

SCANNED/RECEIVED  
BY ESEC SEC

2018 SEP 25 PM 2:50

September 12, 2018



The Honorable Kirstjen M. Nielsen  
Secretary, Department of Homeland Security  
800 K Street, NW #1000  
Washington, D.C. 20528

Dear Secretary Nielsen:

We write on behalf of the American Association of International Healthcare Recruitment (AAIHR) to urge you reconsider recent changes in immigration policy that are impacting U.S. healthcare services. Our member companies provide highly qualified internationally educated registered nurses to healthcare facilities throughout the US. These nurses deliver critically needed patient care in both rural and urban settings.

Some of the largest health systems throughout the US rely on these nurses recruited and employed by our member companies. These client health systems include Hospital Corporation of America (HCA), LifePoint, Community Health System (CHS), Tenet, Ascension Health, Adventist Health, Kindred Healthcare, Centura-Dignity Health, Kaiser Permanente, Select Medical, DaVita Health, Fresenius Health Partners and many others. Several AAIHR members are GSA providers and staff nurses to the Veterans Affairs hospitals and health facilities, as well as Indian Health Reservations

There is an enormous shortage of American healthcare workers. American colleges and training programs are not supplying enough workers. Critical shortages for physicians, registered nurses, physical therapists, and occupational therapists exist in the United States. Based on current graduation and immigration trends, more than a third of the Bureau of Labor Statistics' projected 1 million job openings for nurses will go unfilled by the year 2022. The U.S. Health Resources and Service Administration (HRSA) projects an even greater shortage, and at a period when nationwide demand for care is rising rapidly. The American Healthcare Care Association (AHCA) reports that over 90% of long-term care facilities throughout the US are understaffed with registered nurses.

The President's Buy American Hire American (BAHA) is an impressive aim, but the unintended consequence of this policy is being felt in healthcare staffing, in occupations for which there is no option to "Hire American". For many rural areas, the options are to hire a foreign-trained healthcare worker or to underserve their patients.

U.S. Citizenship and Immigration Services (USCIS) has taken recent policy positions that are leading to unprecedented RFE, NOID, and denial rates, which are exacerbating the shortage of US-qualified healthcare professionals in critical occupations like physical therapists and professional nurses. The Department of Labor has determined there are not sufficient U.S. workers who are able, willing, qualified and available to fill the demand for these occupations and that the employment of foreign healthcare professionals will not adversely affect the wages and working conditions of American workers similarly employed.

- Healthcare Staffing companies are seeing sky-high denial rates on immigrant petitions for dubious reasons, such as an inability to pay the healthcare professional's offered wage, despite unquestionable evidence that these jobs exist, the healthcare professional generates sufficient revenue to cover the offered wage and associated overhead expenses, and no USCIS findings of unemployed foreign-trained RNs.
- Overly burdensome requests to document that H-1B employment exists and employer-employee relationships exist where there is no serious question that national shortages are at all-time highs.
- Questions about the "permanency" of the healthcare employer's job offer notwithstanding employment contracts and affidavits attesting to long-term and indefinite offers of employment.
- A Catch-22 situation where the USCIS issues denials based on a healthcare worker's lack of a state professional license. In these instances, obtaining a state license is impossible because the state requires a Social Security Number, which will not be granted until USCIS issues the visa.

AAIHR respects the Administration's worthy goal of increasing employment of American labor. We ask, however, that the USCIS reconsider the blunt tool of BAHA where well-documented US supply shortages exist.

Thank you for your kind attention to these important issues.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shari Dingle Costantini', with a stylized flourish at the end.

Shari Dingle Costantini  
President



U.S. Citizenship  
and Immigration  
Services

November 8, 2018

Ms. Shari Dingle Costantini  
President  
American Association of International  
Healthcare Recruitment  
3805 Edwards Road, Suite 700  
Cincinnati, Ohio 45209-1955

Dear Ms. Dingle Costantini:

Thank you for your September 12, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

On April 18, 2017, President Trump signed the *Buy American, Hire American* executive order which seeks, among other things, to create higher wages and employment rates for U.S. workers and to protect their economic interests by rigorously enforcing and administering our immigration laws. It also directs Department of Homeland Security, in coordination with other agencies, to advance policies to help ensure H-1B visas are awarded to the most-skilled or highest-paid beneficiaries. U.S. Citizenship and Immigration Services is committed to protecting the economic interests of American workers.

The Department appreciates the need for skilled workers in critical occupations like physical therapy and nursing, and we are grateful for your input on the Department's policies. We remain committed to the integrity of the immigration system and protecting U.S. workers, and we continue to review various policies to determine if additional changes are needed to better serve the American people and those you represent.

Thank you again for your letter and your interest in this important issue. Should you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "LFC", written over a horizontal line.

L. Francis Cissna  
Director