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Nurses' ouster in labor sked opposed

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Nurses have up to February 17, 1977 to qualify as Schedule A applicants for purposes of the labor certification requirements under, the Immigration Act.

This means that they may still apply for third or sixth preference visa classification on or before that date without the necessity of individual labor certifications. Due to the new law that took effect last January 1, 1977, however, they are required to submit an MA7-50B form executed by the prospective employer. The application should be submitted to the Immigration Service or to the American consular officer.

The removal Schedule A of nurse was vigorously opposed, especially by hospitals in Texas. The objectors argued that it would prohibit nurses from the country for work purposes. The Labor Department said, however, that this would not be the case as nurses would still be able to enter the United States as immigrants through the regular labor certification route or as non immigrant through the temporary immigration procedures.

immigrant classification the Immigration Service shelved a proposal seeking to require alien nurses applying for H visa to present evidence of having passed the examination of the Commission on Graduates of Foreign Nursing Schools (COGFNS) when that examination becomes available in 1978. The Immigration Service said that such suggestion will be considered when that examination is finally made available abroad.

Under the rules, a petitioner seeking to accord a nurse an H-1 visa classification is required to present: (1) an evidence that the nurse has obtained a full and unrestricted license to practice professional nursing in the country where she has obtained her nursing education, or that such education was obtained in the United States or Canada; and (2) a statement from the petitioner certifying whether to the best of petitioner's information and belief the nurse is fully qualified under the laws governing the place of employment to perform the desired services, whether under those laws the petitioner is authorized to employ the nurse to perform such services, and whether under those laws she is permitted to substantially perform the services.

If the laws governing the place where the services will be performed place any limitation on the services to be rendered by the nurse the statement should contain details as to the limitations. The District Director shall consider any such limitation in determining whether services which the nurse would perform are of an exceptional nature requiring a person of distinguished merit and ability.

If a nurse does not qualify for an H-1 visa, a petitioner may accord her an H-3 classification, if she is coming to the United States for training in furtherance of her career abroad. The following documents should be attached to the petition: (1) an evidence that the nurse has obtained a full and unrestricted license to practice professional nursing in the

country where the nursing education was obtained or that such education was obtained in the United States or Canada; and (2) a statement from the petitioner certifying that to the best of the petitioner's information and belief the nurse is fully qualified under the laws governing the place where the training will be received to engage in such training, and that under those laws the petitioner is authorized to give the beneficiary the desired training.