

S 3553

BRAINS Act

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Immigration

Introduced: Sep 19, 2012

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Sep 19, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/3553>

Sponsor

Name: Sen. Schumer, Charles E. [D-NY]

Party: Democratic • **State:** NY • **Chamber:** Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Coons, Christopher A. [D-DE]	D · DE		Sep 19, 2012
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Sep 19, 2012

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Sep 19, 2012

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

Bill	Relationship	Last Action
112 HR 6412	Related bill	Oct 2, 2012: Referred to the Subcommittee on Immigration Policy and Enforcement.

Benefits to Research and American Innovation through Nationality Statutes Act of 2012 or the BRAINS Act - Amends the Immigration and Nationality Act to make up to 55,000 visas available to qualified immigrants who: (1) possess a graduate degree at the level of master's or higher in a field of science, technology, engineering, or mathematics (STEM degree) from a qualifying U.S. research institution of higher education; (2) earned a graduate degree by taking no greater than 25% of classes by correspondence (including courses offered by telecommunications) and by taking all classes while physically present in the United States; (3) have an employment offer from a U.S. employer in a field related to such degree; (4) are the subject of an approved labor certification; and (5) will receive a wage for such employment that is at least the actual wage paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question.

Makes unused STEM visas available for other employment-based visa categories.

Requires: (1) employers of foreign STEM graduates to submit a job order for the position with the appropriate state workforce agency, (2) such agency to post the position on its website for at least 30 days, and (3) employers to demonstrate that the total amount of compensation to be paid to a foreign STEM graduate meets or exceeds the total amount of compensation paid by the employer to all other employees with similar experience and qualifications working in the same occupational classification.

Requires the Department of Homeland Security (DHS) to make available on its website specified information regarding foreign STEM employers, the number of aliens granted STEM status, and their occupations.

Repeals such STEM and related provisions two years after enactment of this Act.

Eliminates the foreign residency requirement for certain foreign students.

Authorizes temporary workers (E, H, I, L O, or P visas) who have not violated their status to renew their same category visa from within the United States.

States that a determination of whether an alien is a child for purposes of: (1) a petition for immigrant status or a petition for adjustment of refugee status to immigrant status shall be made using the alien's age on the date on which the petition is filed with DHS, and (2) a petition for nonimmigrant admission or an application for adjustment of status from nonimmigrant to conditional (fiance) immigrant shall be made using the alien's age on the date on which the petition is filed with DHS to classify such alien's parent as the fiance of a U.S. citizen.

States that the permanent priority date for an immigrant visa petition shall be the date on which the petition is filed with DHS (or the Secretary of State, if applicable), unless such filing was preceded by the filing of a labor certification with the Secretary of Labor, in which case that date shall constitute the priority date.

States that an alien who is the beneficiary of any petition that was approvable when filed shall retain such petition's priority date in the consideration of any subsequently filed petition of which the alien is a beneficiary.

Increases the number of immigrant visas available to the spouses of aliens lawfully admitted for permanent residence in each fiscal year by the number of aliens who were lawfully admitted for permanent residence who were removed from the United States in the preceding fiscal year.

Actions Timeline

- **Sep 19, 2012:** Introduced in Senate
- **Sep 19, 2012:** Read twice and referred to the Committee on the Judiciary.