

**Immigration Edge**

ATTY. DANIEL HANLON



WITH Republican Scott Brown taking over Senator Ted Kennedy's vacant seat in Massachusetts and becoming the 41st "Republican Vote" needed to kill the Democrats Super-majority in the Senate, the comprehensive Health Care Reform Bill may not pass. Policymakers, special interest groups, health care professionals and other stakeholders should therefore retreat from insisting on comprehensive legislation and address issues affecting health care in the US that both parties agree on. Perhaps the most important issue to health care is the national nursing shortage. So far, the debate over health care has hinged around whether there should be a "public option," creating room for divisive ideological debate at the expense of any real progress toward improvements to the current broken system. The nursing shortage continues to exacerbate the health care crisis, such that no true healthcare reform can occur without immigration law reform.

The health care industry has and continues to face a crisis in filling current open positions with trained, skilled nurses. As the baby boomers enter their golden years, an increasing strain is put on the health care system to provide care for this large, aging population. Further compounding the problem is the fact that the current nursing population is aging as well.

For example, the average age of nurses in California is 47. The California Institute for Nursing and Health Care estimates that the state will need 108,000 new nurses by 2020 to fill the vacancies left by retiring nurses and to fill the new positions opened up to meet the increased demands for health care. Nationally, the US Bureau of Labor Statistics es-

# Congress must focus on nursing shortage legislation

timates that 1 million new and replacement nurses will be needed by 2016 to meet staffing needs.

Individual states have ramped up their efforts to tackle their individual nursing shortages by offering more grants and scholarships to nursing students and trying to increase enrollments at nursing schools. While these efforts may help meet some of the future nursing needs, they do little to nothing to meet current staffing demands — including the 135,000 open positions across the country for registered nurses. What makes this shortage all the more difficult to understand is the fact that there are hundreds of qualified, available nurses from other countries who are willing to immigrate to the United States but, because of the immigration system, cannot get a visa to enter the country.

There are two different categories of visas foreign nurses can apply for to enter the US to work: nonimmigrant visas and immigrant visas. Nonimmigrant visas are temporary visas that allow them to enter the US for a limited amount of time. There are three types of nonimmigrant visas nurses may be eligible for: H1-B visas, TN visas and H-1C visas.

Nonimmigrant visas present a couple of difficulties. First, they are valid for a limited amount of time, whereas the nursing crisis is an ongoing problem. Second, there are very few available nonimmigrant visas for which nurses can apply. For example, H1-B visas are only available to those who have a bachelor's degree or higher and many nurses do not have the required educational degree. TN visas, on the other hand, are only available to qualified nurses from Canada and Mexico. Lastly, H1-C visas, which were created specifically to address the nursing shortage, are limited to only 500 per year and currently only 14 hospitals have the required certification to qualify for the visas!

The second option, immigrant

visas, allows foreign nurses to receive permanent residence in the US, otherwise known as a "green card." Nurses typically are eligible for EB-3 visas, or a "third priority employment-based visa." In order to apply for an immigrant visa, the foreign nurse must be sponsored by a US employer, like a hospital. The employer then must enter a lengthy application process before the foreign nurse can become eligible to apply for a visa. The process includes filing an I-140 petition and labor certification with the US Citizenship and Immigration Services (USCIS) office.

Generally, employers seeking to sponsor workers for EB-3 visas also must complete a lengthy application process with the US Department of Labor (DOL) to certify that there is a shortage of US workers for the position and that hiring a foreign worker will not have an adverse affect on the wages or working conditions of US workers.

However, nursing is considered a "Schedule A" occupation. This means that the DOL has pre-certified that there is a documented shortage of nurses and that hiring foreign nurses will not displace or adversely affect US nurses.

The Schedule A designation is supposed to speed up the application process for employers trying to sponsor foreign nurses by allowing them to bypass the DOL process and skip ahead to filing the petition and labor certification with the USCIS. But even with this designation, it still takes the USCIS an estimated 15 months to process an I-140 Immigrant Visa Petition for a Schedule A nurse.

The biggest barrier, however, to bringing more foreign nurses to work in the US is not the application processing time, but how long it takes after the application has been processed until a nurse receives a visa.

Once the USCIS has approved the application for the foreign nurse, the nurse then is given a

priority date and placed in line for a visa with all of the other approved EB-3 applicants. The current wait time for an available EB-3 visa number is 3-7 years. So this means that hospitals who filed successful petitions for foreign nurses as far back as 2002 still may be waiting for the nurse to begin work. Once the visa number becomes available, then the foreign nurse must either apply for a visa at the US consulate or embassy in his or her home country. If the nurse currently is in the US on a different type of visa, he or she then must apply for a change of immigrant status. Either one of these processes

may take months more to process.

Waiting 7 or more years for a foreign nurse's immigration process to be fully completed is not helping any hospital with its nursing staff shortages. If anything, the length and complexity of the process serves as a deterrent to hospitals and other health care institutions who may be considering employing foreign nurses. One of the easiest ways to increase the number of nurses and decrease the waiting time in the immigration process is to create a special priority category just for nurses. Under US immigration law, only an act of

Congress amending the Immigration and Nationality Act (INA) or an executive order issued by the President can create this new category for immigrant visas.

Additionally, the federal government could take action to increase the number of immigrant and nonimmigrant visas available to nurses. This number is set each year by Congress. Currently, there only are 140,000 eligible visas for all five of the EB categories. By increasing the number of available visas and providing nurses with a special priority category for attaining a visa number, the federal govern-

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## The Voice of FilAmerica

Political empowerment is still a treasure that eludes us as a community here in America. While we are the second largest Asian American community in the United States, we have yet to harvest the power that comes from our numbers. The Voice of FilAmerica features elected and appointed officials — regardless of political affiliation — in the different US states who are of Filipino ancestry. As your Filipino American community newspaper, the Asian Journal recognizes the fact that we all have a responsibility towards bringing political empowerment to fruition, especially for our future generations. It is our hope to have our voices heard all over America.

### Michael 'Mike' W. Cruz, MD

Guam Lieutenant Governor  
A surgeon, colonel and Lt. governor

LAST Tuesday July 6, 2010, Filipino Americans Lt. Governor Mike Cruz and Senator Jim Espaldon filed their candidacy with the Guam Election Commission to officially run in the primary election as governor and Lt. governor respectively.

Michael W. Cruz is currently the eighth elected Lieutenant Governor of Guam. The son of the Filipinos Miguel de Gracia Cruz and Rosalinda Quinata, he has three children from a previous marriage, Shaunn, Mika'ele and Christine. He is currently married to Jennifer Rosario Cruz, and together they have a daughter, Taylor.

A surgeon with a bachelors degree from Walla Walla College in the state of Washington and an M.D. from Loma Linda University in California, Dr. Cruz is a member of the American Board of Surgery, and the American Society of Breast Surgeons & a Fellow of the American College of Surgeons.

He has served the United States as a Colonel in the Guam Army National Guard where he has headed the Medical Command. He volunteered for active duty in Iraq in 2003 and 2004 as commander of the Rapid Advanced Medical Team, for which he received the Bronze Star Medal. He is also a veteran of Operation Desert Storm.



Prior to his election as Lt. Governor in November 2006, he was a senator in the 28th Guamanian Legislature (2005-2006) and served as chair of the Health and Human Services Committee. He was the author of legislation addressing childhood obesity.

In addition to having served as Medical Director of the Guam Memorial Hospital Authority, Cruz co-founded and currently heads the Ayuda Foundation, a charity that focuses on health needs through-

out the Pacific.

Among Lt. Governor Cruz' awards include the 2004 National Governors Award, 2005 Bronze Star Medal, 2009 C-Change Exemplary Comprehensive Cancer Leadership Award, the 2010 American College of Surgeons, and 2010 Surgical Volunteerism Award.

Cruz actively serves along with other lieutenant governors, state Senate presidents and secretaries of state from the United States' 55 states and territories who are first-in-line of gubernatorial succession in the National Lieutenant Governors Association.

Having declared his candidacy for the 2010 gubernatorial election, Cruz will be in the September 2010 Republican primary. (AJPRESS)

**From Your Life Coach, Bing**

CARLYNE ODICTA-KOHNER



## Will you take a vacation, 'staycation' or 'workcation' this summer?

"WHERE are you going?" This is the question that I first hear whenever I meet my friends on the street these days. In my mind I am thinking, "Wow, it really is summer now!"

We live in the outskirts of Barcelona, Spain. It was due to the more than three hundred years of Spanish colonization of the Philippines; I know some of the traditions of Spanish people. However, living in Spain I am constantly deepening my understanding of Spanish culture. Saint John the Baptist Day is a very important holiday in Spain! It's even more powerful than Christmas in Manila or Thanksgiving in America. For the Spanish people, the 24th of June is the beginning of summer! I thought on that day that the families would go to the beach, have fun, and eat a little food at home. Instead, I found out that almost everyone has a big fiesta at his or her house. It's a tradition to eat the special San Juan pan, drink cava, and wait for the fireworks at midnight with close friends and relatives! Our neighbors and our associates invited us but we declined because of other commitments the following day. I know what we'll be doing to celebrate St. John the Baptist next year!

Now that it is officially summer time, almost everyone is leaving or flying to another country. In the little city in which we live, we are currently experiencing a flood of tourists. All the restaurants and hotels are full. The streets are clogged with traffic! The narrow carrer in town is packed with people. I call it "the runway" because I see beautiful "fashionistas" daily parading in their branded couture or their nice swimsuits. Europeans are

exquisite. They really put an effort into their daily attire with their matching accessories and make up. The Spaniards value fun, families and siesta. Spain is a place that is stress free when you practice the value of patience!

In response to the question of my friends, "Where are you going?"

I reply, "Ah, we are going to do three 'tions! First, we will do a "workcation." We will work on and off for the whole month of July. Secondly, we will do a "staycation. That means we will eat outside of the house on the veranda, have a picnic at the beach, visit museums in the city center and discover Barcelona and the surrounding areas of Catalonia. Then in August, we will fly to the US for our vacation!"

We love to work and have fun. A combination of business and pleasure.

How about you? Where do you live? What are the summer traditions of your city and country? From September to June, the kids are at school and you work as well. Is summer a time to re-fuel your energy? Will you still work or will you find time to relax? What do you value most in life?

Whether you choose to do a "workcation", "staycation" or vacation, don't forget to take it easy and enjoy this summer!

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Bing (Carlyne Odicta-Kohner) was trained as a Life Coach here in the US from the Coaches Training Institute (CTI). She is a member of International Coaching Federation (ICF). She owns Limitbusters Coaching & Training, Inc. (LCT). Please visit her at www.limitbusters.net or email her at bingkohner@limitbusters.net.

## US Embassy and Consulates in China...

**PAGE B1** fused on a number of grounds including insufficient ties to the home country, previous criminal or immigration delinquency, fraudulent activities, among others. More information regarding US Embassy and Consular visa issues is available

at: <http://www.reevesglobalvisaservices.com/>  
On July 13, 2010 US Consular fees worldwide will change, for the most part in the upwards direction, with several visa application fees decreasing in cost. The schedule of new fees is included below.

NEW CONSULAR FEES EFFECTIVE JULY 13, 2010		
	CURRENT FEE	NEW FEE
<b>Non-Immigrant Visa Fees*</b>		
Nonimmigrant visa application	\$ 131.00	\$ 140.00
1. H, L, O, P, Q, and R categories	\$ 131.00	\$ 150.00
2. E Visas	\$ 131.00	\$ 390.00
3. K Visa	\$ 131.00	\$ 350.00
4. BBC Adult	\$ 131.00	\$ 140.00
<b>Immigrant Visa Fees</b>		
IV Application Processing Fee		
1. Family-based immigrant visa	\$ 355.00	\$ 330.00
2. Employment-based immigrant visa	\$ 355.00	\$ 720.00
3. Other immigrant visas (SIVs, DVs, etc.)	\$ 355.00	\$ 305.00
IV Security Surcharge	\$ 45.00	\$ 74.00
Diversity Visa Lottery surcharge	\$ 375.00	\$ 440.00
Domestic review of Affidavit of Support	\$ 70.00	\$ 88.00
Determining Returning Resident Status	\$ 400.00	\$ 380.00
<b>Passport Fees</b>		
Passport Book - adult	\$ 100.00**	\$ 135.00**
Passport Book - minor	\$ 85.00**	\$ 105.00**
Passport Book Renewal - Adult	\$ 75.00	\$ 110.00
Additional passport visa pages	-	\$ 82.00
Passport Card - Adult	\$ 45.00**	\$ 55.00**
Passport Card - Child	\$ 35.00**	\$ 40.00**
Consular Report of Birth Abroad	\$ 65.00	\$ 100.00
Renunciation of U.S. Citizenship	-	\$ 450.00
File Search and Verification of U.S. Citizenship	\$ 60.00	\$ 150.00



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700 N. CENTRAL AVE., SUITE 235 GLENDALE, CALIFORNIA 91203

Tel: (818) 291-0088

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*Kasangga sa Husgado. Mapagkakatiwalaan Mo!*