

December 5, 2022

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Kevin McCarthy  
Republican Leader  
U.S. House of Representatives  
Washington, DC 20515

Dear Speaker Pelosi and Leader McCarthy:

On behalf of our nearly 5,000 member hospitals, health systems and other health care organizations, 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 to express concern about the potential impact of H.R. 3648, the Equal Access to Green Cards for Legal Employment (EAGLE) Act of 2022. This bill is being considered in the House Rules Committee on Dec. 5, in anticipation of a floor vote soon after. We believe this legislation would negatively impact nurse immigration, and thereby adversely affect the ability of America's hospitals and health systems to provide care in communities across the country.

The bill eliminates the per-country cap for employment-based immigrant visas, which is a dramatic change to immigration policy and one that could have negative consequences. This includes severely limiting the future ability of foreign-trained nurses to obtain immigrant visas by increasing their wait times to five to seven years or more and eliminating their access for years beyond that, as visa applicants from certain countries would initially receive most or all employment-based green cards for many years. During more than a decade of active consideration, the legislation has never been the subject of a hearing in the House or Senate, and this has limited the ability for Congress to understand the unintended impacts of the EAGLE Act.

Currently, there is a greater demand for nurses than there are students graduating from nursing programs in the United States. This shortage has been exacerbated over the past three years by the effects of the COVID-19 pandemic. These challenges are severe: More clinicians are leaving the health care field due to burnout and retirement, thereby exacerbating already critical shortages. While the U.S. must do more to invest in training the next generation of health care workers, we believe recruiting qualified immigrants, and expediting their entry into the country, is an effective short-term approach that deserves support from Congress.



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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 make up about 5% of the 160,000 new nurses licensed each year. They are recruited primarily to rural and inner-city hospitals, locations that both find it more difficult than others to recruit nurses domestically and also serve a critical role in providing care to patients in underserved communities.

In addition to the health care sector, there has been a high demand for foreign-trained workers in many other areas, especially technology. Over the past two decades, U.S. employers that hire tech workers employees via the “temporary” H-1B program have created long delays for immigrant visas by using this program to place permanent employees in the country. Since Congress has not increased the overall number of immigrant visas available, employers have used the H-1B as a substitute for permanent residency and advocate for eliminating the per-country cap for immigrant visas as a “solution” to the problem they created.

Most foreign-trained nurses are not qualified to come into the U.S. on an H-1B visa. They instead must apply for legal permanent resident status, or a green card, to be granted employment-based immigration for themselves and their family members. We continue to support the green card process as the most effective way to offer permanent employment for nurses.

The solution to addressing the backlog in employment-based visas is not to eliminate the per-country cap, but rather to acknowledge there are not enough immigrant visas overall to meet the demand for foreign-born, highly-skilled workers for all sectors in the United States.

Thank you for your consideration of our concerns regarding the EAGLE Act and its potential impact on our hospitals and health systems and the communities we serve. We look forward to working with you as you address these important immigration issues.

Sincerely,

/s/

Lisa Kidder Hrobsky  
Senior Vice President of Advocacy & Political Affairs

CC: The Honorable Jerrold Nadler, Chairman, House Committee on the Judiciary  
The Honorable Jim Jordan, Ranking Member, House Committee on the Judiciary