



**LEGAL  
NOTES**

Ruben S.  
Seguritan

## New nurses visas get nod

The nursing bill creating non-immigrant category for nurses who will work in underserved areas has been finally enacted, two years after it was first introduced in the U. S. Congress.

Known as the Nursing Relief for Disadvantaged Areas Act of 1999, the law provides for 500 H-IC visas for Registered Nurses per year for the next four years. The Department of Labor and the Immigration Services have up to Feb. 10, 2000 to issue final regulations.

To qualify for the visa, a nurse must have full and unrestricted license in her home country or must have been educated in US. She must also have passed an appropriate exam or must have a license to practice as an RN in the state where she will be employed.

The petitioner's hospital on the other hand must be located in a designated health professional shortage area and has at least 190 acute care beds and that since 1994

has had at least 35% of its patients entitled to Medicare and at least 28% Medicaid.

Further, the hospital must file an attestation with the Department of Labor that: (1) the employment of the nurse will not adversely affect wages and working conditions of similarly employed nurses; (2) the nurse will be paid the same rate as other RNs in the facility; (3) the facility has taken and is taking timely and significant steps to recruit and retain US citizens or immigrant nurses; (4) the hospital will never employ H-IC nurses at more than 33% of the total registered nursing staff; and (5) that the H-IC nurse will not work at any worksite not directly controlled by the employer or transfer the H-IC nurse to another worksite during the course of the nurse's employment.

The H-IC nurse may be admitted for three years. States with less than nine million in population will not be allowed up to 50.