


Biden Calls for Expanded Access to US Jobs for Foreign AI Talent

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On Monday, President Biden issued a comprehensive  addressing artificial intelligence and calling for more high-skilled immigration in AI and other critical and emerging technologies.

Specifically, the executive order directs the relevant government agencies to “take appropriate steps” to:

- Streamline visa processing for non-U.S. citizens seeking to come to the United States to work on, study or conduct research in AI or other critical and emerging technologies.
- Facilitate the availability of visa appointments for applicants with expertise in AI or other critical and emerging technologies.
- Consider new regulations on the Exchange Visitor Skills Lists related to the two-year foreign residence requirement for certain J-1 nonimmigrants.
- Consider implementing a domestic visa renewal program for qualified applicants, including highly skilled talent in AI and critical and emerging technologies.
- Consider expanding the domestic visa renewal program to include academic J-1 research scholars and F-1 students in science, technology, engineering and mathematics.
- Establish a program to bring top AI talent to the U.S., to the extent permitted by law and under current appropriations.

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- Review and initiate policy changes to immigration pathways (e.g., O-1A, EB-1, EB-2 and International Entrepreneur Rule) for experts in AI and critical and emerging technologies.
 - Consider publishing updates to the 2009 Revised Exchange Visitor Skills List.
 - Continue the regulatory effort to modernize the H-1B program.
 - Consider initiating rule-making to enhance the process for noncitizens to adjust their status to lawful permanent resident.
 - Consider updates to the “Schedule A” list of occupations by publishing a request for information (RFI) to solicit public input identifying AI and other STEM-related occupations, as well as additional occupations across the economy, for which there are an insufficient number of ready, willing, able and qualified U.S. workers.

?Additional Information: Following the release of the executive order, DHS issued [REDACTED] on how it will proceed. The full text of the Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence can be found on the White House website [REDACTED].

?BAL Analysis: President Biden’s inclusion of immigration measures in the executive order shows that the administration considers attracting and retaining high-skilled foreign workers a key to remaining competitive in AI and other emerging technologies. Work on of some of the measures — e.g., the DHS effort to modernize the H-1B program and the State Department’s push to pilot domestic visa renewal — is already underway. Others would require government agencies to initiate rulemaking, a process that can take months or even years. BAL will continue following the Biden administration’s policies on high-skilled immigration and will provide updates as information becomes available.

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