



## ***Immigration Basics: Hiring Foreign Workers***

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### **Basic Concepts of U.S. Immigration**

- U.S. immigration (“temporary work visas” or “green cards”) typically require sponsorship by Family or Employer
- **Temporary U.S. Work Visas** require employer sponsorship and are limited in duration
  - Most work visas are occupation, location, and salary specific
- **Green Cards** – “lawful permanent resident” (LPR) status – for permanent/indefinite employment

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### **Temporary Work Visas**

- **F-1 OPT** – 1 year employment authorization following graduation from U.S. university degree program
- **H-1B** – “Generic” Professional Work Visa
  - Annual Quota (“lottery”) – 85,000 – *not applicable if transferring from another employer*
  - April 1 Lottery filing
  - Time limit considerations
- **H-1B1** – Chile and Singapore
- **TN** – Canada and Mexico
- **E-3** – Australia
- **FAMILY/DERIVATIVE Employment Authorization**

3

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### **Obligations of the Employer**

- Employer obligations are fairly reasonable
- **“At Will” Employment** – Petition is NOT an employment contract
- Specific position, location, and salary
- Prevailing Wages
- Offer cost of return trip ticket to home country




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### **H-1B Visas for Nurses and Healthcare Professionals**

- **Credentials Certificates** – CGFNS for Nurses and SLPs, FCCPT for PTs, and NBCOT for OTs
- **State Licenses** – Restricted vs. Unrestricted  
– Some states require SSN before issuing the license
- **“Specialty Occupation”** – H-1B sponsorship requires Employer prove that the position requires at least a Bachelor’s degree in a specific field – “specialized”, not generic RN.




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### **H-1B Visas for Nurses (Cont.)**

- **Advance Practice RN (APRN):**
  - Certified nurse-midwife (CNM);
  - Certified clinical nurse specialist (CNS);
  - Certified Nurse Practitioner (CNP);
  - Certified Registered Nurse Anesthetist (CRNA)
- **RN with Specific Practice Area** – addiction, oncology, critical care, cardiovascular, genetics, ER, pediatrics, OR, rehabilitation, etc.
- **RN with Administrative Management** duties, either principally or as a significant portion of position.




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### **“Employer” for Immigration Purposes**

- Direct employment **vs.** retaining the services of a “staffing company” or rehab therapy/nursing services vendor.
- Only the **“employer”** can file a work visa petition
- **“Employer”** = Entity that exercises control over basic duties, scheduling, assignments, compensation, benefits, and reviews.



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### **Green Card Processes**

- **“Schedule A”** – Nurses and Physical Therapists have an expedited green card process
  - No test of the U.S. labor market required – *required for all other occupations*
- Timing based on nationality (**country quotas**)
- Possible alternative to work visa process
- **Temporary employment authorization (EAD)** through green card process



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## **QUESTIONS**

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***Thank You***



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