



**LEGAL
NOTES**

Ruben S.
Seguritan

No H-1B visas for now

The INS has temporarily stopped the processing of new H-1B petitions filed after Oct. 25, 1999 to allow the other Service Centers to catch up with Vermont Service Center which has already reached that date in its adjudication.

The move will enable the INS to better handle the count in the number of petitions thus filed and is not indication that the limit for new H-1B has been reached in the current fiscal year.

Recently, there were speculations that the INS mishandled the count last fiscal year. There were concerns from Congressional quarters that the INS had issued 10,000 to 20,000 H-1B approvals above the 115,000 annual limit. The INS stopped H-1B processing in May, more than four months before the end of that fiscal year.

There has been a long delay in the issuance of health care certification to nurses and other health care workers. The certification is needed before a green card is issued but in many cases the delay has last-

ed for more than two years.

The new nursing law that created the H-1C visa included a provision pertaining to the new certification as it relates to nurses.

Section 4 of said law provides that the said certificate requirement is satisfied by presentation of certification from the CGFNS or an approved credentialing organization that the individual has (1) a valid unrestricted license as a nurse in a state where the individual is to be employed and that the state has verified that any foreign licenses are authentic and unencumbered; (2) passed the NCLEX; and (3) graduated from an English language nursing program in a country that is designated by CGFNS and that was in operation on or before the date of enactment or has been approved by the CGFNS and any recognized credentialing organization.

The CGFNS is required to issue the certification within 35 days of application by a foreign nurse.

Physicians are also benefited under the above mentioned law. Under the current setup, physicians go through the cumbersome labor certification process when they apply for their green cards unless they are given national interest waivers. Such waivers are hard to obtain because they require proof that the physicians will benefit the nation as a whole.