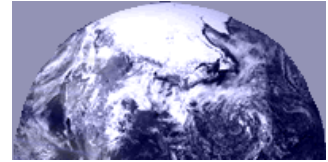


Thompson Immigration Law Associates

Providing U.S. & Global Immigration Solutions
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The “Registered Nurse” Debate

No position has generated more interest or more conflict than the employment of foreign registered nurses within the United States. Failure of the U.S. government to allow for the employment of foreign registered nurses seems to make no sense. However, there are policy considerations that impact the political debate within the United States on this issue.

For example, the U.S. Department of Labor has designated only two positions, registered nurses and physical therapists, as the only positions within the entire United States where a shortage of qualified applicants has been accepted as a fact. However, Congress has consistently refused to create a new working visa category for registered nurses. Because of this, only Canadian and Mexican registered nurses can obtain a work visa and work in the United States. All other registered nurses must enter the United States on immigrant visas (*i.e.*, as green card holders).

However, other than for a short period a few years ago, Congress has so far not failed to expand the number of immigrant visas that are available for registered nurses, or create a new employment category for registered nurses. Instead, Congress has grouped registered nurses into the same employment category as all foreign nationals who have either a bachelor’s degree or two years of experience in their field of expertise. This employment category consistently has a large backlog of applications. This makes it so any U.S. employer who wishes to sponsor a registered nurse for a green card must wait 5-7 years (at a minimum) after filing a green card application before the registered nurse may enter the United States. Very few U.S. employers are willing to invest in a potential employee who they may not see for 5-7 years, if ever. Because of this, the sponsorship of foreign registered nurses – one of only two positions which the U.S. government has designated as a shortage occupation -- has almost completely stopped within the United States.

This is not to say that the U.S. Congress is not addressing this issue. In fact, opening up additional immigrant visas for foreign registered nurses is one of the few “professional” immigration categories Congress has been willing to seriously consider.

The main policy reason why many nursing (and other) organizations oppose opening up the U.S. market to more foreign registered nurses is the fact that there is a shortage of registered nurses in all parts of the world. So if the U.S. allowed more foreign registered nurses to enter the United States, we would be depriving other, less developed countries from having enough registered nurses to meet their needs.