

Qualified Foreign Nurses

by John R. Wilson, Esq. Goff and Wilson, P.A.

Q: We need RNs, but our concern is that foreign RNs may lack the education, training, or English language skills necessary. How well prepared are foreign RNs?

A: There are many steps a foreign RN must complete before being allowed to enter the US and practice nursing. A foreign RN must have a nursing license in the country where the nursing education occurred, with few exceptions. Interestingly, some countries such as the Philippines, require a Bachelor's Degree in nursing (BSN), which is a higher standard than the Associate Degree requirement in the US. This in part accounts for the large number of RNs from the Philippines practicing nursing in the US, which now exceeds 50,000. At a minimum, all foreign RNs must possess an Associates Degree in Nursing and have a license to practice nursing in their country of education.

Before a healthcare facility can start an immigration application, the foreign RN, in addition to the education and licensing requirements, must have either 1) a passing score on a pre-emptive exam as administered by the Commission of Graduates of Foreign Nursing Schools (CGFNS), or 2) a full and unrestricted license to practice nursing in the State of intended employment where the healthcare facility is located.

The CGFNS exam, which is administered in English, is offered three times per year in various locations throughout the world. Occasionally, CGFNS will offer the exam additional times if the need exists, such as currently being done in India. Many foreign RNs believe the CGFNS exam is more difficult than a State licensure exam. Although the CGFNS exam does not allow a foreign RN to practice nursing in the US, a passing score on CGFNS is a good indicator of success in passing the State licensure exam.

Alternatively, a foreign RN may elect to only take the NCLEX exam for the State of intended employment. This is a preferred method of qualifying for the immigration application process by both the healthcare facility and the RN, as both the healthcare facility and the RN will know whether the RN has licensure in the State where the healthcare facility is located prior to entering the US.

Unfortunately, the NCLEX exam is only offered on US territories outside of the US, such as Guam, Sipan, and the US Virgin Islands. There is movement to offer the NCLEX exam in additional locations outside of US territories, and this will probably take effect within the next year. Currently, if a foreign RN wants to take the NCLEX exam, the RN must travel to, most usually, Guam or Sipan, which can be expensive and time consuming.

Alternatively, a foreign RN may attempt to enter the US on a visitor's visa for purposes of taking the NCLEX exam. However, US consulates around the world will seldom issue a visitor's visa to enter the US for this purpose. For now, most RNs will simply take the CGFNS exam, secure a qualifying score, follow through with the application process, and then take the NCLEX exam once they arrive in the US.

In addition to the education, licensing, and substantive testing requirements, all foreign RNs must also pass English language tests. These tests are administered by different authorized agencies, and consist of both written and spoken English. The Immigration Service has set minimum requirements which must be met by the RN, and which are considered very high. Furthermore, many States have even higher English language passing score requirements than the Immigration Service.

Finally, even if a foreign RN has passed all of the above requirements, a VisaScreen Certificate must be obtained. The VisaScreen Certificate is only issued once a full review of the foreign RN's education (including transcripts), English language testing requirements, CGFNS requirements and licensing. Once an RN has the VisaScreen Certificate, plus all of the other requirements, the RN may then make application at a US Consulate for permission to enter the US to practice nursing. However, before the US Consulate issues an immigrant visa for the RN to enter the US, the RN must also pass a medical exam as well as complete security clearance. Only when all of these requirements have been met, will the foreign RN be allowed to enter the US and practice nursing. Again, if the foreign RN has not taken the State licensure exam (NCLEX) before entering the US, the exam must still be taken and passed before the RN can actually practice nursing.

The above illustrates the rigorous controls in place by both the Federal Immigration Service and the State licensing boards to ensure that a foreign RN enters the US with the necessary qualifications. ■

John R. Wilson, Esq. has been in active practice for the last 20 years, focusing on immigration law. He is also an adjunct faculty for the Graduate School of Business at Southern New Hampshire University. Goff and Wilson, P.A., PO Box 347, Concord, NH 03302; phone (800) 717-8472; jwilson@goffandwilson.com.

Goff & Wilson

