

H-1B applications are below cap for 2010

For the first time in several years, the cap on H-1B visas was not reached during open enrollment, which began 1 April 2009. By 29 May 2009, the United States Citizenship and Immigration Services (USCIS) announced that it had received 45,800 H-1B petitions counting toward the congressionally-mandated 65,000 cap. Enrollment will remain open until that figure is reached.

The H-1B is a working visa that allows a U.S. company to employ a non-U.S. citizen for up to six years. Because applying for a work visa is generally quicker than applying for a U.S. Green Card, staff required on long-term assignments in the United States are often initially brought in using visas such as the H-1B.

Health professionals, such as physical therapists, occupational therapists and medical technologists often enter under the H-1B visa. A few baccalaureate-prepared nurses who have been recruited for positions that require a degree may be eligible to enter the United States under this category.

The USCIS will continue to accept regular cap-subject H-1B petitions until a sufficient number has been received to reach the statutory limits.

The H-1B advanced degree exemption (see sidebar) has received the full cap of 20,000 petitions. USCIS continues to accept Masters petitions because not all accepted cases are approvable.

The USCIS will continue to accept both cap-subject petitions and advanced degree petitions. When the USCIS declares that the H-1B visa cap is met, all petitions

received on the last day will be subject to a random lottery. Until the USCIS declares that the H-1B visa cap has been met, cap-subject H-1B petitions may continue to be filed.

Hammond Law Group, LLC, April 8 2009, Workpermit.com http://www.workpermit.com/us/us_h1b.htm

BREAKING NEWS

What you need to know about H-1B

Taken from: U.S. Citizenship and Immigration Services http://www.uscis.gov/h-1b_count

What is a 'cap'?

The word 'cap' used in this update refers to annual numerical limitations set by Congress on certain nonimmigrant visa classifications, eg, H-1B and H-2B. Caps control the number of workers that can be issued a visa in a given fiscal year to enter the United States, pursuant to a particular nonimmigrant classification. Caps also control the number of aliens already in the United States that may be authorized to change status to a cap-subject classification.

H-1B

The H-1B visa program is used by some U.S. employers to employ foreign workers in specialty occupations that require theoretical or technical expertise in a specialized field and a bachelor's degree or its equivalent. Typical H-1B occupations include architects, engineers, computer programmers, accountants, doctors and college professors. The H-1B visa program also includes certain fashion models of distinguished merit and ability and up to 100 persons who will performing services of an exceptional nature in connection with Department of Defense (DOD) research and development projects or coproduction projects. The current annual cap on the H-1B category is 65,000. Not all H-1B nonimmigrants are subject to this annual cap. Please note that up to 6,800 visas may be set aside from the cap of 65,000 during each fiscal year for the H-1B1 program under the terms of the legislation implementing the U.S.-Chile and U.S.-Singapore Free Trade Agreements. Unused numbers in this pool are made available for H-1B use for the next fiscal year.

H-1B Employer Exemptions

H-1B nonimmigrants who are employed, or who have received an offer of employment, by institutions of higher education or a related or affiliated nonprofit entity, as well as those employed, or who will be employed, by a nonprofit research organization or a governmental research organization are exempt from the cap.

H-1B Advanced Degree Exemption

The H-1B Visa Reform Act of 2004 makes available 20,000 new H-1B visas for foreign workers with a Master's or higher level degree from a U.S. academic institution. For each fiscal year, 20,000 beneficiaries of H-1B petitions on behalf of persons who hold such credentials are statutorily exempted from the cap.

CGFNS Qualifying ExamSM schedule

The CGFNS Qualifying ExamSM tests your nursing knowledge/ understanding as it is taught and practiced in the United States. The exam uses objective, multiple-choice and alternate item

type questions designed by testing experts to help predict your likelihood of passing the National Council Licensure Examination for Registered Nurses (NCLEX-RN[®]) examination.

Examination date	Deadline for new applications*	Deadline for reapplications*	Deadline to change location/test date
8 July 2009	Deadline passed	Deadline passed	Deadline passed
11 November 2009	19 August 2009	16 September 2009	5 August 2009

*Application deadlines are firm unless extended by CGFNS. See our Web site at <http://www.cgfns.org/sections/programs/cp/cp-qe.shtml>

BREAKING NEWS

Immigration debate continues in the United States

Although several bills have been circulated, the U.S. Congress has thus far failed to enact new immigration legislation. This leaves nurses and health care workers with little or no opportunity to enter the United States on occupational visas.

According to the proposed Nursing Relief Act of 2009, which cites a Department of Labour report, the current nursing shortage in the United States exceeds 126,000.

Meanwhile, Russel Ford, posting on the Global Immigration Counsel Web site, reports that Representatives John Shadegg (R-AZ), Jeff Flake (R-AZ) and Ed Pastor (D-AZ) have sponsored legislation to create a new nonimmigrant visa category for professional nurses called the "W" visa. The proposed legislation reflects the view that current immigration laws do not adequately address the need for qualified nurses in that country and do not provide an adequate visa category and/or quota to help alleviate this need.

Ford reports that "The Nursing Relief Act of 2009 seeks to... provide the health care industry with the ability to overcome this

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The Web site also reports that in a separate bill, Senators Dick Durbin (D-IL) and Chuck Grassley (R-IA) plan to reintroduce legislation that would require employers to make a good faith effort to hire U.S. citizens over H-1B visa holders.

Computerworld.com reports the two senators introduced a similar bill in March 2007, but that bill died after being folded into a comprehensive immigration reform bill that did not go up for a vote.

The 2007 bill would have required employers to advertise job openings for 30 days before submitting H-1B applications for those positions. The bill also sought to prevent employers from hiring H-1B workers and then outsourcing them to other companies. The widespread layoffs being caused by the economic downturn may increase the chances of success for a new bill.

Earlier in 2009, Grassley and Sen. Bernie Sanders (I-VT) succeeded at getting H-1B hiring restrictions on financial services firms receiving federal bailout money into the economic stimulus package.

Sources: Ford R, "Proposed Nonimmigrant Visa Category for Professional Nurses Would Fix the Shortage of Qualified Nurses" Global Immigration Counsel Web site, accessed 21 April 2009 <http://www.globalimmigrationcounsel.com/articles/us-immigration/reform-1/>



Find us on 

Passports required for trips to Mexico and Canada

Reprinted from The Orange County Register By Gary A. Warner

May 26, 2009 — Travelers driving or taking a cruise to Mexico or Canada have something new to worry about: the right identification.

Beginning June 1, Americans traveling by road or ship to Mexico and Canada will have to show a passport or similar document to get back into the United States.

Travelers will be required to show a passport or one of the new wallet-size passport cards. There are also a small number of other

federally approved identification methods, which can be found at the State Department Web site listed below.

The new rules under the Western Hemisphere Travel Initiative bring road travel into line with requirements already in place for air travel. Most cruise lines plan to enforce the new rule at the time of departure — requiring passengers to show they have the proper identification before departing the U.S.

The move is part of a post-9/11 plan to bring identification required for travel to Mexico, Canada and portions of the Caribbean in line with standards for other international travel. Previously, Americans need only have shown a valid driver's license or other government issued photo identification.

Government officials have urged Americans to get a passport or passport card early to avoid problems. When the air travel restrictions were put in place, a flood of passport applications caused a logjam at the State Department. Implementation of the wider restrictions was temporarily delayed at the behest of Congress.

The law has a small number of exemptions for organized youth school groups. Those 16 to 18 who qualify need only show birth certificates. This rule was put in place largely for youth sports and

VisaScreen® renewal

VisaScreen® certificate holders who have not changed their status or obtained a permanent U.S. visa are required to renew their certificates within five years of the issue date. VisaScreen® renewal certificate applicants should begin the process six months before their current certificate expires. The renewal fee is \$250 USD. The renewal application is available for download at <http://www.cgfns.org/files/pdf/apps/VisaScreenReApp.pdf> or applicants may apply online through [CGFNS Connect](#).

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other school teams in border areas that compete against teams in Canada or Mexico.

As in previous changes to the law, border officials said they would allow a reasonable period for citizens to learn the new rules and those who do not have the proper identification would not be turned away from border stations such as San Ysidro, near Tijuana. However, not having the proper identification will cause significant delays and border crossers will not be allowed to claim ignorance twice.

A U.S. passport costs \$100 for an adult and is usually valid for 10 years. Passports for children under 16 cost \$85 for and are valid for

five years. Passports are usually processed in less than six weeks. There are additional fees for expedited service.

Those who frequently travel across one of the borders are urged to get a Passport Card. It is only good for land travel to Canada or Mexico. It cannot be used of flights or cruises. The cost is \$45 for adults and \$35 for children, with the same time restrictions as the passport.

For more information, go to travel.state.gov or call +1 (877) 487 2778. Visit the *Orange County Register* on the Web at <http://www.ocregister.com>

Article URL: <http://www.bostonherald.com/entertainment/travel/view.bg?articleid=1174790>

CGFNS phone lines are busy

CGFNS International places a high priority on ensuring that applicants have a thorough understanding of the application process in order to make well-informed decisions. However, due to the high volume of calls we receive, our phone lines have been extremely busy. The CGFNS Call Center is open Monday through Friday, 8am to noon U.S. Eastern Time.

When you telephone us, typically your call will be answered by an operator who will ask how to direct your call. The operator will direct your call to the appropriate service people to answer your questions. Please understand that the operator may not know the answers to your questions, they are just directing your call.

Please tell the operator which service you are inquiring about, the **Credentials Evaluation Service**, the **Credentials Verification Service for New York State, VisaScreen®** or the **Certification Program (with the CGFNS Qualifying ExamSM)**. If you are calling about the International Consultants of Delaware, please call between 12:30pm and 3:30pm U.S. Eastern Time.

If you haven't applied for a service and are calling to find out which service you need to apply for, please be advised that it will depend on the U.S. state where you are going to practice. Contact the state board of that particular state to find out which of our services they require.

Once the operator transfers you to the extension for your particular service, you will be placed in a queue and there may be calls ahead of you. There will be a recording of tips to find information other than phoning, but know that your call will be answered by a human being, so we kindly ask for your patience.

We want your application process to be pleasant. Here are some hints that may help you obtain the service you need:

- **Make use of our 24-hour automated phone service**, +1 (215) 599 6200, to verify receipt of documentation and examination

scores, confirm application status and access other information. Have your CGFNS ID number and birth date ready.

- **Make use of the many resources** on our Web site, including applications, forms and using the online application system CERPASS. In addition, check out our [FAQ](#) section under **Tools** for answers to questions on specific subjects.
- **Plan your calls.** We experience peak call volumes on Mondays and on the first two business days of each month. Call on another day or at another time, if possible. Phone lines for CGFNS are open 8am to noon Monday through Friday, U.S. Eastern Time.
- **Make an appointment.** You may call +1 (215) 222 8454 to schedule a 30-minute appointment, on Wednesdays between 10am and 2pm, U.S. Eastern Time, in our office in Philadelphia.
- **Keep us informed of any address changes.**
- **Send us a message!** Use the [Contact Us](#) form on the Web site. Please do not use the Online store, we cannot answer application questions through the store.

Current and projected nurse shortage indicators

On March 6, 2009, the U.S. Bureau of Labor Statistics reported that the health care sector of the American economy is continuing to grow, despite steep job losses in nearly all major industries. Hospitals, long-term care facilities and other ambulatory care settings added 27,000 new jobs in February 2009, a month when 681,000 jobs were eliminated nationwide. As the largest segment of the health care workforce, nurses will likely be recruited fill a large portion of these new positions.

Helpful Web sites

English proficiency examination providers

www.ets.org www.ielts.org

United States Citizenship and Immigration Services

www.uscis.gov/portal/site/uscis

Click here for the pdf

“CGFNS services needed by nurses educated outside the United States for licensure by U.S. State Boards of Nursing”