

118TH CONGRESS
1ST SESSION

H. R. 4358

To provide lawful permanent resident status and authorized dual intent for certain doctoral degree holders.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2023

Mr. THANEDAR (for himself and Mr. LAWLER) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To provide lawful permanent resident status and authorized dual intent for certain doctoral degree holders.

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 “Putting Highest De-
5 grees First Act of 2023” or the “PHDs First Act”.

1 **SEC. 2. EXEMPTION FROM NUMERICAL LIMITATIONS ON**
2 **PERMANENT RESIDENTS FOR CERTAIN DOC-**
3 **TORAL DEGREE HOLDERS.**

4 (a) IN GENERAL.—Section 201(b)(1) of the Immi-
5 gration and Nationality Act (8 U.S.C. 1151(b)(1)) is
6 amended by adding at the end the following:

7 “(F) Aliens who—

8 “(i) have earned a doctoral degree in
9 a field of study (or the terminal highest
10 degree awarded in a field of study for
11 which a doctoral degree or its equivalent is
12 not available) while physically present in
13 the United States from a United States in-
14 stitution of higher education (as defined in
15 section 101(a) of the Higher Education
16 Act of 1965 (20 U.S.C. 1001(a))) accred-
17 ited by a nationally recognized accrediting
18 agency or association recognized by the
19 Secretary of Education pursuant to part H
20 of title IV of the Higher Education Act of
21 1965 (20 U.S.C. 1099a et seq.);

22 “(ii) have an offer of employment
23 from, or are employed by, a United States
24 employer in a field related to such degree
25 at a rate of pay that is higher than the
26 median wage level for the occupational

1 classification in the area of employment, as
2 determined by the Secretary of Labor; and
3 “(iii) are admissible pursuant to an
4 approved labor certification under section
5 212(a)(5)(A)(i).”.

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

13 (c) DUAL INTENT FOR F NONIMMIGRANTS SEEKING
14 DOCTORAL DEGREES AT UNITED STATES INSTITUTIONS
15 OF HIGHER EDUCATION.—Notwithstanding sections
16 101(a)(15)(F)(i) and 214(b) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1101(a)(15)(F)(i), 1184(b)), an
18 alien who is a bona fide student admitted to a program
19 in a field for a doctoral degree or the terminal highest
20 degree awarded in a field of study for which a doctoral
21 degree or its equivalent is not available at a United States
22 institution of higher education (as defined in section
23 101(a) of the Higher Education Act of 1965 (20 U.S.C.
24 1001(a))) accredited by a nationally recognized accred-
25 iting agency or association recognized by the Secretary of

1 Education pursuant to part H of title IV of the Higher
2 Education Act of 1965 (20 U.S.C. 1099a et seq.) may
3 obtain a student visa or extend or change nonimmigrant
4 status to pursue such degree even if such alien intends
5 to seek lawful permanent resident status in the United
6 States.

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