

United States Senate  
WASHINGTON, DC 20510-1009

April 3, 2020

The Honorable Michael Pompeo  
Secretary  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

The Honorable Eugene Scalia  
Secretary  
U.S. Department of Labor  
200 Constitution Ave, N.W.  
Washington, D.C. 20210

The Honorable Chad F. Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave, S.E.  
Washington, D.C. 20032

**RECEIVED**

**By ESEC at 12:59 pm, Apr 06, 2020**

Dear Secretary Pompeo, Secretary Scalia, and Acting Secretary Wolf:

We are writing to request that you prioritize the processing of EB-3 visas for Schedule A nurses during the COVID-19 crisis. Our nation has long faced a significant shortage of nurses and health care workers, and this shortage now poses a risk to our medical system's ability to respond to this crisis. We ask that you prioritize the processing of these visas to ensure that our hospitals will have the critical care workers they need to lead our nation through this crisis.

The U.S. Department of Labor (DOL) has recognized that there "are not sufficient United States workers who are able, willing, and qualified" to serve as nurses. DOL has determined that any nurse brought to the United States will not affect "the working conditions of United States workers similarly employed" and will not "adversely affect" the wages of United States workers (20 C.F.R. §656.5).

DOL's Bureau of Labor Statistics forecasts that our country's need for nurses will grow by 12 percent from 2018 to 2028. The average growth rate for all occupations over that same window is projected to be 5 percent.<sup>1</sup> The American Association of Colleges of Nursing found that low enrollment in U.S. nursing schools, a faculty shortage at U.S. nursing schools, an aging workforce, and our aging population will continue to exacerbate these nursing shortages.<sup>2</sup> Our rural hospitals, which are essential to the health and well-being of those who do not live in a major metropolitan area, have acutely felt the impacts of these nurse shortages. We simply do not have the workforce here to fulfill our country's nursing needs.

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<sup>1</sup> U.S. Department of Labor, Bureau of Labor Statistics, Occupational Outlook Handbook, Registered Nurses, <https://www.bls.gov/ooh/healthcare/registered-nurses.htm>. Accessed: March 30, 2020.

<sup>2</sup> American Association of Colleges of Nursing, "Nursing Shortage" Fact Sheets, News & Information, <https://www.aacnnursing.org/news-information/fact-sheets/nursing-shortage>. Last Updated: April 1, 2019; Accessed: March 30, 2020.

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Our nursing shortages will only further accelerate the damage the coronavirus will cause to our country. Cynthia Cox, Vice President of the Kaiser Family Foundation, recently noted that “There is a very real risk of provider shortages in the areas hit hard by the coronavirus, both because of increased patient numbers and doctors and nurses falling ill from or being exposed to the virus.”<sup>3</sup>

The federal government has already taken action to address provider shortages in our nation’s healthcare system. For instance, the Bureau of Consular Affairs at the U.S. Department of State recently encouraged medical professionals with approved U.S. immigrant or nonimmigrant visas to schedule visa interviews, so that they can to help our country assist with COVID-19 treatment efforts.<sup>4</sup> The U.S. Department of Veterans Affairs (VA) received waiver authority to re-hire retired VA healthcare workers to address this crisis.<sup>5</sup> These actions show our federal government is aware of the compounding effects of our country’s provider shortage and the COVID-19 crisis on our healthcare system.

While these actions will provide relief to our nation’s doctors, they do not provide relief for our nation’s nursing staff who are working around the clock to fight this crisis. We ask that you use every authority provided to you under the law to expedite your processing of EB-3 visas for immigrant nurses, so that our hospitals can have the support they need as they combat this virus.

Nurses provide critical care to patients and their families. They help doctors extend the reach of their care. They are on the frontlines of our medical system’s work to combat the coronavirus. Our nation’s hospitals will be overwhelmed if they are not able to hire more nursing staff. We urge you to help our hospitals address this crisis by expediting your processing of visas for immigrant nurses.

Thank you for your consideration of this request.

Sincerely,



David A. Perdue  
United States Senator



Kelly Loeffler  
United States Senator



Bill Cassidy  
United States Senator

<sup>3</sup> Nicole Narea, “The US needs foreign doctors and nurses to fight coronavirus. Immigration policy isn’t helping.” *Vox*, <https://www.vox.com/2020/3/30/21190971/foreign-immigrant-doctor-nurse-coronavirus>. Last Updated: March 30, 2020; Accessed: March 30, 2020.

<sup>4</sup> U.S. Department of State, Bureau of Consular Affairs, “Update on Visas for Medical Professionals,” <https://travel.state.gov/content/travel/en/News/visas-news/update-on-h-and-j-visas-for-medical-professionals.html>. Last Updated: March 26, 2020; Accessed: March 30, 2020.

<sup>5</sup> U.S. Department of Veterans Affairs, Office of Public and Intergovernmental Affairs, “After OPM action, VA invites retired medical personnel back to work,” <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5404>. Last Updated: March 26, 2020; Accessed: March 30, 2020.



**U.S. Citizenship  
and Immigration  
Services**

May 14, 2020

The Honorable David Perdue  
United States Senate  
Washington, DC 20510

Dear Senator Perdue:

Thank you for your April 3, 2020 letter. The Acting Secretary asked that I respond on his behalf.

The U.S. Department of Homeland Security (DHS) has no greater responsibility than ensuring the safety and security of our country. Responding to the pandemic requires everyone to work within rapidly changing, complex circumstances that create a variety of situations and conditions unique to individuals and communities.

We recognize that there are immigration-related challenges that individuals, employers, and others face as a direct result of the national emergency. We carefully analyze these issues and leverage our resources to effectively address these challenges within our existing authorities. DHS continues to act to protect the American people and our communities and is considering a number of policies and procedures to improve the employment opportunities of U.S. workers during this pandemic.

It is important for us to emphasize that U.S. Citizenship and Immigration Services (USCIS) continues to accept and process petitions and applications for immigration benefits. Our primary goal is to ensure the safety of the public and our employees as the situation evolves. Therefore, we have temporarily suspended routine in-person services at our offices. Importantly, however, our workforce continues to perform mission-essential duties that do not involve face-to-face contact with the public, and we provide emergency services for certain situations.

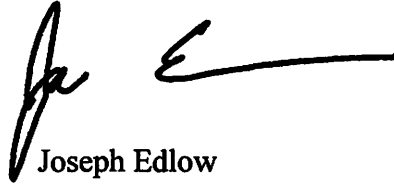
Our website and outreach efforts provide guidance, resources, and information to the public on the actions and policies we are implementing through these uncertain times. As we announced in our public-facing website, several options are available to nonimmigrants to extend or change their status. For policy updates, operational changes, and COVID-19 information, please visit [uscis.gov/coronavirus](https://uscis.gov/coronavirus).

While Congress has granted DHS extensive statutory authority, it has also prescribed specific statutory limitations regarding many nonimmigrant visa programs, including in relation to extensions of status. I should note that when similar concerns arose in the aftermath of the 9/11 terrorist attacks, Congress passed legislation providing relief to impacted legal aliens. Section 422 of the "Uniting and Strengthening America by Providing Appropriate Tools

Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001," Pub. L. No. 107-56, provided automatic extensions of status, but only to those nonimmigrants lawfully present in the United States on September 1, 2001 who had been disabled as a result of the terrorist attacks (and family members). Such aliens could "remain lawfully in the United States in the same nonimmigrant status until the later of . . . the date such . . . status otherwise would have terminated . . . or 1 year after . . . the onset of disability . . . ." For those lawfully present nonimmigrants who had not been disabled, Congress provided only that "if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due." The House of Representatives passed similar legislation on a bipartisan basis by voice vote in the aftermath of Hurricane Katrina. *See* H.R. 3827, the "Immigration Relief for Hurricane Katrina Victims Act of 2005."

Thank you again for your letter and interest in this important matter. We will consider the recommendations you have put forward. The co-signers of your letter will receive separate, identical responses. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ja' followed by a long horizontal stroke with a small upward hook at the end.

Joseph Edlow  
Deputy Director for Policy