

## TABLE OF CONTENTS

### PART 1: ARTICLES

About The Florence Nightingale International Foundation (*we are pleased to donate a portion of the proceeds of each book to this foundation*) .....1

#### I. FOREWORD

Why A Nurse Immigration Book?  
By William Stock.....7

#### II. PREPARING AN IMMIGRATION CASE

H-1 Visas For Nurses  
By Greg Siskind and Esther Schachter-Fridman.....11

TN Status For Nurses  
By Christopher Wendt.....18

Practice Pointers for Presenting TN Applications  
By Leslie Holman.....24

An Outline Of A Typical Nurse Case, Including Consular Processing  
By Joseph Curran.....26

Adjustment Of Status For Professional Nurses  
By Sylvia Boecker.....34

Building International Bridges  
By Commission On Graduates Of Foreign Nursing Schools.....52

Tips For Staffing Companies In Planning Their Posting Strategies  
By Ronald Nair.....69

Licensure: US State Licenses For International Nurses  
By Patrick Curran.....74

Immigration Basics For Allied Professional Healthcare Workers  
By Christopher Musillo.....109

Managing Or Achieving Expectations: The Key To Success  
By Michael Hammond.....116

**III. UNDERSTANDING THE NURSING CRISIS**

Global Issues In Nurse Recruitment  
By Joseph Curran.....125

The Nurse Shortage: Why It Matters  
By Carl Shusterman.....140

Deadly Consequences: The Hidden Impact Of America’s Nursing Shortage  
By Stuart Anderson.....145

Aiding And Abetting – Nursing Crises At Home And Abroad  
By Sreekanth Chagaturu and Snigdha Vallabhaneni.....155

US Visa Policy Competition For International Scholars, Scientists And Skilled Workers  
By Phyllis Farrell Norman.....160

Better Late Than Never: Workforce Supply Implications Of Later Entry Into Nursing  
By David Auerbach, Peter Buerhaus and Douglas Staiger.....164

**IV. RECRUITING AND RETAINING NURSES**

The Business Of Nurse Migration  
By Mireille Kingma.....177

Recruitment Of Workers In The Philippines: Playing Ball With The POEA  
By Ronald Nair.....188

Successful International Nurse Recruiting  
By C. Philip Slaton.....205

Nurse Assimilation  
By Yvette Mooney.....215

Hospitals’ Responses To Nurse Staffing Shortages  
By Jessica May, Gloria Bazzoli and Anneliese Gerland.....219

Nurse Perspectives Of The Migration Experience  
By Mariah Rutherford-Olds.....230

**V. AFTERWORD**

Musings After 2 Decades In Nurse Immigration  
By James David Acoba.....239

## TABLE OF CONTENTS

### PART 2: ESSENTIAL REFERENCE MATERIALS

#### PRIMARY SOURCES—Immigration Options for Nurses

##### a. Immigration and Nationality Act Statutes

- INA 101(a)(15)(H)(i)(b): represented as 8 USC 1101.....247
- INA 101(a)(15)(H)(i)(c): represented as 8 USC 1101.....248
- INA 101(a)(15)(H)(i)(b1): represented as 8 USC 1101.....248
- INA 101(a)(15)(O): represented as 8 USC 1101.....249
- INA 212(a)(5)(C): represented as 8 USC 1182.....258
- INA 212(m): represented as 8 USC 1182.....272
- INA 212(r): represented as 8 USC 1182.....280
- INA 214(e): represented as 8 USC 1184.....284
- INA 214(g) : represented as 8 USC 1184.....290
- INA 214(i) : represented as 8 USC 1184.....291

##### b. Code of Federal Regulations

- 8 CFR 212.15.....296
- 8 CFR 214.2(h).....302
- 8 CFR 214.2(o).....319
- 8 CFR 214.6.....326
- 20 CFR 655.700-.855.....330
- 20 CFR 655.1100-.1260.....374
- 20 CFR 656.5.....391
- 20 CFR 656.15.....392
- 22 CFR 41.53.....393
- 22 CFR 41.55.....394
- 22 CFR 41.59.....394
- 22 CFR 41.101-.122.....395

##### c. Operation Instructions

- OI 202, Visa Number chargeability.....404
- OI 205 Revocation of approval of petitions
  - OI 214 Nonimmigrant classes: OI 214.1, General requirements for admission, extension, and maintenance of status; .....405
  - OI 214.2, Special requirements for admission, extension, and maintenance of status; .....406
  - OI 214.6, Special requirements for admission, extension, and maintenance of status for Canadian citizens coming to engage in business activities at a professional level pursuant to U.S. Canada Free Trade Agreement...427

## The Nurse Immigration Book 2007 - 2008 Edition

- OI 245 Adjustment of status to that of person admitted for permanent residence.....429

### d. Adjudicator's Field Manual

- Chapter 22, Employment-based Petitions, Entrepreneurs and Special immigrants (under revision). Chapter 22.2, Employment-based Petitions (Forms I-140) (revision of February 14, 2006) (*includes sample posting notice*) .....445
- Chapter 23, Adjustment of Status to Lawful Permanent Resident .....499
- Chapter 30, Nonimmigrants in general .....591
- Chapter 31, Petitions for Temporary Workers (H classifications). Chapter 31.7, Nurses (H-1C). .....619

### e. Forms

- ETA 9035, Labor Condition Application for Nonimmigrant Workers....627
- ETA 9089, Application for Permanent Employment Certification.....630
- G-325, Biographic Information.....640
- I-129, Petition for a Nonimmigrant Workers.....643
- I-131, Application for Travel Document.....660
- I-140, Immigrant Petition for Alien Worker .....670
- I-485, Application to Register Permanent Residence or Change Status..677
- I-765, Application for Employment Authorization .....689
- DS-157, Supplemental Nonimmigrant Visa Application.....699
- DS-158, Contact Information and Work History for Nonimmigrant Visa Applicant .....700
- DS-230, Application for Immigrant Visa and Alien Registration.....702

### f. Foreign Affairs Manual

- 9 FAM § 40.53, Uncertified Foreign Health-Care Workers .....706
- 9 FAM § 40.71, Documentation Requirements for Immigrants.....707
- 9 FAM § 40.72, Documentary Requirements for Nonimmigrants.....708
- 9 FAM § 41.11, Entitlement to Nonimmigrant Status.....709
- 9 FAM § 41.53, Temporary Workers and Trainees.....710
- 9 FAM § 41.59, Professionals under the North American Free Trade Agreement.....711
- 9 FAM § 41.101, Place of Application.....712
- 9 FAM § 41.111, Authority to Issue Visa.....713
- 9 FAM § 41.121, Refusal of Individual Visas.....714
- 9 FAM § 41.122, Revocation of Visas.....719
- 9 FAM § 42.12, Rules of Chargeability.....720
- 9 FAM § 42.42, Petition for Immediate Relative or Preference Status....721
- 9 FAM § 42.51, Department Control of Numerical Limitations.....722
- 9 FAM § 42.53, Priority Date of Individual Applicants .....723

**The Nurse Immigration Book 2007 - 2008 Edition**

- 9 FAM § 42.63, Application Forms and Other Documentation.....724
- 9 FAM § 42.73, Procedure in Issuing Visas.....725
- 9 FAM § 42.80, Refusal, Revocation, and Termination of Registration..726

**g. USCIS Memoranda (chronological)**

*Schedule A*

- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Current Processing of Pending Forms I-140 for a Schedule A/Group I or II Occupations Missing Evidence of Compliance with U.S. Department of Labor (DOL) Notification/Posting Requirements and Guidance Effective March 28, 2005 pursuant to new DOL regulations at 20 CFR Part 656 Regarding the New Process for Blanket Labor Certification for Schedule A,” HQPRD 70/8.5 (Sept. 23, 2005).....729
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Interim Guidance Regarding the Impact of the Department of Labor’s (DOL) PERM Rule on Determining Labor Certification Validity, Priority Dates for Employment-Based Form I-140 Petitions, Duplicate Labor Certification Requests, and Requests for Extension of H-1B Status Beyond the 6<sup>th</sup> Year,” HQPRD 70/6.2.8, AD 05-15 (Sept. 23, 2005), *posted on AILA InfoNet at Doc. No. 05101269* (Oct. 12, 2005).....737
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Current Processing of Pending Forms I-140 for a Schedule A/Group I or II Occupations,” HQPRD 70/8.5 (June 15, 2005).....748
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Interim Guidance for Processing Form I-140 Employment-Based Immigrant Petitions and Form I-485 and H-1B Petitions Affected by the American Competitiveness in the Twenty-First Century Act (AC21),” HQPRD 70/6.2.8-P (May 12, 2005), *posted on AILA InfoNet at Doc. No. 05051810* (May 18, 2005).....756
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Regression of E31 and E32 Visa Numbers for Applicants from Mainland China, India, and the Philippines; Rescission of March 31, 2004 Policy Memo re: Concurrent Adjudication of Concurrently Filed Form I-140s and Form I-485s,” HQOPRD 70/11.1 (Dec. 29, 2004), *posted on AILA InfoNet at Doc. No. 04122862* (Dec. 28, 2004).....768
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Determination of Ability to Pay under 8 CFR 204.5(g)(2),” HQOPRD 90/16.45 (May 4, 2004), *posted on AILA InfoNet at Doc. No. 04051262* (May 12, 2004).....773

**The Nurse Immigration Book 2007 - 2008 Edition**

- USCIS Memorandum: “Final Regulation on Certification of Foreign Health Care Workers: Adjudicator’s Field Manual Update AD 03-31” (Sept. 22, 2003), *posted on* AILA InfoNet at Doc. No. 03092641 (Sept. 26, 2003)...776
- INS Memorandum: Thomas E. Cook, “Adjudication of Form I-140 Petitions for Schedule A Nurses Temporarily Unable to Obtain Social Security Cards” (Dec. 20, 2002), *posted on* AILA InfoNet at Doc. No. 03010840 (Jan. 8, 2003).....784

***H-1B, H-1C***

- USCIS Memorandum: Michael Aytes, Associate Director for Domestic Operations, “Guidance Regarding Eligibility for Exemption from the H-1B Cap based on § 103 of the American Competitiveness in the Twenty-First Century Act of 2000 (AC-21) (Public Law 106-313),” HQPRD 70/23.12, AD06-27, (June 6, 2006), *posted on* AILA InfoNet at Doc. No. 06060861 (June 8, 2006).....787
- USCIS Memorandum: Michael Aytes, Acting Associate Director for Domestic Operations, “AFM Update: Chapter 31: H-1B Cap Exemption for Aliens Holding a Master’s or Higher Degree from a U.S. Institution,” HQPRD 70/23.12, AD06-24 (May 2, 2006), *posted on* AILA InfoNet at Doc. No. 06050876 (May 8, 2006). .....798
- USCIS Memorandum: Michael Aytes, Acting Associate Director for Domestic Operations, “Procedures for Calculating Maximum Period of Stay Regarding the Limitations for Admission for H-1B and L-1 Nonimmigrants (AFM Update),” HQPRD 70/6.2.8, HQPRD 70/6.2.12, AD 05-21 (Oct. 21, 2005), *posted on* AILA InfoNet at Doc. No. 05110363.....801
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Interim Guidance Regarding the Impact of the Department of Labor’s (DOL) PERM Rule on Determining Labor Certification Validity, Priority Dates for Employment-Based Form I-140 Petitions, Duplicate Labor Certification Requests, and Requests for Extension of H-1B Status Beyond the 6<sup>th</sup> Year,” HQPRD 70/6.2.8, AD 05-15 (Sept. 23, 2005), *posted on* AILA InfoNet at Doc. No. 05101269 (Oct. 12, 2005). .....737
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Interim Guidance for Processing Form I-140 Employment-Based Immigrant Petitions and Form I-485 and H-1B Petitions Affected by the American Competitiveness in the Twenty-First Century Act (AC21),” HQPRD 70/6.2.8-P (May 12, 2005), *posted on* AILA InfoNet at Doc. No. 05051810 (May 18, 2005). .....756

## The Nurse Immigration Book 2007 - 2008 Edition

- USCIS Memorandum: William R. Yates, Associate Director of Operations, “Procedures for Handling H-1B Petitions Filed on Behalf of F-1 and J-1 Nonimmigrants Affected by Federal Register Notice of July 23, 2004: Questions and Answers,” HQUSCIS 70/6.2.8 (August 8, 2004), *posted on AILA InfoNet at Doc. No. 04081167* (June 30, 2004).....810
- USCIS Memorandum: Ahern, Assistant Commissioner, Office of Field Operations, “Free Trade Agreements with Chile and Singapore” (April 19, 2004), *posted on AILA InfoNet at Doc. No. 05040166* (April 1, 2005)...812
- USCIS Memorandum: Ahern, Assistant Commissioner, Office of Field Operations, “Health Care Worker Certification” (March 12, 2004), *posted on AILA InfoNet at Doc. No. 05040164* (Apr. 1, 2005).....815
- USCIS Memorandum: William R. Yates, Associate Director of Operations, “Lifting of Numerical Cap on Mexican NAFTA Nonimmigrant Professionals (“TN”) and Free Trade Agreements with Chile and Singapore” (Jan. 8, 2004), *posted on AILA InfoNet at Doc. No. 04030361* (March 3, 2004).....817
- BCIS Memorandum: William R. Yates, Acting Associate Director for Operations, “Guidance for Processing H-1B Petitions as Affected by the Twenty-First Century Department of Justice Appropriations Authorization Act (Public Law 107-273): Adjudicator’s Field Manual Update AD 03-09,” HQBCIS 70/6/2/8-P (April 24, 2003), *posted on AILA InfoNet at Doc. No.03050145* (May 1, 2003). .....822
- INS Memorandum: Johnny N. Williams, Executive Associate Commissioner, Office of Field Operations, “Guidance on Adjudication of H-1B Petitions Filed on Behalf of Nurses,” HQISD 70/6.2.8-P (Nov. 27, 2002), *posted on AILA InfoNet at Doc. No. 02121746* (Dec. 17, 2002).....829

### **TN**

- USCIS Memorandum, William R. Yates, Associate Director of Operations, “Lifting of Numerical Cap on Mexican NAFTA Nonimmigrant Professionals (“TN”) and Free Trade Agreements with Chile and Singapore” (Jan. 8, 2004), *posted on AILA InfoNet at Doc. No. 04030361* (March 3, 2004).....817
- INS Memorandum, Michael A. Pearson, Executive Associate Commissioner, Office of Field Operations, “Denial of Applicants for Admission under the North American Free Trade Agreement (IN 01-11),” HQINS 70/6.2.2 (May 25, 2001), *posted on AILA InfoNet at Doc. No. 01070231* (July 2, 2001)..833

### **h. Policy Guidance**

- Department of Labor, Employment and Training Administration,

**The Nurse Immigration Book 2007 - 2008 Edition**

“Prevailing Wage Determination Policy Guidance for Nonagricultural Immigration Programs,” (revised May 9, 2005).....845

**i. Certification and Licensing**

- USCIS, “How Do I Apply For Health Care Workers Certification?” .....873
- Nurse Licensing Requirements by State Chart(Courtesy of Siskind Susser Bland).....876



## CD-ROM REFERENCE MATERIALS

### I. PRIMARY SOURCES—Immigration Options for Nurses

#### a. Immigration and Nationality Act Statutes

- INA 101(a)(15)(H)(i)(b): represented as 8 USC 1101
- INA 101(a)(15)(H)(i)(c): represented as 8 USC 1101
- INA 101(a)(15)(H)(i)(b1): represented as 8 USC 1101
- INA 101(a)(15)(O): represented as 8 USC 1101
- INA 212(a)(5)(C): represented as 8 USC 1182
- INA 212(m): represented as 8 USC 1182
- INA 212(r): represented as 8 USC 1182
- INA 214(e): represented as 8 USC 1184
- INA 214(g) : represented as 8 USC 1184
- INA 214(i) : represented as 8 USC 1184

#### b. Code of Federal Regulations

- 8 CFR 212.15
- 8 CFR 214.2(h)
- 8 CFR 214.2(o)
- 8 CFR 214.6
- 20 CFR 655.1100-.1260
- 20 CFR 655.700-.855
- 20 CFR 656.15
- 20 CFR 656.5
- 22 CFR 41.101-.122
- 22 CFR 41.53
- 22 CFR 41.55
- 22 CFR 41.59

#### c. Operation Instructions

- OI 202, Visa Number chargeability
- OI 205 Revocation of approval of petitions
- OI 214 Nonimmigrant classes:
  - OI 214.1, General requirements for admission, extension, and maintenance of status;
  - OI 214.2, Special requirements for admission, extension, and maintenance of status;
  - OI 214.6, Special requirement for admission, extension and maintenance of status for Canadian citizens coming to engage in business activities at a professional level pursuant to U.S. Canada Free Trade Agreement
- OI 245 Adjustment of status to that of person admitted for permanent residence.

**d. Adjudicator's Field Manual**

- Chapter 22, Employment-based Petitions, Entrepreneurs and Special immigrants (under revision). Chapter 22.2, Employment-based Petitions (Forms I-140) (revision of February 14, 2006) (*includes sample posting notice*)
- Chapter 23, Adjustment of Status to Lawful Permanent Resident
- Chapter 30, Nonimmigrants in general
- Chapter 31, Petitions for Temporary Workers (H classifications). Chapter 31.7, Nurses (H-1C).
- Section IV. Waivers and Related Matters
- Section V. Travel and Identity Documents

**e. Forms**

- ETA 9035, Labor Condition Application for Nonimmigrant Workers
- ETA 9089, Application for Permanent Employment Certification
- G-325, Biographic Information
- I-129, Petition for a Nonimmigrant Workers
- I-131, Application for Travel Document
- I-140, Immigrant Petition for Alien Worker
- I-485, Application to Register Permanent Residence or Change Status
- I-765, Application for Employment Authorization
- DS-156, Nonimmigrant Visa Application
- DS-157, Supplemental Nonimmigrant Visa Application
- DS-158, Contact Information and Work History for Nonimmigrant Visa Applicant
- DS-230, Application for Immigrant Visa and Alien Registration

**f. Foreign Affairs Manual**

- 9 FAM § 40.53, Uncertified Foreign Health-Care Workers
- 9 FAM § 40.71, Documentation Requirements for Immigrants
- 9 FAM § 40.72, Documentary Requirements for Nonimmigrants
- 9 FAM § 41.11, Entitlement to Nonimmigrant Status
- 9 FAM § 41.53, Temporary Workers and Trainees
- 9 FAM § 41.59, Professionals under the North American Free Trade Agreement
- 9 FAM § 41.101, Place of Application
- 9 FAM § 41.111, Authority to Issue Visa
- 9 FAM § 41.121, Refusal of Individual Visas
- 9 FAM § 41.122, Revocation of Visas
- 9 FAM § 42.0, Immigrant Visas (entire section)
- 9 FAM § 42.12, Rules of Chargeability
- 9 FAM § 42.30, Immigrants Subject to Numerical Limitation (entire section)
- 9 FAM § 42.42, Petition for Immediate Relative or Preference Status

## The Nurse Immigration Book 2007 - 2008 Edition

- 9 FAM § 42.51, Department Control of Numerical Limitations
- 9 FAM § 42.53, Priority Date of Individual Applicants
- 9 FAM § 42.63, Application Forms and Other Documentation
- 9 FAM § 42.73, Procedure in Issuing Visas
- 9 FAM § 42.80, Refusal, Revocation, and Termination of Registration

### g. USCIS Memoranda (chronological)

#### *Schedule A*

- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Current Processing of Pending Forms I-140 for a Schedule A/Group I or II Occupations Missing Evidence of Compliance with U.S. Department of Labor (DOL) Notification/Posting Requirements and Guidance Effective March 28, 2005 pursuant to new DOL regulations at 20 CFR Part 656 Regarding the New Process for Blanket Labor Certification for Schedule A,” HQPRD 70/8.5 (Sept. 23, 2005).
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Interim Guidance Regarding the Impact of the Department of Labor’s (DOL) PERM Rule on Determining Labor Certification Validity, Priority Dates for Employment-Based Form I-140 Petitions, Duplicate Labor Certification Requests, and Requests for Extension of H-1B Status Beyond the 6<sup>th</sup> Year,” HQPRD 70/6.2.8, AD 05-15 (Sept. 23, 2005), *posted on* AILA InfoNet at Doc. No. 05101269 (Oct. 12, 2005).
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Current Processing of Pending Forms I-140 for a Schedule A/Group I or II Occupations,” HQPRD 70/8.5 (June 15, 2005).
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Interim Guidance for Processing Form I-140 Employment-Based Immigrant Petitions and Form I-485 and H-1B Petitions Affected by the American Competitiveness in the Twenty-First Century Act (AC21),” HQPRD 70/6.2.8-P (May 12, 2005), *posted on* AILA InfoNet at Doc. No. 05051810 (May 18, 2005).
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Regression of E31 and E32 Visa Numbers for Applicants from Mainland China, India, and the Philippines; Rescission of March 31, 2004 Policy Memo re: Concurrent Adjudication of Concurrently Filed Form I-140s and Form I-485s,” HQOPRD 70/11.1 (Dec. 29, 2004), *posted on* AILA InfoNet at Doc. No. 04122862 (Dec. 28, 2004).
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Determination of Ability to Pay under 8 CFR 204.5(g)(2),” HQOPRD

## The Nurse Immigration Book 2007 - 2008 Edition

90/16.45 (May 4, 2004), *posted on* AILA InfoNet at Doc. No. 04051262 (May 12, 2004).

- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Final Regulation on Certification of Foreign Health Care Workers: Adjudicator’s Field Manual Update AD 03-31” (Sept. 22, 2003), *posted on* AILA InfoNet at Doc. No. 03092641 (Sept. 26, 2003).
- INS Memorandum: Thomas E. Cook, “Adjudication of Form I-140 Petitions for Schedule A Nurses Temporarily Unable to Obtain Social Security Cards” (Dec. 20, 2002), *posted on* AILA InfoNet at Doc. No. 03010840 (Jan. 8, 2003).

### ***H-1B, H-1C***

- USCIS Memorandum: Michael Aytes, Associate Director for Domestic Operations, “Guidance Regarding Eligibility for Exemption from the H-1B Cap based on § 103 of the American Competitiveness in the Twenty-First Century Act of 2000 (AC-21) (Public Law 106-313),” HQPRD 70/23.12, AD06-27, (June 6, 2006), *posted on* AILA InfoNet at Doc. No. 06060861 (June 8, 2006).
- USCIS Memorandum: Michael Aytes, Acting Associate Director for Domestic Operations, “AFM Update: Chapter 31: H-1B Cap Exemption for Aliens Holding a Master’s or Higher Degree from a U.S. Institution,” HQPRD 70/23.12, AD06-24 (May 2, 2006), *posted on* AILA InfoNet at Doc. No. 06050876 (May 8, 2006).
- USCIS Memorandum: Michael Aytes, Acting Associate Director for Domestic Operations, “Procedures for Calculating Maximum Period of Stay Regarding the Limitations for Admission for H-1B and L-1 Nonimmigrants (AFM Update),” HQPRD 70/6.2.8, HQPRD 70/6.2.12, AD 05-21 (Oct. 21, 2005), *posted on* AILA InfoNet at Doc. No. 05110363.
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Interim Guidance Regarding the Impact of the Department of Labor’s (DOL) PERM Rule on Determining Labor Certification Validity, Priority Dates for Employment-Based Form I-140 Petitions, Duplicate Labor Certification Requests, and Requests for Extension of H-1B Status Beyond the 6<sup>th</sup> Year,” HQPRD 70/6.2.8, AD 05-15 (Sept. 23, 2005), *posted on* AILA InfoNet at Doc. No. 05101269 (Oct. 12, 2005).
- USCIS Memorandum: William R. Yates, Associate Director, Operations, “Interim Guidance for Processing Form I-140 Employment-Based Immigrant Petitions and Form I-485 and H-1B Petitions Affected by the American Competitiveness in the Twenty-First Century Act (AC21),” HQPRD 70/6.2.8-

## The Nurse Immigration Book 2007 - 2008 Edition

P (May 12, 2005), *posted on* AILA InfoNet at Doc. No. 05051810 (May 18, 2005).

- USCIS Memorandum: William R. Yates, Associate Director of Operations, “Procedures for Handling H-1B Petitions Filed on Behalf of F-1 and J-1 Nonimmigrants Affected by Federal Register Notice of July 23, 2004: Questions and Answers,” HQUSCIS 70/6.2.8 (August 8, 2004), *posted on* AILA InfoNet at Doc. No. 04081167 (June 30, 2004).
- USCIS Memorandum: Jayson Ahern, Assistant Commissioner, Office of Field Operations, “Free Trade Agreements with Chile and Singapore” (April 19, 2004), *posted on* AILA InfoNet at Doc. No. 05040166 (April 1, 2005).
- USCIS Memorandum: Jayson Ahern, Assistant Commissioner, Office of Field Operations, “Health Care Worker Certification” (March 12, 2004), *posted on* AILA InfoNet at Doc. No. 05040164 (Apr. 1, 2005).
- USCIS Memorandum: William R. Yates, Associate Director of Operations, “Lifting of Numerical Cap on Mexican NAFTA Nonimmigrant Professionals (“TN”) and Free Trade Agreements with Chile and Singapore” (Jan. 8, 2004), *posted on* AILA InfoNet at Doc. No. 04030361 (March 3, 2004).
- BCIS Memorandum: William R. Yates, Acting Associate Director for Operations, “Guidance for Processing H-1B Petitions as Affected by the Twenty-First Century Department of Justice Appropriations Authorization Act (Public Law 107-273): Adjudicator’s Field Manual Update AD 03-09,” HQBCIS 70/6/2/8-P (April 24, 2003), *posted on* AILA InfoNet at Doc. No.03050145 (May 1, 2003).
- INS Memorandum: Johnny N. Williams, Executive Associate Commissioner, Office of Field Operations, “Guidance on Adjudication of H-1B Petitions Filed on Behalf of Nurses,” HQISD 70/6.2.8-P (Nov. 27, 2002), *posted on* AILA InfoNet at Doc. No. 02121746 (Dec. 17, 2002).

### **TN**

- USCIS Memorandum: William R. Yates, Associate Director of Operations, “Lifting of Numerical Cap on Mexican NAFTA Nonimmigrant Professionals (“TN”) and Free Trade Agreements with Chile and Singapore” (Jan. 8, 2004), *posted on* AILA InfoNet at Doc. No. 04030361 (March 3, 2004).
- INS Memorandum: Michael A. Pearson, Executive Associate Commissioner, Office of Field Operations, “Denial of Applicants for Admission under the North American Free Trade Agreement (IN 01-11),” HQINS 70/6.2.2 (May 25, 2001), *posted on* AILA InfoNet at Doc. No. 01070231 (July 2, 2001).

**h. Links to Liaison Minutes**

**(Chronological; only included minutes with questions related specifically to nurses)**

- Minutes of May 1, 2006, AILA/TSC Meeting (revised May 8, 2006), *posted on AILA InfoNet* (June 16, 2006) (see Question 4 re whether VisaScreen is required at time of filing I-140/485).
- Minutes of April 14, 2006 AILA/CGFNS Liaison Meeting, *posted on AILA InfoNet* at Doc. No. 06061671 (June 16, 2006).
- Minutes of January 9, 2006 AILA/TSC Meeting, *posted on AILA InfoNet* at Doc. No. 06020970 (Feb. 9, 2006) (See Question 12 on the TSC's process for distinguishing Schedule A from regular EB-3 petitions)
- Minutes of August 24, 2005 CSC/AILA Liaison Meeting, *posted on AILA InfoNet* at Doc. No. 05083065 (see Question 5 re nurse staffing companies)

**i. Policy Guidance**

- Department of Labor, Employment and Training Administration, "Prevailing Wage Determination Policy Guidance for Nonagricultural Immigration Programs," (revised May 9, 2005)

**j. Other**

- AILA-SCOPS Q&A Regarding Schedule A Posting Requirements, Dec. 19, 2005, *posted on AILA InfoNet* at Doc. No. 05122162 (Dec. 21, 2005).

**II. CERTIFICATION AND LICENSING**

**a. General**

- USCIS, "How Do I Apply For Health Care Workers Certification?"

**b. Commission on Graduates of Foreign Nursing Schools (CFGNS)**

- CFGNS: <http://www.cgfns.org/>
- Applications and forms: <http://cgfns.org/sections/apply/download.shtml>
- Enrollment Form: Online Multiple Report System
- Certification Program Applications: [2006 Application Handbook](#) – PDF (rev. 03/6/06); [2006 Re-Application Packet](#) – PDF (rev. 04/13/06)
- Credentials Evaluation Service Applications: [2006 Application Handbook](#) – PDF (rev. 03/06/06); [2006 Additional Services Form](#) – PDF (rev. 04/13/06)
- Credential Verification for New York State Applications; [2006 Application Handbook](#) – PDF (rev. 03/06/06)

## The Nurse Immigration Book 2007 - 2008 Edition

- *VisaScreen*<sup>TM</sup> Program Applications: [2006 Application Handbook](#) – PDF (rev. 03/06/06); [Renewal Application Packet](#) – PDF (rev. 07/07/05)

### c. English Language Proficiency

Scores from the TOEFL/TWE, TSE, IELTS, or TOEIC are accepted by the CGFNS.

- Test of English as a Foreign Language (TOEFL);
- Test of Written English (TWE), and Test of Spoken English (TSE) administered by the Educational Testing Service (ETS); or
- Test of English for International Communication (TOEIC) administered by the Chauncey Group, along with the TSE and TWE, administered by ETS; or

All ETS-administered testing information available at: <http://www.ets.org>.

- International English Language Testing System (IELTS), administered by Cambridge ESOL Examinations, the British Council and IDP Education Australia.

IELTS-administered testing information available at:  
<http://www.ielts.org/>.

### d. Licensing (Links)

- National Council Licensure Examination (NCLEX-RN), created by National Council of State Boards of Nursing, required by all states for licensing of nurses: <http://www.ncsbn.org/>.
- State-by-state licensing requirements:
  - Alabama: <http://www.abn.state.al.us>
  - Alaska: <http://www.dced.state.ak.us/occ/pnur.htm>
  - Arizona: <http://www.azbn.gov/>
  - Arkansas: <http://www.arsbn.org/>
  - California: <http://www.rn.ca.gov/>
  - Colorado: <http://www.dora.state.co.us/nursing/>
  - Connecticut: <http://www.dph.state.ct.us>
  - Delaware:  
<http://www.professionallicensing.state.de.us/boards/nursing/index.shtml>
  - District of Columbia: <http://www.dchealth.dc.gov>
  - Florida: <http://www.doh.state.fl.us/mqa/nursing/>
  - Georgia: <http://www.sos.state.ga.us/plb/rn/>
  - Hawaii: <http://www.hawaii.gov/dcca/areas/pvl/boards/nursing/>
  - Idaho: <http://www2.idaho.gov/ibn/>
  - Illinois: <http://www.idfpr.com/dpr/WHO/nurs.asp>
  - Indiana: <http://www.in.gov/pla/bandc/isbn/>
  - Iowa: <http://www.state.ia.us/nursing/>

## The Nurse Immigration Book 2007 - 2008 Edition

Kansas: <http://www.ksbn.org>  
Kentucky: <http://www.kbn.ky.gov/>  
Louisiana: <http://www.lsbm.state.la.us/>  
Maine: <http://www.state.me.us/boardofnursing/>  
Maryland: <http://www.mbon.org>  
Massachusetts: <http://www.state.ma.us/reg/boards/rn/>  
Michigan: [http://www.michigan.gov/mdch/0,1607,7-132-27417\\_27529\\_27542---,00.html](http://www.michigan.gov/mdch/0,1607,7-132-27417_27529_27542---,00.html)  
Minnesota: <http://www.nursingboard.state.mn.us/>  
Mississippi: <http://www.msbn.state.ms.us/>  
Missouri: <http://pr.mo.gov/nursing.asp>  
Montana: [http://mt.gov/dli/bsd/license/bsd\\_boards/nur\\_board/board\\_page.asp](http://mt.gov/dli/bsd/license/bsd_boards/nur_board/board_page.asp)  
Nebraska: <http://www.hhs.state.ne.us/crl/nursing/Nursingindex.htm>  
Nevada: <http://www.nursingboard.state.nv.us/>  
New Hampshire: <http://www.state.nh.us/nursing/>  
New Jersey: <http://www.state.nj.us/lps/ca/medical/nursing.htm>  
New Mexico: <http://www.bon.state.nm.us/index.html>  
New York: <http://www.op.nysed.gov/nurse.htm>  
North Carolina: <http://www.ncbon.com>  
North Dakota: <http://www.ndbon.org>  
Ohio: <http://www.nursing.ohio.gov/>  
Oklahoma: <http://www.ok.gov/nursing/>  
Oregon: <http://www.osbn.state.or.us/>  
Pennsylvania: [www.dos.state.pa.us/nurse](http://www.dos.state.pa.us/nurse)  
Rhode Island: <http://www.health.state.ri.us/hst/professions/nurses.php>  
South Carolina: <http://www.llr.state.sc.us/pol/nursing/>  
South Dakota: <http://www.state.sd.us/doh/nursing/>  
Tennessee: <http://www2.state.tn.us/health/Boards/Nursing/>  
Texas: <http://www.bne.state.tx.us/>  
Utah: <http://www.dopl.utah.gov/licensing/nurse.html>  
Vermont: <http://www.vtprofessionals.org/opr1/nurses/>  
Virginia: <http://www.dhp.state.va.us/Nursing/>  
Washington: <https://fortress.wa.gov/doh/hpqa1/hps6/Nursing/default.htm>  
West Virginia: <http://www.wvrnboard.com>  
Wisconsin: <http://drl.wi.gov/boards/nur/index.htm>  
Wyoming: <http://nursing.state.wy.us>

### III. GENERAL WEB RESOURCES

- United States Citizenship & Immigration Services, <http://www.uscis.gov>
- United States Department of State, Visa Services, [http://travel.state.gov/visa/visa\\_1750.html](http://travel.state.gov/visa/visa_1750.html)
- United States Department of State Visa Bulletin, [http://travel.state.gov/visa/frvi/bulletin/bulletin\\_1360.html](http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html)



## The Nurse Immigration Book 2007 - 2008 Edition

- Department of Labor, Foreign Labor Certifications, <http://www.foreignlaborcert.doleta.gov/>
- NAFSA Adviser's Manual
- Nurse Licensing Requirements by State Chart (Courtesy of Siskind Susser Bland)

### IV. ADDITIONAL RESOURCES AND LINKS TO WEBSITES:

- These occupations require the Health Care Worker Certificate:
  - Nurses (licensed practical nurses, licensed vocational nurses, and registered nurses)
  - Physical therapists
  - Occupational therapists
  - Speech language pathologists and audiologists
  - Medical technologists (a.k.a. clinical laboratory technicians)
  - Medical technicians (a.k.a. clinical laboratory technicians)
  - Physician assistants
- NAFTA Professional Job Series List:  
[http://travel.state.gov/visa/temp/types/types\\_1274.html](http://travel.state.gov/visa/temp/types/types_1274.html)
- USCIS Fact Sheet on the Health Care Worker Certificate (includes a FAQ):  
<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=c55878a814f0e010VgnVCM1000000ecd190aRCRD&vgnnextchannel=48819c7755cb9010VgnVCM10000045f3d6a1RCRD>
- Licensing / Healthcare Worker Certification websites:
  - National Council of State Boards of Nursing (NCLEX administrators):  
<http://www.ncsbn.org/>
  - Commission on Graduates of Foreign Nursing Schools (CGFNS):  
<http://www.cgfns.org>
  - Foreign Credentialing Commission on Physical Therapy (FCCPT):  
<http://www.fccpt.org/>
  - National Board for Certification in Occupational Therapy (NBCOT):  
<http://www.nbcot.org/>
  - Federation of State Boards of Physical Therapy (FSBPT):  
<http://www.fsbpt.org/>
  - Praxis Series: [www.ets.org/praxis](http://www.ets.org/praxis)
- CGFNS' Summary of Minimum English Language Testing Scores, per occupation: <http://www.cgfns.org/sections/tools/faq/vs.shtml#18>

*The CD-Rom Reference Material was compiled by Jennifer Rogers, a summer intern at Curran and Berger, and currently a law student at New York School of Law.*

# ILW.COM ORDER FORM

*For a complete listing of resources available from ILW.COM, please visit [www.ilw.com](http://www.ilw.com)*

Name: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
 Firm: \_\_\_\_\_ Email: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 \_\_\_\_\_ Fax: \_\_\_\_\_

Title	Price	Qty	Total
The H1-B Book 2008 – 2009 Edition – Editor: Karen Weinstock	\$499		
The PERM Book 2008-2009 Edition - Editor: Joel Stewart	\$499		
Child Status Protection Act by Charles Wheeler	\$199		
Family-based Immigration: A Practitioner's Guide - Editor: Charles Wheeler	\$199		
Relief From Removal: A Definitive Manual For Winning Cases 2007-2008 – Editor: Jill Sheldon	\$199		
Crimes & Immigration: A Definitive Manual For Winning Cases 2007-2008 – Editor : Jill Sheldon	\$199		
The Nurse Immigration Book 2007-2008 Edition - Editors: Joseph P. Curran and Dan H. Berger	\$499		
Immigration Practice 2008-2009 Edition by Robert C. Divine	\$225		
The Whole Act 2008-2009 Edition by P.J. Patel	\$199		
20/22/28 CFR Plus 2008-2009 Edition by P.J. Patel	\$99		
8CFR Plus 2008-2009 Edition by P.J. Patel	\$99		
Patel’s Citations 2008-2009 Edition by P.J. Patel	\$199		
Patel’s Immigration Law Library 2008-2009 Edition by P.J. Patel (Includes 20/22/28 CFR Plus, 8 CFR Plus, The Whole Act & Patel’s Citations)	\$499		
<b>DVD</b> - Solving Complex Immigration Challenges While Super-Charging Your Career and Your Law Firm Workshop	\$499		
<b>DVD</b> - Nuts And Bolts Of The Immigration Process Workshop	\$499		
<b>DVD</b> - Fighting Crime: A Workshop for Immigration Lawyers	\$499		

**PAYMENT INFORMATION**

Check Enclosed or Charge my:  MC  Visa  AmEx  Discover  
 Check must be Payable to ILW.COM in US dollars, payable to a US institution

Name on Credit Card: \_\_\_\_\_  
 Card Number: \_\_\_\_\_  
 Exp. Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Billing Address if different from Shipping: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Total Number of Items to be Shipped: \_\_\_\_\_ Total Due \$ \_\_\_\_\_

**TO ORDER, CONTACT ILW.COM AT:**

Phone: 212-545-0818 Online: [www.ilw.com](http://www.ilw.com) or [www.ilw.com/workshops](http://www.ilw.com/workshops)  
 Mail: P.O Box 1830, New York, NY 10156 Fax: 212-545-0869

For orders outside the US, to order by Email or questions please write to [webmaster@ilw.com](mailto:webmaster@ilw.com)