

## **Visa Retrogression Update December 2004**

Visa Retrogression is basically an immigration quota that was introduced some time ago by an Act of Congress. The quota is administered by the Department of State, not the Department of Homeland Security. The quota was suspended a few years ago, because of backlogs in processing. Now that new systems have been introduced, the quota has been re-established.

The Department of State (DOS) has forecasted that three countries will reach their quota limits in January 2005, without being specific about how and to what extent that will affect the processing of visas. There are basically two types of quotas – Family based, and Employment based. Your nurses and our candidates fall into the Employment based category.

The figures released by the Department of State in December, which are a forecast of likely processing dates in January 2005 indicate that they will be processing I-140 applications filed on or before January 2002.

A curious element of the forecast is that same date has been used for China, India and the Philippines. An explanatory note in the Visa Bulletin issued by the Department of State indicates that this is a forecast and they can make no assumptions about the rate of progress implied by these dates. Although this is a standard disclaimer, our own research with Immigration Attorneys familiar with DOS procedures have indicated that until the process has been working for a couple of months the DOS will not have any accurate data with which to update the forecast. At best then this date is a guesstimate and hard dates cannot be expected to emerge until the end of Q1 2005.

In order to facilitate and respond to questions that you may have – we have formulated this FAQ on the major questions, in an attempt to provide you with as many answers as possible.

### ***Frequently Asked Questions***

#### ***Should I postpone my Hiring Tour ?***

Nothing in the current announcements would suggest that Hiring Tours be delayed. In a date dependant system, such as this quota system, it is important to get in the queue as soon as possible. I-140's will still be processed by the USCIS, in the Department of Homeland Security at the same rate. In fact recent improvements in the USCIS systems have reduced processing times in California from a peak of 12 months down to around 8.5 months currently.

In the 8.5 months it will take to process the I-140 we expect substantial movement in the Retrogression dates for the Philippines.

In addition, we are working on new programs that in Q1 2005 will provide our customers with options for alternate visas than those currently affected by the quota.

#### ***How does this decision affect the nurses we have hired and for which we have filed I 140 applications?***

The short answer is that we do not know the extent of the effect at this point. The announcement illustrates that the country data is a projection and that until the NVC processes some applications in January 2005 we will not know the actual per country data or the rate of movement likely to occur. The adjustment may take up to one quarter before true dates emerge.

We remain confident that the rate of movement for the Philippines will be far faster and greater than the rate of movement for other countries.

The current problem is caused by the backlog created by the USCIS. We expect the situation to resolve itself in a few months as the backlog becomes resolved.

We are working on new programs that in Q1 2005 will provide our customers with options for alternate visas than those currently affected by the quota.

GlobalCare will be coordinating an intensive lobbying campaign that we expect in 2005 will result in two matters being resolved :-

- The release of unused numbers from 2001-2004 that will assist the resolution of the backlog.
- The creation of a unique visa category for healthcare workers – through the broadening of the H1C visa category

***How does this decision affect the nurses we have hired who have had their I 140 applications approved?***

There may be some delays of two to four months and then we expect the delays to be resolved.

***What is GlobalCare doing to address this issue?***

Two things :-

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***What should we be doing now if anything?***

We strongly recommend to our clients to get involved in the GlobalCare coordinated lobby campaign. This campaign is designed to create a visa unique to Healthcare workers, that addresses the concerns of Hospital Administrations, Nurses Associations and suppliers to the healthcare industry such as ourselves. The current visa programs for healthcare workers are stop-gap measures that have grown over the years to become a convoluted and grossly distorted set of procedures, that do nothing to solve the long term staffing problems of the industry.

***What are the possible options the Government might consider to resolve this issue and continue to support international recruitment in light of the significant shortage of nurses in this country?***

There are some initiatives in Congress to introduce a Healthcare workers visa. This is likely to be done by extending the scope of an existing visa for Healthcare workers (H1C) This would allow the Government to assist the Healthcare industry without a radical change in immigration policy and would not involve any major changes to the new systems recently introduced by the USCIS.

***How are the nurses we have hired reacting to this news? How is GlobalCare keeping them engaged?***

Your nurses and our candidates have reacted with concern about news articles appearing in the US Press. We have begun conducting a series of seminars for candidates, at which our staff in Manila have explained the intricacies of the Visa retrogression process, GlobalCare's interpretation of the current data provided by the Department of State and answered questions from the seminar participants.

Representatives of the US Embassy in Manila have offered to participate with GlobalCare staff in some of the future seminars. The reaction from the candidates has been extremely positive. We are the first and so far the only company in the Philippines providing information and statements to the press, to counter the adverse publicity. Our seminar activity has already provided favorable press coverage in the Philippines that many of our nurses have commented on.