

October 19, 2018

The Honorable Richard Shelby
United States Senate
304 Russell Senate Office Building
Washington, DC 20510

The Honorable Patrick Leahy
United States Senate
437 Russell Senate Office Building
Washington, DC 20510

The Honorable Rodney Frelinghuysen
US House of Representatives
2306 Rayburn House Office Building
Washington, DC 20515

The Honorable Nita Lowey
US House of Representatives
2635 Rayburn House Office Building
Washington, DC 20515

Dear Senator Shelby, Senator Leahy, Representative Frelinghuysen and Representative Lowey:

On behalf of our nearly 5,000 member hospitals, health systems and other health care organizations, and our clinician partners – including more than 270,000 affiliated physicians, 2 million nurses and other caregivers – and the 43,000 health care leaders who belong to our professional membership groups, the American Hospital Association (AHA) writes in opposition to the amendment included in the Department of Homeland Security (DHS) Appropriations Bill in the House Appropriations Committee sponsored by Rep. Kevin Yoder (R-KS) (amendment is H.R. 392 language). This amendment would impact nurse immigration from many countries, and adversely affect the ability of America's hospitals and health systems to provide care in communities across the country.

The Yoder Amendment, adopted in the House appropriations bill over the objection of the Judiciary Committee which has jurisdiction over immigration, would eliminate the per-country cap for immigrant visas. Eliminating the per-country cap would be a dramatic change in our immigration policy with negative consequences. It would take the country of origin for high-skilled workers completely out of the equation of who receives a visa, and instead allocate visas based on wait time. The result would prevent much-needed foreign-trained nurses to enter the U.S. for the next five to seven years or more.



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Currently, there is a greater demand for new nurses than there are students graduating from nursing programs in the U.S. As such, America's hospitals and health systems partially rely on immigrant nurses from a number of countries. These nurses are required to meet rigid standards of equivalent education, English fluency and state licensure, and must have clean disciplinary records. Foreign-trained nurses do not displace American workers; in fact, the demand for nurses continues to grow. Foreign-trained nurses are recruited primarily to rural and urban hospitals, communities that find it difficult to recruit nurses domestically. They serve a critical role in providing care to patients in these underserved communities.

There also has been a high demand for foreign-trained workers in many other sectors, including technology. Over the past two decades, U.S. employers who hire tech workers as permanent employees on the "temporary" H-1B program have thereby created long delays for immigrant visas. While the H-1B program does not provide permanent residency in the U.S., high-tech employers have used this program to place permanent employees in the U.S. Foreign-trained workers seeking permanent residency after entering the U.S. through the "temporary" H1-B program wait for an immigrant visa while working in the U.S. Since Congress has not increased the number of immigrant visas available, such employers advocate for eliminating the per-country cap for immigrants, regardless of the negative impact on nursing care in our country. What is needed instead is a real solution that addresses the fact that there are not enough immigrant visas to meet the demand for foreign-born, high-skilled workers in the U.S.

Foreign-trained nurses must have an immigrant visa to enter and work in the U.S. These nurses may not enter the U.S. on "temporary" H1-B visas. Consequently, America's hospitals and health systems rely on immigrant visas to employ foreign-trained nurses. Eliminating the per-country cap for immigrant visas would have a crippling effect on hospitals and health systems because foreign-trained nurses entering the U.S. each year to fill critical nursing jobs would be reduced by 77 to 100 percent over the next five years and beyond. If this happens, health care for Americans would clearly suffer.

We urge you to remove the Yoder amendment from the DHS appropriations bill and protect the ability of foreign-trained nurses to provide care to patients throughout the country, especially in rural and urban communities.

Sincerely,

/s/

Thomas P. Nickels
Executive Vice President