



Hiring a Foreign Nurse: An Overview for Employers

Temporary Work Permits for Nurses: H1-B and TN

There are limited options for temporary employment authorization in the United States for Registered Nurses. For employers, temporary visas are usually preferable to Green Card options because they are faster (weeks rather than months) and are "employer specific" rather than "open market."

If your facility has a position available which is one that normally requires a four-year Bachelor's degree, and your nurse candidate has a Bachelor's degree in nursing, you may sponsor the nurse for H-1B status. However, most Registered Nurse jobs in the United States do not require a Bachelor's degree, and the INS does not consider most RN positions to be H-1B eligible.

If your nurse candidate is a citizen of Canada or Mexico, you can sponsor the nurse for a TN work permit. The TN is valid for one year at a time, and may be renewed indefinitely in one-year increments. To qualify for a TN, the nurse must have at least a temporary nursing license from the State of intended employment.

The TN work permit for Canadians may be obtained at a U.S. Port of Entry on the day of application. The TN for Mexican nurses must first be filed with an INS Service Center, followed by visa issuance at a U.S. Consulate in Mexico. However, it can take as little as two to three weeks total for the visa to be issued.

At this time, the Test of Spoken English (TSE) is not required for H-1Bs or TNs, but it may be soon: see Fed. Reg. 11 Oct 02 (Vol 67, No 198), Page 63313, DOCID: fr11oc02-24.

The Permanent Residence ("Green Card") Process

Because of the lack of temporary options for nurses, it is usually necessary to apply directly for permanent residence, also known as the "Green Card." This process involves two steps: 1) filing the Immigrant Visa Petition at the INS in the United States, and after the visa petition is approved 2) applying for an Immigrant Visa at a U.S. consulate in her home country OR filing an application for Adjustment of Status with the INS (if the nurse is already physically present in the U.S.).

Receiving an Approved Immigrant Visa Petition: Step I

In order to file for an Immigrant Visa Petition, a foreign nurse must either have 1) a CGFNS Certificate (Commission on Graduates of Foreign Nursing Schools), OR 2) a full and unrestricted nursing license from the State of intended employment.

The CGFNS exam is offered three times a year at locations worldwide. The NCLEX exam is given only in the US (including Saipan, Guam, Am. Samoa, N. Mariana Islands, Puerto Rico, and the U.S. Virgin Islands). Most nurses who are overseas will first need to obtain the CGFNS certificate in order to start the immigration process.



CGFNS Certificate: The CGFNS Certificate involves:

Credentials review of the nurse's education, registration and licensure.

The CGFNS Qualifying Exam, a one-day qualifying exam testing nursing knowledge.

An English language proficiency exam (TOEFL: minimum score 207).

State License: An RN may apply for licensure by exam or endorsement by submitting an application for licensure to the Board of Registered Nursing in the State of intended employment. Licensing requirements and processing times differ by State. Most States require passage of the CGFNS exam, plus a valid Social Security Number. All states require passage of NCLEX, after authorization to test ("ATT") is provided by the State Board.

Once a nurse receives either a State nursing license or the CGFNS certificate, the Immigrant Visa Petition takes approximately 2 – 6 months for approval by the INS Service Center that has jurisdiction over the place of employment.

The Permanent Residence Application: Step II

The second step toward permanent residence is completed either at a U.S. Consulate in the nurse's home country, or completed with the INS regional Service Center in the U.S. This process involves a screening of the nurse to ensure that she meets all of the requirements to be admitted to the United States. At this point, the nurse's spouse and children, if any, may join the process to obtain Green Cards. If the nurse is in valid immigration status in the U.S., she may file Adjustment of Status with the INS and receive work authorization while the application is pending. Otherwise, the nurse must process an Immigrant Visa in her home country.

VisaScreen™ Certificate: Every nurse must present a "VisaScreen™ Certificate" at the 2nd step of the permanent residence process. This involves:

A screening of the nurse's education, licensing and English skills.

For a nurse who did not receive her nursing education in an English-speaking country, the nurse must pass an English exam, including both oral and written English (TSE score of 50 or MELAB score of 3+ required). The oral English exam is a barrier for many foreign nurses to receiving their VisaScreen™ certificates.

Permanent Residence in the United States: "Open Market" Work Authorization
After the Adjustment of Status is approved or an Immigrant Visa is presented at the Port of Entry, the nurse gets a stamp in her passport, documenting her permanent residence status. Once the nurse receives permanent residence ("PR"), she will have an unrestricted "open market" work authorization in the United States. A social security card can be issued, and the nurse will ultimately receive her Green Card in the mail. Some nurses may only complete NCLEX testing and State licensure after immigration.