

Will Health Care Be Affected By Visa Decrease?

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

Question: Will PTs, OTs, Med Techs, MDs and other health care workers be affected by the decrease in available visas?

Answer: As of Oct. 1, 2003, which is the beginning of the new federal fiscal year, the number of H-1B1 visas available annually will decrease from almost 200,000 to 65,000, which was the amount available prior to the high tech boom of the late 1990s.

Currently, approximately 125,000 are being issued per year. It is anticipated that the new, restricted allotment of H-1B1 visas will all be used by early 2004, leaving a period of six months or longer during which time no US employer may hire any foreign worker in H-1B1 status.

The H-1B1 visa has long been used by US employers to hire foreign nationals in professional positions requiring at least a bachelor's degree. The reluctance of Congress to increase the number of H-1B1 visas for the next fiscal year may be a reaction to the large number of unemployed US workers available to fill many high tech jobs. In the health care field, though, there exists an industry wide shortage of qualified US workers. Without the ability to utilize the H-1B1 visa for these positions, many health care facilities will continue to face a shortage of these key personnel.

In order to avoid missing out on an H-1B1 visa opportunity for a desired employee, health care facilities should plan now to hire foreign health care workers in these various health care positions. Many health care facilities have already started the process of completing H-1B1 visa applications in anticipation of the shortage.

Moreover, it is advisable to use Premium Processing for the application, which will reduce the application approval time from several months to just 15 days. If an application is filed now with regular processing, it may not be approved until the beginning of 2004, which is when no additional H visas are available and the Immigration Service does not refund application fees! To avoid being disappointed, file early. ■

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