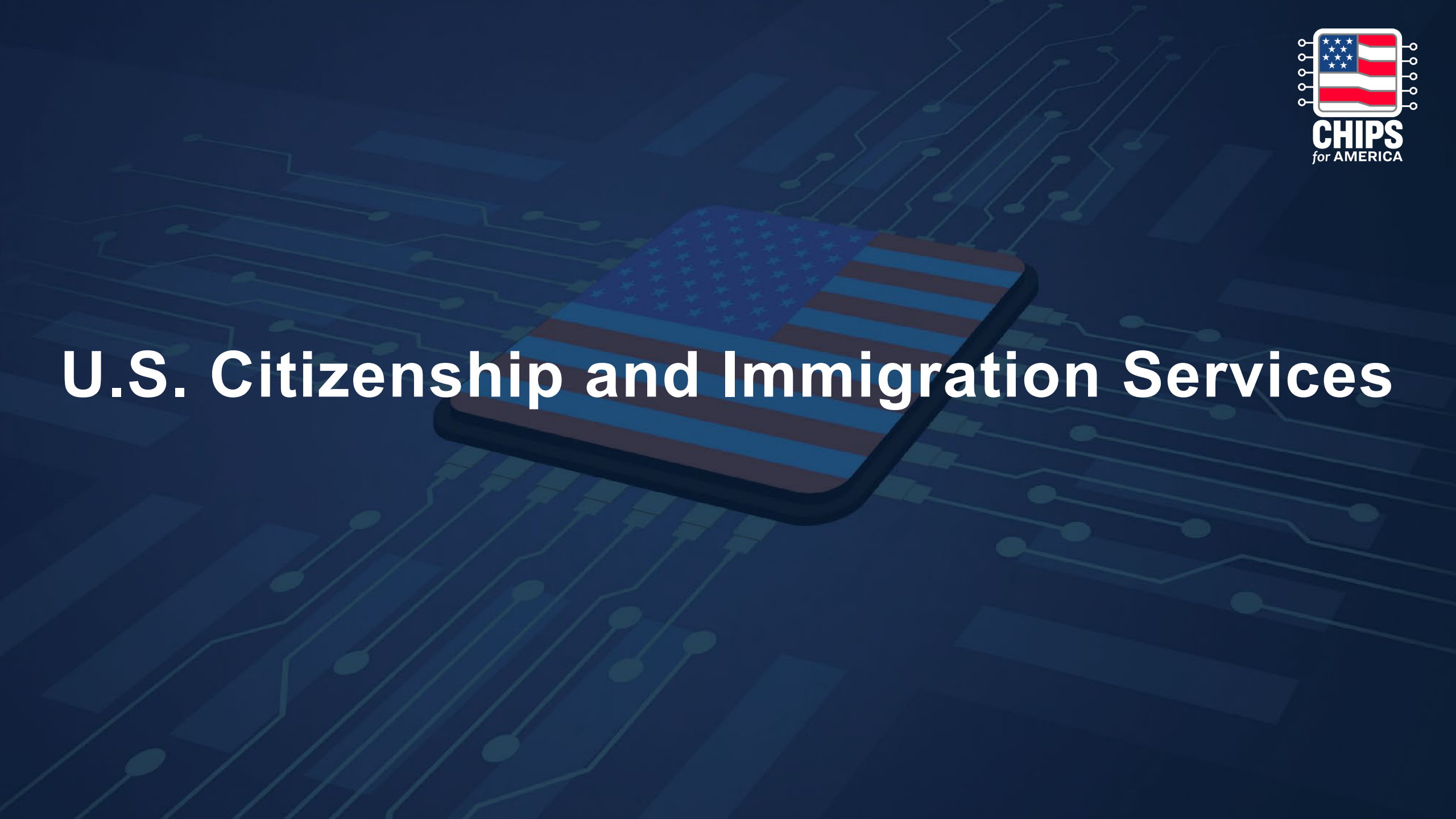
Expedited Appointments

- Each U.S. Embassy or Consulate's website has information on how to request an expedited appointment for time-sensitive cases, and the criteria on which expedite requests are evaluated.

Biden-Harris Administration Actions

The U.S. Commercial Service (CS), part of the U.S. Department of Commerce's International Trade Administration, offers companies a full range of expertise in international trade.

Companies can find assistance locally in more than 100 U.S. Commercial Service offices nationwide and in more than 70 international offices.
U.S. and International Locations at U.S. Embassies and Consulates:
Find an international office or partner post
U.S. Locations (Zip Code look-up tool):
Find the U.S. office closest to you



U.S. Citizenship and Immigration Services

Terminology

U.S. Citizenship and Immigration Services

Some foreign nationals can work in the United States on certain temporary visas, also known as employment-based "nonimmigrant" pathways. These include H-1B, L-1, E-2 and O-1 nonimmigrant visas, and allow foreign nationals to temporarily live and work in the United States.

Some foreign nationals can work in the United States permanently through one of the employment-based "immigrant" pathways. These pathways provide the worker with lawful permanent residence (also known as a "green card"), which allows the individual to live and work in the United States permanently.

H-1B Visa – Specialty Occupations

U.S. Citizenship and Immigration Services

- H-1B visas provide a pathway for individuals with at least a bachelor's degree in a specific specialty (or equivalent) to work in a job that is related to their degree and that qualifies as a "specialty occupation." H-1B workers are generally permitted to stay in the United States for a maximum of six years, but may be able to stay longer if they have taken certain steps towards obtaining lawful permanent resident status.
- There is an annual cap on the number of H-1B workers that can be granted initial H-1B status each year, although specific types of employers may be exempt from the cap.
- In October 2023, DHS issued a proposed rule to modernize the H-1B Program.

*For more information on the H-1B classification, visit the USCIS webpage on H-1B Specialty Occupations.

L-1 Visa: Intracompany Transferee

U.S. Citizenship and Immigration Services

- L-1 visas are for employees of qualifying multinational organizations who hold positions as managers or executives (L-1A) or have specialized knowledge (L-1B), allowing them to work in the United States for the same organization for a maximum of seven years (L-1A) or five years (L-1B).
- Companies can also use the L-1 classification to send an executive, manager, or employee with specialized knowledge to the United States for the purpose of establishing a new U.S office.
- The foreign national must have a qualifying pre-existing relationship with the multinational company to be eligible for an L-1 visa.
- There is no cap on the number of L-1 nonimmigrants who may be admitted to the United States each year.

*For more information on the L-1 classification, visit the USCIS webpages on L-1A Intracompany Transferee Executive or Manager and L-1B Intracompany Transferee Specialized Knowledge.

O-1 Visa- Extraordinary Ability

U.S. Citizenship and Immigration Services

- The O-1 visa is for individuals with **extraordinary ability in certain fields, including the sciences**, education, or business.
- There is no limit to the number of years a person can work on an O-1 visa, and there is no numerical limit on the number of O-1 nonimmigrants who may be admitted to the United States each year.
- January 2022 new guidance provides examples of evidence that may satisfy the **O-1 evidentiary criteria for nonimmigrants in STEM fields** as well as considerations that are relevant to evaluating such evidence given the highly technical nature of STEM fields.

*For more information on the O-1 classification, visit the USCIS webpage on O-1 Visa: Individuals with Extraordinary Ability or Achievement.

Other Nonimmigrant Visas

U.S. Citizenship and Immigration Services

Other types of nonimmigrant visas are available to nationals of specific countries and may offer a viable pathway to global talent with expertise in the semiconductor industry. For example, visas that are similar to the H-1B visa are available to Australian nationals (E-3) and to nationals of Singapore and Chile (H-1B1). In addition, visas are available to certain technology workers from Mexico and Canada through the U.S.-Mexico-Canada Agreement (which replaced NAFTA).

*For more information on these visas, visit the USCIS webpage on E-3 Specialty Occupation Workers from Australia and the USCIS webpage on TN NAFTA Professionals.

EB-1 Visa Category

U.S. Citizenship and Immigration Services

- ***EB-1A Visa – Extraordinary Ability:*** foreign nationals who possess extraordinary ability in certain fields, including the sciences, education, and business
- ***EB-1B – Outstanding Professor or Researcher:*** professors and researchers who demonstrate international recognition for their outstanding achievements in a particular academic field to pursue tenure or tenure track teaching or a comparable research position at a university, institution of higher education, or private employer.
- ***EB-1C Visa – Multinational Manager or Executive:*** executives and managers of multinational organizations
- The EB-1 category has an annual cap of 40,040 immigrant visas.

*For more information on the EB-1 visa category, visit USCIS's webpage on Employment-Based Immigration: First Preference EB-1.

EB-2 Visa Category

U.S. Citizenship and Immigration Services

- The EB-2 category enables foreign nationals with advanced degrees or exceptional ability in certain fields, **including the sciences** or business, to obtain lawful permanent residence.
- To be eligible for an EB-2 visa, under the advanced degree professional subcategory, the position the foreign national will fill **must require an advanced degree** and the foreign national must possess such a degree or a baccalaureate and **five years of progressive experience in the specialty.**
- To be eligible for an EB-2 visa, under the exceptional ability subcategory, the foreign national must demonstrate that they have **"a degree of expertise significantly above that ordinarily encountered" in their chosen field.**

*For more information on the EB-2 category, visit USCIS's webpage on Employment-Based Immigration: Second Preference EB-2.

National Interest Waiver

U.S. Citizenship and Immigration Services

- Although the EB-2 category generally requires the U.S. employer to obtain a certification from the Department of Labor that there are not sufficient U.S. workers able, willing, qualified and available to accept the job opportunity, this requirement may be waived if it is determined to be in the national interest.
- **Working in semiconductors is considered an especially positive factor for purposes of a national interest waiver (NIW).** A recent USCIS policy update clarifies how the NIW can be used for persons with advanced degrees in STEM fields to engage in endeavors of substantial merit that are in the national interest, including critical and emerging technologies such as those found in the National Science and Technology Council's Critical and Emerging Technologies Update List which includes semiconductors.

More Information

U.S. Citizenship and Immigration Services

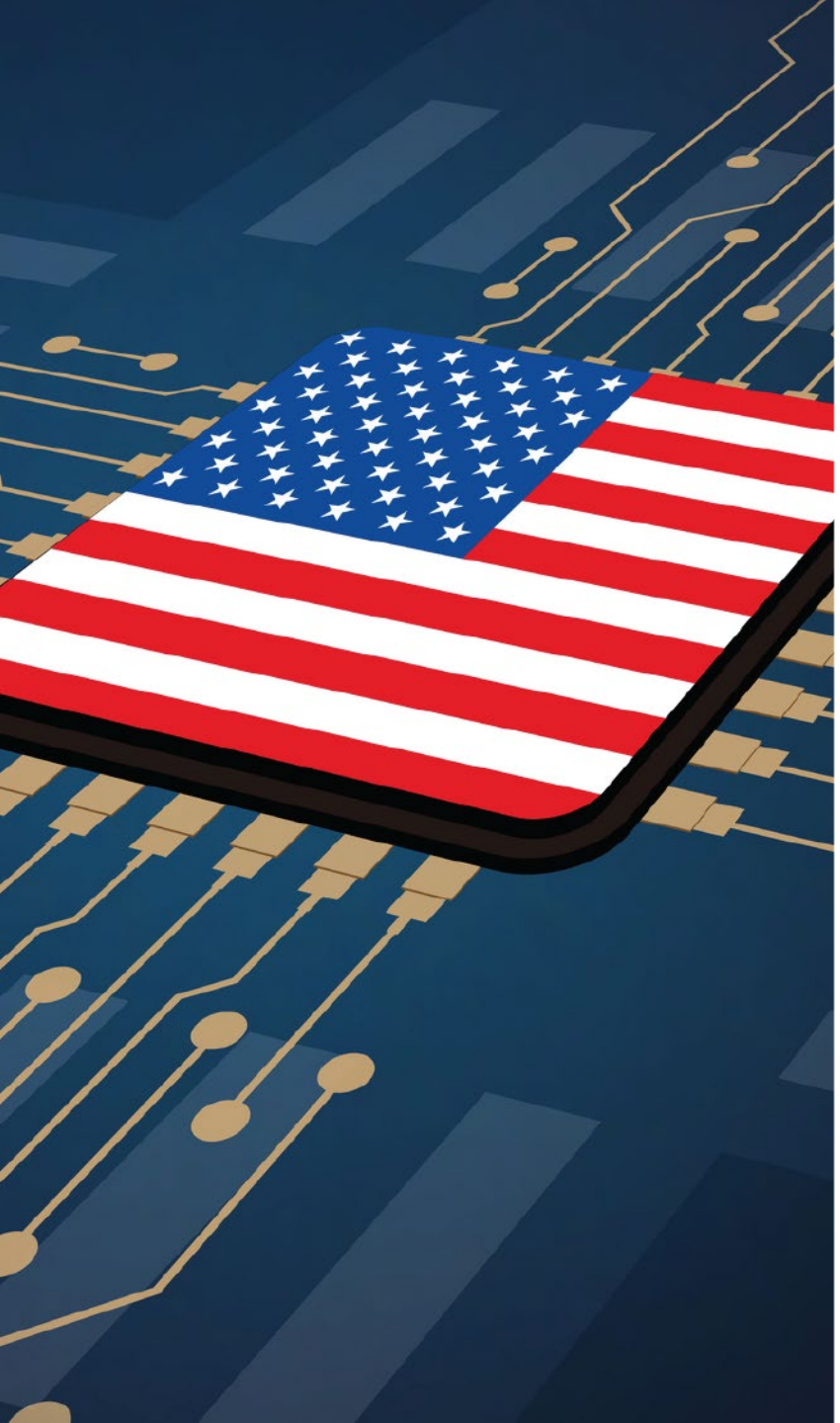
For detailed information about these and other pathways, please see Options for Noncitizen STEM Professionals to Work in the United States, a resource from USCIS currently available in English, Spanish, Chinese, Korean, and Russian.

Also note that for many of these pathways, the processing step with USCIS can be expedited through the payment of an additional premium processing fee.

Additional Resources

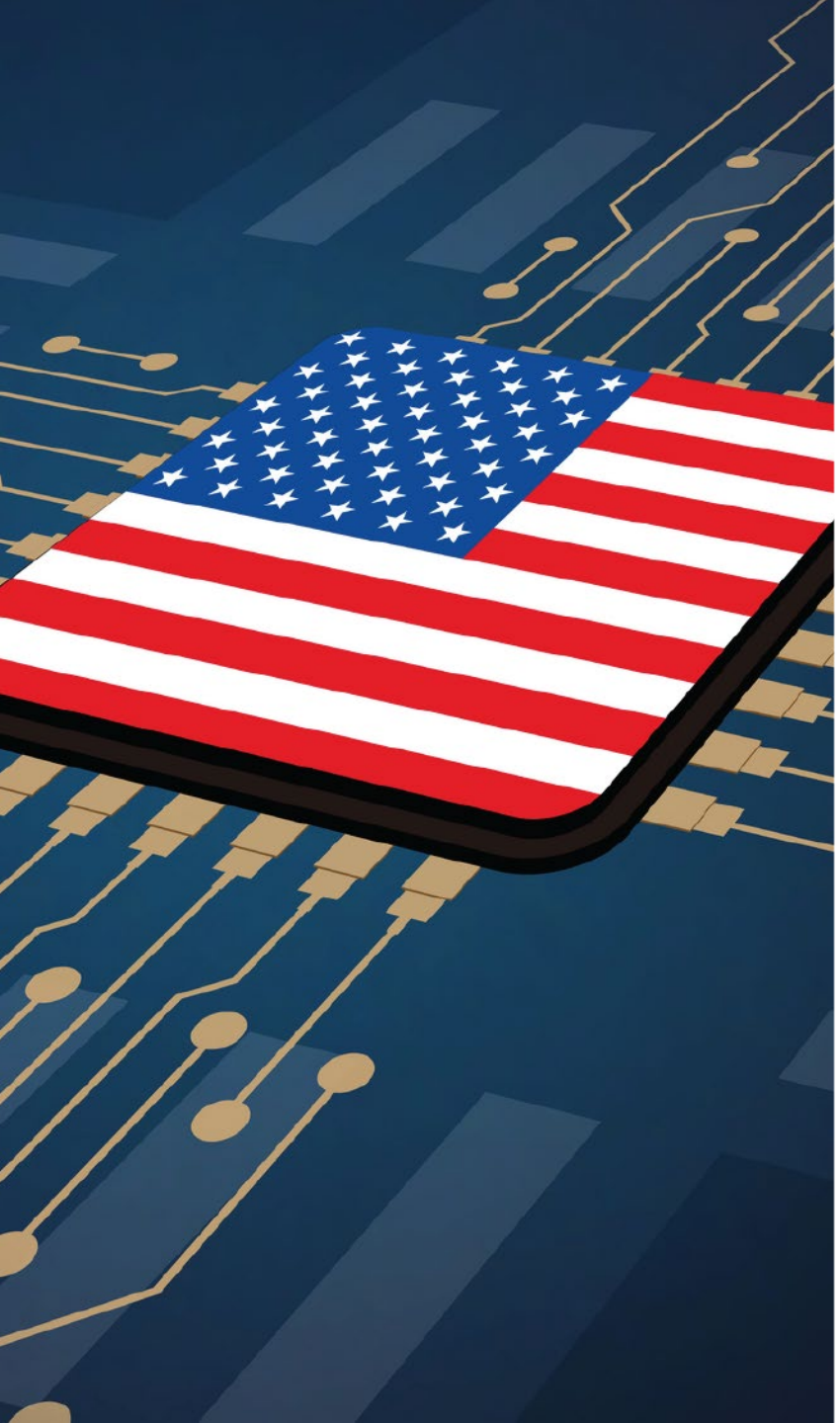
J-1 Early Career Research STEM Initiative

- The Department of State's "Early Career STEM Research Initiative" facilitates the use of the existing J-1 exchange visitor program to allow individuals to come to the United States to engage in STEM research, including research at approved businesses.
- For example, under this initiative, a State Department-designated university could sponsor a J-1 research scholar to conduct research at a STEM semiconductor business.
- There is no cap on the number of J-1 exchange visitors who may be admitted to the United States each year.
- For more information on the J-1 classification, visit the Department of State webpage on Exchange Visitor Visas.



Additional Federal Government Resources

- AI.gov
- U.S. Citizenship and Immigration Services: Options for Noncitizen STEM Professionals to Work in the United States
- White House Fact Sheet: Biden-Harris Administration Actions to Attract STEM Talent and Strengthen Our Economy and Competitiveness
- U.S. Department of State – U.S. Visa Information
- U.S. Department of State – U.S. Visa Wait times
- BridgeUSA STEM Initiatives: Information on J-1 Academic Training STEM Extension and Early Career STEM Research Initiative



Additional CHIPS Resources

- Visit CHIPS.gov for resources, including:
  - Workforce Progress Report
  - Workforce Development Guide
  - National Semiconductor Technology Center Vision & Strategy
  - Past webinars recordings and slides
- Join CHIPS mailing list
- Teaming Partner list
- Contact CHIPS
  - askchips@chips.gov – general inquiries
  - apply@chips.gov – application-related inquiries

Thank You