

January 4, 2005

Dear Representative:

On behalf of our nearly 5,000 member hospitals, health systems, networks and other providers of health care, the American Hospital Association (AHA) wants to raise our serious concerns over the recent State Department announcement that the government is putting employment-based visas on hold for foreign registered nurses from the Philippines, India and China. This ruling means that it could take health care organizations up to three additional years or more to bring highly qualified overseas registered nurses (RNs) from these countries to the United States to help fill critical nursing shortages. We urge you to take action now to address an emergency situation that will limit hospitals' ability to address their workforce challenges and respond to the needs of their patients and communities, and that only legislation can correct.

The limit on employment-based visas for foreign RNs from the Philippines, India and China is the unintended consequence of a more efficient immigration process. With the creation of the Department of Homeland Security, Congress mandated that the new U.S. Citizenship and Immigration Service (USCIS) reduce the backlog of pending visa cases for many foreign workers who were waiting in the U.S. to have their green card applications processed. These workers -- some of whom were RNs from the Philippines, India, and to a lesser extent China -- were able to receive temporary work permits as they waited for their cases to be completed.

Those cases are now being processed. But as it clears the backlog, the government is using up all available per-country quotas for green cards. As a result, the government is no longer issuing new employment-based visas for workers in countries that have exceeded their annual limits, such as the Philippines, India and China. This policy has put a hold on processing visas for workers whose employer petitioned after January 1, 2002. We believe this delay could take several years to resolve. Consequently, the recruitment of foreign nurses to the U.S. will be dramatically curtailed, aggravating what already is a serious shortage of qualified caregivers in this country.

The nursing shortage is critical and affects our hospitals, nursing facilities, assisted living residences, home health agencies and public health clinics on a daily basis. According to a recent AHA survey, at least 126,000 RNs are needed today to fill vacancies in our



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nation's hospitals. In February 2004, the Bureau of Labor Statistics reported that by 2012, health care facilities will need to fill more than 1.1 million RN job openings in order to accommodate growing patient needs and to replace retiring nurses. In addition, the Health Resources and Services Administration projects that, absent aggressive intervention, the supply of RNs in our country will fall 29 percent below the nation's anticipated needs by the year 2020.

The nursing shortage is directly affecting patient care. An AHA survey of hospitals across the nation concluded that nursing shortages are contributing to emergency department overcrowding, emergency department diversions, increased wait times for surgery, discontinued patient care programs or reduced service hours, delayed discharges, and canceled surgeries. The imminent change in immigration processing threatens to needlessly exacerbate the problem.

We hope that this problem can be addressed with legislation early in the 109th Congress to prevent our nation's nursing shortage from getting worse. We urge Congress to act immediately to help ensure that hospitals can continue to rely on highly qualified foreign RNs as they work to address their serious staff shortages and meet the needs of their patients and communities. The AHA stands ready to work with you in resolving this issue.

Sincerely,

A handwritten signature in black ink that reads "Rick Pollack". The signature is written in a cursive, flowing style.

Rick Pollack
Executive Vice President