

IMMIGRATION AND THE NURSING WORKFORCE

POSITION

ANA supports the ability of individual nurses to choose to practice in the location of their choice. However, we oppose the use of immigration to solve nursing shortages and efforts to weaken current certification requirements for nurses educated in foreign schools of nursing.

BACKGROUND

In June 2010, the American Journal of Nursing reported that in July 2007 at least 273 U.S. companies were actively recruiting Foreign-Educated Nurses (FENs). In January of 2010, the number was 211 of U.S. companies were advertising on the internet for FENs abroad. Companies searching for nurses abroad concentrated on the Philippines and India, with a handful looking for nurses from Africa. According to the Health Resources and Services Administration, HRSA's, 2004 National Sample Survey of Registered Nurses, there are approximately 90,000 foreign born nurses working throughout the United States.

The Illegal Immigration Reform and Immigrant Responsibility Act (P.L.104-208) requires all foreign health care professionals, except physicians, to be certified by the Commission on Graduates of Foreign Nursing Schools (CGFNS) or another independent, government-certified organization qualified to issue credentials. The certification process must verify that the foreign health care worker's education, training, or experience meets all applicable statutory and regulatory requirements for entry into the United States. In addition, any foreign license submitted by the health care worker must be validated. Foreign-educated nurses must have passed an examination testing both nursing skill and English language proficiency.

The Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005, Pub. L. 109-423, took effect December 20, 2006. The Act reauthorized the H-1C non-immigrant nurses program, a program originally created by the Nursing Relief for Disadvantaged Areas Act of 1999. The H-1C provided a limited visa designed to allow no more than 500 nurses into the country annually. The Act extended the provisions of the NRDA for 3 years and expired on December 20, 2009.

The H-1B temporary visa has typically not been available to nurses, as professions utilizing the H-1B must demonstrate that bachelors' preparation is the minimum requirement for entry into the profession in the United States. As the current minimum for entry into practice as an RN in the US is a two-year associate degree in nursing, the INS has historically denied H-1B applications for staff nurses. However, the H-1B may be used for advanced practice registered nurses.

Past efforts to weaken requirements for temporary nurse visas have resulted in the exploitation of immigrant nurses. There are numerous, disturbing examples from the expired H-1A nurse visa. These nurses were employed as lower-paid aides, were made to work unreasonable hours in unsafe conditions, and were misled about the temporary nature of their visas.

RATIONALE

ANA maintains that it is inappropriate to look overseas for temporary workforce relief when the real problem is the fact that support for domestic schools of nursing is failing to meet demand and the U.S. health care industry has failed to maintain a work environment that retains experienced U.S. nurses in patient care. Over-reliance on foreign-educated nurses by the health care industry serves only to postpone efforts to address the needs of nursing students and the U.S. nursing workforce.

In addition, there are serious ethical questions about recruiting nurses from other countries when there is a world-wide shortage of nurses. In the recent Recruitment of Foreign-Educated Nurses to the U.S study by the Future of Nursing, “Over 90% of the FENs entering the U.S. come from less developed countries with nurse to population ratios that are about one tenth of the ratio in the U.S.” The removal of foreign-educated nurses from areas such as South Africa, India, and the Caribbean deprives their home countries of highly-trained health care practitioners upon whose skills and talents their countries heavily rely.