

The immigration laws of the United States recognize that there is a shortage in the United States of nurses and physical therapists. Because of this, persons applying for Lawful Permanent Residence (Green Card) as nurses or physical therapists are able to do so more quickly than with other employment-based permanent residency applications. As explained below, while the process itself is quicker, there are special requirements that are not present in other employment-based categories. The only way to take advantage of the ability to proceed to Lawful Permanent Residency more quickly is by doing the process correctly. With our experience in this special area **Perez & Associates** can help you take full advantage of the special procedures set up for nurses and physical therapists.

NO LABOR CERTIFICATION REQUIRED

Because of the shortage of nurses and physical therapists in the United States applications based on these professions do not have to test the United States labor market and obtain a Labor Certification (PERM). This means that a nurse or physical therapist can apply for residency immediately without the expense, time, or uncertainty associated with the Labor Certification (PERM) process. Although nurses and physical therapists do not need a Labor Certification, they still need a petitioning United States employer, prepared to pay the prevailing wage for the geographic area where the nurse or physical therapist will work, to sponsor them.

THE VISA SCREEN

Since 1996 registered nurses and physical therapists must obtain a VisaScreen before they can obtain permission to work in the United States or become Lawful Permanent Residents. VisaScreen certificates establish that the registered nurse or physical therapist has completed professional education outside the United States that is comparable to United State education, the successful completion of professional examinations, and proficiency in the English language. Nurses must pass the NCLEX or CGFNS exams to receive a Visa Screen. The NCLEX exam is offered outside the United States.

For physical therapists the two approved credentialing agencies are CGFNS, through its subdivision International Commission on Healthcare Professionals (ICHP), and the Foreign Credentialing Commission on Physical Therapy (FCCPT).

Currently only the three following testing services have been approved for testing English competence: Educational Testing Services (ETS), Test of English for International Communication (TOEIC) Service International, and International English Language Testing System (IELTS). The required scores on each exam vary depending on the foreign national's intended occupation. Physical therapists may not use TOEIC or IELTS. Graduates from a college, university, or professional training school in Australia, Canada (except Québec), Ireland, New Zealand, the United Kingdom, or the United States are exempt from the English language testing requirement.

While it is possible to submit an application for Lawful Permanent Residence (Green Card) before receiving the VisaScreen Certificate, the process for the VisaScreen must

be well along because if the VisaScreen certificate is not available when the Citizenship and Immigration Services requests it the application will be denied.

LICENSING REQUIREMENTS

A nurse or physical therapist applying for Lawful Permanent Residence in the United States must have an unrestricted license to practice as a nurse or physical therapist in the United States. A temporary license is acceptable as long as it is still valid or has been converted to a permanent license by the time the application is approved. Typically, this involves applying for a temporary license with a State licensing office during a visit to the United States and passage of the licensing exam for that State.