

110TH CONGRESS
2D SESSION

H. R. 5634

To exempt from numerical limitations any alien who has received a Ph.D. from an institution of higher education within the 3-year period preceding such alien's petition for special immigrant status.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2008

Mr. KENNEDY (for himself and Mr. McCAUL of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To exempt from numerical limitations any alien who has received a Ph.D. from an institution of higher education within the 3-year period preceding such alien's petition for special immigrant status.

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 “New American
5 Innovators Act”.

1 **SEC. 2. UNITED STATES EDUCATED IMMIGRANTS.**

2 (a) SPECIAL IMMIGRANT STATUS.—Section
3 101(a)(27) of the Immigration and Nationality Act (8
4 U.S.C. 1101(a)(27)) is amended—

5 (1) in subparagraph (L)(iii) by adding at the
6 end a semicolon;

7 (2) in subparagraph (M) by striking the period
8 and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(N) an immigrant who has received a
11 Ph.D. from an institution of higher education
12 (as defined in section 102 of the Higher Edu-
13 cation Act of 1965 (20 U.S.C. 1002), but ex-
14 cluding any institution of higher education de-
15 scribed in section 102(a)(1)(C) of such Act)
16 within the 3-year period preceding the date on
17 which the immigrant filed a petition described
18 in section 204(a)(1)(G)(iii).”.

19 (b) PETITION FOR STATUS AS A SPECIAL IMMI-
20 GRANT.—Section 204(a)(1)(G) of the Immigration and
21 Nationality Act (8 U.S.C. 1154(a)(1)(G)) is amended by
22 adding at the end the following:

23 “(iii) Any alien claiming status as a
24 special immigrant under section
25 101(a)(27)(N) may file a petition with the

1 Secretary of Homeland Security for such
2 status.”.

3 (c) ALIENS NOT SUBJECT TO DIRECT NUMERICAL
4 LIMITATION.—Section 201(b)(1)(A) of the Immigration
5 and Nationality Act (8 U.S.C. 1151(b)(1)(A)) is amended
6 by striking “or (B)” and inserting “, (B), or (N)”.

7 (d) NUMBER AND ALLOCATION OF VISAS NOT LIM-
8 ITED FOR CERTAIN SPECIAL IMMIGRANTS.—Section
9 203(b)(4) of the Immigration and Nationality Act (8
10 U.S.C. 1153(b)(4)) is amended by striking “or (B)” and
11 inserting “, (B), or (N)”.

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