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# Green Card for Nurses

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Submitted by admin on Apr 16th 2009

### Green Card for Nurses

#### Overview of Requirements

A registered nurse who is coming to the United States to perform labor in covered health care occupations (other than as a physician) and wishes to apply for Immigrant Visa (Permanent Resident Status) is required to have the following:

- Credentials showing that the applicant is a Registered Nurse licensed to practice in his/her country;
- Certification from a U.S. commission that the nurse meets VisaScreen educational, licensure, and English language proficiency requirements or nurse licensure requirements of the U.S. state where the nurse will work; and
- A job offer from a financially capable U.S health care facility willing to file an Immigrant Visa petition with USCIS on behalf of the nurse;

#### Qualifications Required of a Professional Nurse

##### A. Licensed in the Country of Nursing Education

The nurse must meet the minimum requirement of nursing studies in his/her own country. Universities in some countries offer a full, five-year Bachelor of Science degree for completing nursing programs, while other countries offer a Graduate nursing degree after two or three years of study. In addition, other countries may offer a nursing course through a hospital study program that leads to a diploma. There is no requirement of any specific degree. The only requirement is that the nurse is licensed in the country where he/she has completed her nursing education. Some nurses may prefer to complete the two-year course in the United States than a full degree program in their home country.

#### Information for Nurses from India

Nurses from India should consult the Indian Nursing Council for specific information:

## **B. U.S. Commission Approval or U.S. state licensure of nurse**

An applicant must attain either a Commission on Graduates of Foreign Nursing Schools (CGFNS) certificate or a full and unrestricted license to practice professional nursing in the state of intended employment (NCLEX).

The CGFNS' Certification Program is a three-part program comprised of a credentials review, a one-day Qualifying Exam of nursing knowledge, and an English language proficiency exam to obtain a CGFNS Certificate. Upon successful completion of all three elements of the program, applicants are awarded a CGFNS Certificate. Most states require CGFNS Certification from nurses educated abroad before they can take the NCLEX examination.

Before the immigrant visa or Adjustment of Status is granted, the VisaScreen certificate or certified statement must be obtained from the International Commission on Healthcare Professions (ICHP), which is a part of CGFNS.

### **VisaScreen Certificate**

U.S. immigration law requires that nurses complete a screening program. VisaScreen is a screening program offered by International Commission on Healthcare Professions (ICHP - in association with CGFNS). The VisaScreen program is comprised of an educational analysis, licensure validation, English language proficiency assessment, and, an exam of nursing knowledge.

VisaScreen enables healthcare professionals to meet this screening program requirement by verifying and evaluating their credentials to ensure compliance with the government's minimum eligibility standards. The waiting period required for receipt of the VisaScreen certificate varies, but we suggest proceeding with an application as soon as the I-140 Petition has been filed with USCIS. Applicants will need to present the certificate at the time of their final visa interview at the consulate. Applicants who receive a VisaScreen Certificate can present it to a consular office, or in the case of Adjustment of Status, the Attorney General, as part of a visa application.

### **1) Educational Review**

The educational review ensures that the applicant's education meets all applicable, statutory, and regulatory requirements for the intended profession, and is comparable to that of a U.S. graduate seeking licensure.

In order to meet the educational requirements for the VisaScreen program, applicants must have:

- a) successfully completed a senior secondary school education that is separate from their professional education;
- b) graduated from a government-approved, professional healthcare program of at least two years in length; and
- c) successfully completed a minimum number of clock and/or credit hours in specific theoretical and clinical areas during their professional program.

## **2) Licensure Review**

The licensure review evaluates all current and past licenses. Validations provided directly to ICHP by the issuing/validating institution, affirm that the applicant has completed all practice requirements and that the registration/licensure has no encumbrances.

## **3) English Language Proficiency Assessment**

The English language proficiency assessment confirms that the applicant has demonstrated the required competency in oral and written English by submitting passing scores on tests approved by the U.S. Department of Education and the U.S. Department of Health and Human Services (HHS). HHS has specifically identified three appropriate testing services as contemplated by the statutory requirements: The three testing services are the Educational Testing Service (ETS), the Test of English in International Communication (TOEIC) Service International, and the International English Language Testing System (IELTS).

To fulfill this requirement, applicants must take either the Test of English as a Foreign Language (TOEFL) or the Test of Written English (TWE) and Test of Spoken English (TSE). Registered nurses requiring a baccalaureate degree must obtain one of the following combinations of scores:

- (a) ETS: TOEFL: Paper-Based 540, Computer-Based 207; TWE: 4.0; TSE: 50;
- (b) TOEIC Service International: TOEIC: 725; plus TWE: 4.0 and TSE: 50; or
- (c) IELTS: 6.5 overall with a spoken band score of 7.0.

Certain applicants may be exempt from the English language proficiency requirement if they meet all of the following criteria:

- a) Country of professional education was Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom or the United States (countries not specifically enumerated do not qualify for this exemption);
- b) Language of instruction was English; and
- c) Language of textbooks was English.

Additionally, applicants graduating from an entry-level program accredited by the National League for Nursing Accreditation Commission (NLNAC) or the Commission on Collegiate Nursing Education (CCNE) are exempt from the English language proficiency-testing requirement.

## **Immigration Procedures for a Professional Nurse**

### **Step I: Applying to USCIS for an Immigrant Visa (Form I-140 with ETA 9089)**

Labor Certification approval is not a necessary prerequisite for filing an Immigrant Visa Petition because U.S. Department of Labor (DOL) classifies ?registered nurse? as a Schedule A occupation. The first step of the immigration process is the filing and approval of an Immigrant Visa Petition (I-140) along with a duplicate ETA 9089 directly with the USCIS Service Center having jurisdiction over the place of employment. Unlike the filing

requirements of Labor Certification under other PERM provisions, an employer seeking a labor certification for a professional nurse is required to submit the applicable documentation when the employer files the application with the appropriate USCIS office.

### **Requirements for Filing ETA 9089**

The petitioner should complete and submit following documents:

- A completed Form ETA-9089, in duplicate, signed in the original by an authorized official of the petitioning organization, the alien, and the representative, if any;
- A Wage Determination issued by DOL for the proposed area where the job opportunity exists;
- A signed copy of the job posting notice, which must have been posted for ten CONSECUTIVE BUSINESS days in a conspicuous place in the employer's premises at the place of intended employment; and
- Copies of any and all in-house media, whether electronic or print, in accordance with the normal procedures used for the recruitment of positions similar to the position specified in the Form 9089 in the employer's organization.

### **Requirements for Filing I-140**

1. Petitioner must provide proof of ability to pay the wage (a letter from a financial officer of an employer with 100 or more employees, or copies of annual reports, federal tax returns, or audited financial statements if less than 100 employees).
2. Beneficiary (registered nurse) should have a full-unrestricted and permanent license to practice nursing in the state of intended employment, and CGFNS certificate issued by the Commission on Graduates of Foreign Nursing Schools, or evidence that the alien has passed the National Council Licensure Examination for Registered Nurses (NCLEX-RN), administered by the National Council of State Boards of Nursing.
3. The I-140 petition cannot be filed until 30 days have passed after the job posting notice is removed. In other words, the notice must be posted between 30 and 180 days prior to filing the I-140 petition.

For more information about Form I-140, [click here](#).

### **Step 2: Adjustment of Status OR Consular Processing**

If the applicant is already in the United States, then he/she can process his/her application through Adjustment of Status OR through Consular Processing (CP). Both processes have their pros and cons.

For more information about the Adjustment of Status process, [click here](#). For more information about Consular Processing, [click here](#).

Applicants have to go through CP if they are outside the United States. This process involves a brief interview at the U.S. consulate in their home country, and is usually completed within six to nine months of the priority date (date when the I-140 petition is received at USCIS) becoming current as per the Visa Bulletin. Note that the second step can be filed only if the cut-off dates (visa numbers availability) for the applicant's (or applicant's spouse's) country of birth for the category under which the petition is filed are current or have reached the

priority date of the applicant. Most of these cases may qualify under employment third preference category.

You can review the current dates on our website through this [Visa Bulletin](#) [3] link. Review the dates in the Visa Bulletin under employment-based third preference category for the specific country where either the nurse or his/her spouse was born. You can also read further about the concept of Priority Dates in the Visa Bulletin. Feel free to contact us if any clarifications or further information are needed.

**Green Card:**

[Employment Based Green Cards](#) [4]

**Profession/Occupation:**

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**Links:**

[1] <https://immigration.com/green-card-nurses>

[2] <http://www.indiannursingcouncil.org/index.asp>

[3] <http://www.immigration.com/visa-bulletin>

[4] <https://immigration.com/greencard/green-card/employment-based-green-cards>

[5] <https://immigration.com/profession/professionoccupation/nurses>