

EB-3 Green Card Category UNAVAILABLE as of July 1st

The July 2005 Visa Bulletin shows a retrogression to "Unavailable" for employment-based third preference for all nationalities. The category will not open up again until at least September 30th. Accordingly, the CIS will not accept any new adjustment of status applications for this category during this period and currently pending adjustment of status applications for this category will remain pending until numbers become available again. Fortunately, RN's and Physical Therapists, Schedule A designees who usually rely on this category, now have their own separate allotment of visa numbers to reflect the changes contained in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act of 2005.

Department of State Forecast for Nurses and Physical Therapists

While Schedule A designees include qualifying physical therapists, and certain exceptional ability individuals in the sciences or arts, the benefit of the recaptured 50,000 visas likely will go largely to nurses. The DOS Visa Office noted that the additional 50,000 Schedule A visas will help, but there is no way of telling how much of the current Employment Third preference demand will be covered by these additional numbers. It is possible that most of the Philippines demand is covered, but it's not clear how many of the 2,800 pending China/India E3 applicants will qualify for Schedule A classification.

CGFNS Opens Exam Center in Abuja, Nigeria for September 21, 2005 Exam

The exam center will be open for the September 21, 2005 exam. The deadline for applying is June 22, 2005. CGFNS administers its Qualifying Exam four times each year for nurses educated outside the United States who wish to practice nursing in the U.S. The September exam will be administered for the first time in Abuja, Nigeria. The Qualifying Exam is designed for first-level, general nurses educated outside the United States, who wish to become licensed in the U.S. Forty U.S. states require that foreign-educated nurses pass the CGFNS Qualifying Exam before they will be authorized to sit for the NCLEX-RN® examination, (the U.S. national licensure exam for registered nurses). In some cases nurses wishing to sit for an exam in the U.S. might be eligible to enter under a visitors visa for the sole purpose of taking an exam.

2006 "IMG" Match Participants Must Take Step 2 CS Early

ECFMG advises that demand for Step 2 CS is expected to be heavy throughout 2005, especially in the months preceding the Match. IMGs who wish to participate in the National Resident Matching Program (NRMP), or "the Match," must have passed all exams required for ECFMG Certification. Those who plan to participate in the 2006 Match and need to pass Step 2 CS are reminded that taking Step 2 CS later than December 31, 2005 might not yield results in time to participate in the 2006 Match. Likewise, IMGs should begin reviewing visa options for their residency period sooner rather than later given the many changes in immigration law impacting foreign national healthcare providers.

TINDALL & FOSTER, P.C.

IMMIGRATION, EMIGRATION & RELATED INTERNATIONAL LAW

600 Travis St., Suite 2800 * Houston, Texas 77002 * (713) 229-8733 * Fax: (713) 228-1303
100 Congress Ave., Suite 1500 * Austin, Texas 78701 * (512) 478-9475 * Fax: (512) 494-8066

Tindall & Foster's "Immigration News for the Healthcare Industry" is a quarterly publication addressing current immigration law news of interest to Healthcare Professionals and Organizations. For a free email subscription to Tindall & Foster's "Immigration News for the Healthcare Industry," send an email to lganchan@tindallfoster.com.

Disclaimer: This newsletter is provided as a public service and not intended to establish an attorney-client relationship. Any reliance on information contained in it is taken at your own risk. If you have any questions or if you would like to discuss these issues in greater detail, please contact Leigh Ganchan at Tindall & Foster, P.C.