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General summary for immigration requirements of foreign nurses

Overview

Foreign nurses now may be the beneficiaries of the H-1B petitions filed by the prospective employers. All H-1B requirements and state licensure requirements are applicable to foreign nurses seeking H-1B status. Please see also H-1B overview.

Qualifying criteria

A professional nurse may qualify under H-1B if the position is a specialty occupation and that he or she has a bachelor's degree or its equivalent. The foreign nurses are also required to pass the NCLEX-RN exam and obtain state licensure.

- **CGFNS Certification:** The CGFNS Certification Program is a three-part program designed to predict an applicant's likelihood of passing the NCLEX-RN examination and becoming licensed as a registered nurse in the United States. The three parts of the program include a credentials review, a Qualifying Exam of nursing knowledge and an English language proficiency examination. Applicants must successfully complete all three parts of the Certification Program in order to earn the CGFNS Certificate. This certification program is only open to entry-level nurses (registered nurses).

Filing procedures

Filing an H-1B on behalf of foreign nurses or health care workers, an employer will follow the normal H-1B filing procedures (i.e. attesting it will pay prevailing wages, obtaining a certified LCA, and completing I-129). However, depending on the nursing positions, the procedures for H-1B visa status vary slightly:

- **Registered Nurses:** Because registered nurses do not generally require a bachelor's degree, the petitioner must establish one of the following in order to qualify an RN for H-1B: (1) the degree requirement is common to the industry for parallel nursing positions; or (2) the employer normally requires a degree or its equivalent for the position; or (3) the nature of the position's duties is so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a bachelor's degree or higher.
 - A general registered nurse may qualify as a specialty occupation based on the state's license requirements. If the state requires that an individual possesses a bachelor's degree in nursing, then general registered nurses in that state will be considered to be specialty occupations.
- **Specialized Nurses:** Certain nursing positions that require nurses to be certified as advance practice registered nurses will generally qualify as specialty occupations.
- **Administrative Nurses:** Certain nursing occupations, such as an upper-level nurse manager in a hospital administration position may qualify as H-1B level positions as long as the position requires a bachelor's degree.

Filing Fees and Processing Times

Current filing fees for H-1B petitions are \$190.00 for Form I-129, \$500.00 for Fraud Detention and Prevention fees, and \$750.00 (less than 25 employees) or \$1,500.00 in government training fees. Premium processing (a decision is guaranteed within 15 days) is available for additional \$1000.00.

The current processing time for H-1B petitions is about 5-6 months, depending on the Service Center. The application time for CGFNS certification is 6-8 weeks.

CGFNS Program

- Complete the CGFNS application form
- Prepare and send a Nursing Education Form to the nursing school where you obtained your diploma/degree to have them send your transcripts directly to CGFNS.
- Prepare a Validation of Registration/License form for every license you have ever held and send each form to the issuing authority(ies).
- Send a clear copy of your high school diploma or equivalent.
- If your diploma is not in English, you will need to send a certified, word-for-word English translation with this form.
- Send three signed photographs of yourself and complete the CGFNS Photo Identification Card.
- Enclose the application fee in U.S. dollars, drawn on a U.S. bank. Send an international money order or certified bank check payable to "CGFNS" or pay with one of the following credit cards: Visa, Mastercard or Discover.

VisaScreen Certificate

If a non-immigrant nurse is changing his/her status to permanent resident, then a VisaScreen Certification is required.

- Certification requirement: licensed practical nurses, licensed vocational nurses and registered nurses are subject to certification.
 - Alien's education, training, license and experience are comparable with that required for a U.S. health care worker of the same type;
 - Alien's education, training, license and experience are authentic;
 - Alien's education, training, license and experience meet all applicable statutory and regulatory requirements for admission into the U.S.; and
 - Either that the alien has passed a test predicting success on the occupation's licensing or certification examination or that the alien has passed the occupation's licensing or certification examination.
- English competency requirement: registered nurses must meet certain English language proficiency requirement.
- Applicants seeking certification must complete VisaScreen applications, forward all "Request for Academic Records" forms to all appropriate educational institutions, forward all "Request for Validation of Registration/License" forms to the appropriate registration authorities, and mail the complete applications and payment (currently \$325) to VisaScreen: Visa Credential Assessment.