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September 23, 2005

ARTICLES & ANALYSES

Congress And President Provide Relief For Healthcare Staffing

*By Sherry Neal, Esq., Hammond Law Group**

The President and Congress gave final legislative approval to a law that creates 50,000 green cards for foreign healthcare workers coming to the U.S. to work as registered nurses or physical therapists. The plan was included as part of the Emergency Supplemental Appropriations Act of 2005 (Pub. L. No. 109-13), which provides \$82 billion to the military serving in Iraq and Afghanistan. Although seemingly unrelated to military spending, the visa provision was included as part of the "emergency" bill because of recent visa delays that would have created a three- to four-year waiting period for a visa for registered nurses and physical therapists.

The U.S. Department of Labor (DOL) has recognized, for the last few decades, the U.S. labor shortage for registered nurses and physical therapists—a shortage that the DOL predicts will continue until at least the year 2020. However, previous immigration laws subjected foreign workers in those occupations to the same visa quotas and processing delays as other "non-shortage" occupations. The recent legislation changed that by creating a separate visa category and 50,000 additional visas for registered nurses and physical therapists.

Studies show that more than 11% of registered nurses in the U.S. are foreign born and more than 1.1 million immigrants work in some form of healthcare occupation in the U.S.

Based upon the average number of nurses and physical therapists applying for green cards, the new law is expected to provide relief to healthcare facilities for the next two years. In the interim, the Coalition for Improved Healthcare Staffing, consisting of leading healthcare immigration attorneys and healthcare employers, is lobbying Congress for a long term solution, including a better temporary visa option for registered nurses to immigrate to the U.S. more quickly while waiting for the green card.

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