

# Filipino Reporter

**FAIR, FEARLESS, FACTUAL**

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## CROSSCURRENTS

### INS throws wet blanket



By REUBEN S. SEGURITAN

At the start of an emergency meeting in New York called last week by the Local 1199 League of Registered Nurses, everybody moved about and talked in hopeful tones. They were there to speak out against the "harsh" interim rules promulgated by the INS to implement the new nursing relief act.

Not long after, the air of excitement fizzled out. As a senior immigration official laid out the terms of qualification, a majority of the Filipino nurses present felt they actually fit more perfectly into the law's disqualifying clause.

The senior INS official, Lawrence Weinig, outlined the major points of disqualification from the new law that would grant nurses instant green cards. First is the issue of unauthorized employment. Second is the lapse in their H-1 visa caused by their inadvertence or failure to pass their first licensure examination.

Lest many of them even think of finding a way to get around that, Weinig rushed to dash off a warning. In grim tones, he cautioned everyone of the "fatal" consequences from falsifying information or intentionally omitting a material fact. Both, he said, would constitute fraud, and can jeopardize their 3rd or 6th preference immigrant visa petition.

Visibly confounded, the nurses echoed their objections among themselves. The terms, understandably, become especially harsh because many of them, at one time or another, have either found employment elsewhere as part time or second jobs without INS authorization, while some others, having failed their exams, opted to stay put and work menial jobs to wait out the next licensure exam.

Many of the nursing candidates who could benefit the most from the new law are ironically the ones most affected by the harsh terms. These are the people who have been working in the US longer than most and have already exceeded the five/six year limit of their H-1 working visa.

Many others who would have otherwise been qualified, except for their rendering of part-time service in response to other hospitals' call for staff aid, now cry their hearts out for a humanitarian folly that is costing them their green cards.

Mr. Weinig is no ordinary immigration deputy. As the Deputy Assistant Commissioner of Adjudications, he is the top henchman whom every immigration lawyer rightly turns to for advice when in doubt. Last week, indeed, he minced no words while proclaiming the grim forecast: about half of the nurses who thought they qualify because they comply with the three-year employment requirement will be disqualified on the basis of the conditions stated.

"We cannot change the law, we can only implement it," said Weinig not at all apologetically. Aware of the harsh impact of the conditions on the nurses, Weinig conceded that he had come to throw the "wet blanket."

Nurses must not attempt to falsify any of their documents nor answer fraudulently during interviews. Dishonesty is ground enough for denial, so he emphasized.

Nurses at the meeting certainly heard what they did not want nor expect to hear. As early as December, we pointed out the more unpalatable implication of the rule, cautioning nurses groups to hold off their celebration.

Among other things, we emphasized that the law was not designed to placate aggrieved foreign nurses or to favor them after their years of service. More than anything else, the nursing law pandered to the clawing greed of the nursing establishment and the big labor unions which portend a potentially colossal market given the crisis shortage for nurses.

As a result, the "benefit" attributed to qualified nurses amounts to just about that—fringe benefits, for which only a few selected ones get the bread, the rest get blown off by the wayside. Yet the "fringe benefit" doesn't make the

privilege. The spirit and intent of the nursing act aims to throw some crumbs their way in order to "justify" other ominous clauses in it.

The other face of the law, as pointed out before, outlines onerous procedures for employers recruiting foreign nurses. As if legislators of the rule have not heard of the shortage that has reached crisis proportion, the law requires employers to justify their recruitment, as well as go to lengths turning local labor forces whose refusal to join the industry caused the crisis in the first place.

In reality, the new nursing relief act in its entirety above all intends to stifle the future entry of foreign nurses in the country while it lures the local labor force into the industry with its new offer of more attractive package benefits.

Somewhere between America's interest to preserve its own labor force and the right of the Filipino nurses to obtain concessions for their years of service, lies unresolved conflicts that finds us again in the losing end. When America once found itself in a crisis situation, it looked out and saw in us an answer to its problems. Now that it believes it has found a semblance of a solution to the crisis, it finds ways to dump us, refusing those who have served to be part of the permanent solution.

When one country patently disregards the cause of one group of professional, once called to serve its infirm and diseased, there lies something for us to pay mind to. And when this same group becomes a target for unkind legislation, though it attempts to pay them some pitiful concessions, it is time our community actively react to the slight.

This is clearly a Filipino issue and nobody else's. It is not a Chinese's concern, nor the blacks', nor Hispanics', nor any other minority's. Those affected are Filipinos, basically because of the comparatively longer waiting list of Filipino nurses awaiting permanent residency status. Thus we cannot expect anybody else standing on the frontlines of this fight but ourselves.

#### Nurses affected

The condition set last week at the meeting will affect numerous nurses who now foresee dark prospects of either having to go back home or take its unfavorable alternative of going underground.

As the true intent of the law begins to rear its sinister head, and more nurses now realize the discriminatory undertones

in the rule, the Filipino community must take the cue and help fight for their rights. Herein lies another challenge for Filipino leaders.

The disqualifying conditions can be done without. They are unnecessary, nay oppressive. Many of those in the meeting could not comprehend the harsh realities revealed in the act. Tess Abad, a mainstay of the Filipino Nurses Organization (FNO) which helped organize the meeting, summed up their bewilderment: "If agricultural workers get to enjoy immigration benefits after a few days working in the fields, why can't we who have worked and served here for years?"

Now is the time to act. Many of these nurses whose H-1 visas expire in July this year now face a dilemma: either they go forward, the heck with some experiences that may disqualify them and then run the risk of deportation, or, they pass up the opportunity altogether and assume illegal status upon expiration of their visas. Either way, they risk a great deal.

Our protests should more properly be directed towards Congress to get them to nullify major disqualifying clauses. One of these is the nurses' unauthorized employment. Another is their failure to maintain their H-1 status largely due to having failed a culturally biased exam the first time.

Congress deleted these disqualifying conditions in a law granting similar benefits to doctors in 1981. There should be no reason why it cannot be done now.