



Samantha Wolfe

Partner
303.295.8479
Denver
sdwolfe@hollandhart.com

The Role of Immigration in Solving Healthcare Workforce Changes

Insight — March 13, 2025

The United States faces a critical shortage of healthcare professionals, particularly in rural areas. Hospitals, nursing homes, and clinics struggle to find qualified workers, leading to increased patient wait times and limited access to essential care. One effective strategy to address this workforce gap is hiring foreign healthcare professionals through various immigration pathways. Below, we explore key visa options and strategies for recruiting and retaining international healthcare workers, including nurses, physicians, and allied health professionals.

Immigrant and Nonimmigrant Visa Options for Healthcare Workers

Healthcare employers seeking to recruit foreign professionals have two main visa pathways: nonimmigrant (temporary work visas) and immigrant (permanent residence/green cards) options. Nonimmigrant visas allow healthcare workers to fill temporary positions, often tied to employer sponsorship, with defined time limits and renewal options. In contrast, immigrant visas provide a path to permanent residency, enabling foreign healthcare professionals to establish long-term careers in the U.S. Understanding these visa options allows employers to navigate the immigration process strategically, addressing both immediate staffing shortages and long-term workforce stability.

Nonimmigrant (Temporary) Visa Options

For healthcare employers facing immediate staffing shortages, nonimmigrant (temporary) visa options provide a valuable solution for hiring foreign healthcare professionals. These visas allow qualified professionals to work in the U.S. for a fixed period, often tied to employer sponsorship, with opportunities for renewal or transition to permanent residency. Various visa categories are available depending on the worker's qualifications, the nature of the role, and the employer's specific needs. Understanding the eligibility criteria, processing timelines, and unique benefits of each visa type can help employers make informed decisions and streamline the hiring process.

1. **H-1B Visa (Specialty Occupations)** – Best suited for professionals with at least a bachelor's degree in their field, including physical therapists, occupational therapists, and certain advanced-degree nurses. Subject to an annual cap, unless the employer qualifies for an exemption (e.g., universities, nonprofit research institutions).

2. **TN Visa (For Canadian and Mexican Professionals)** – Available under NAFTA/USMCA for nurses, physicians, and other health professionals from Canada and Mexico. Renewable indefinitely, as long as employment continues.
3. **H-2B Visa (Temporary Non-Agricultural Workers)** – Can be used for healthcare support roles with temporary, seasonal, or peak-load needs. Requires employer sponsorship and labor certification.
4. **O-1 Visa (Individuals with Extraordinary Ability)** – Designed for highly skilled healthcare professionals with significant recognition in their field. Requires substantial evidence of expertise, such as publications, awards, or research contributions.
5. **J-1 Visa (Exchange Visitor Program)** – Commonly used for medical residents, fellows, and some nursing trainees. Participants may be subject to a two-year home residency requirement unless they qualify for a waiver (e.g., Conrad State 30 Program).
6. **E-3 Visa (Australian Professionals)** – Available exclusively for Australian citizens in specialty occupations, including healthcare roles requiring at least a bachelor's degree.

Selecting the right nonimmigrant visa category is essential for healthcare employers looking to address workforce shortages quickly and efficiently. While options like the H-1B and TN visas are ideal for long-term temporary employment, the J-1 and H-2B visas cater to specific training and temporary labor needs. Employers should consider visa caps, processing timelines, and potential pathways to permanent residency when evaluating their hiring strategy. By leveraging the appropriate visa programs and working with experienced immigration professionals, healthcare employers can successfully recruit international talent, ensuring continued patient care and operational stability.

Immigrant (Permanent Residence) Options for Healthcare Workers

Employers seeking to fill long-term healthcare positions with foreign workers may sponsor them for permanent residency (green cards) through employment-based immigrant visa categories. These pathways offer stability for both the employer and the employee by allowing foreign healthcare professionals to live and work in the US permanently.

1. **EB-3 Green Card (Skilled Workers, Professionals, and Other Workers)**

The EB-3 green card is one of the most common pathways for foreign nurses and allied health workers. It is divided into three subcategories:

- **Professionals** – Requires at least a U.S. bachelor's degree or foreign equivalent.
- **Skilled Workers** – Requires at least two years of training or experience.
- **Other Workers** – For positions requiring less than two years of training.

Healthcare professionals typically qualify under the Skilled Worker category. This process requires employer sponsorship and labor certification (PERM), verifying that no qualified US workers are available for the position. However, some healthcare occupations are pre-certified under Schedule A, allowing them to bypass the labor certification requirement and significantly reduce processing time.

2. **Schedule A (Pre-Certified Occupations for Green Cards)**

Schedule A is a list of occupations designated by the US Department of Labor (DOL) as having a recognized labor shortage, meaning they do not require labor certification (PERM).

- Currently, Schedule A includes:
 - Registered Nurses (RNs)
 - Physical Therapists

Since these positions are pre-certified, employers skip the lengthy PERM process, reducing the overall green card processing time. To qualify, an employer must submit Form I-140 (Immigrant Petition for Alien Worker) along with a prevailing wage determination and evidence of the applicant's qualifications, including state licensure or proof of eligibility for licensing.

3. **National Interest Waiver (NIW) for Physicians**

The NIW green card allows physicians to bypass the traditional labor certification process if they agree to work in a medically underserved area (MUA) or Health Professional Shortage Area (HPSA) for at least five years.

To qualify for an NIW, a physician must:

- Work full-time in primary care or specialty care in a designated shortage area.
- Obtain an attestation from a federal agency or state health department confirming that their work is in the public interest.
- Provide evidence of at least two years of service in an underserved area before applying for a green card.

The NIW is often used by international medical graduates (IMGs) who have completed residency training in the US on a J-1 visa and received a waiver of the two-year home residency requirement.

Strategies for Healthcare Employers to Successfully Recruit Foreign Workers

1. **Understand Visa Processing Timelines**

Visa processing times vary by category, requiring careful planning. The H-1B visa follows an annual lottery system, with petitions due in March and approvals typically issued by October. Due to high demand, many applicants do not get selected. Employers hiring Schedule A occupations (nurses and physical therapists) benefit from faster green card processing, as these positions are pre-certified for labor certification, often reducing total processing time by months. Other employment-based green card categories may take 12 to 24 months or longer, depending on visa bulletin

availability and USCIS processing times. The J-1 visa waiver process for international medical graduates can also take several months, depending on state-specific processing requirements.

2. Work with Experienced Immigration Counsel

Navigating visa requirements can be complex, and errors in petitions can lead to costly delays. An experienced immigration attorney ensures compliance with legal requirements, advises on the best visa options, and helps employers avoid processing pitfalls. Given recent changes in immigration policies and varying adjudication trends, working with counsel can significantly improve case approval rates.

3. Partner with International Recruiting Agencies

Recruiting foreign healthcare workers requires sourcing talent from across the globe. International recruiting agencies specialize in identifying qualified professionals, assisting with licensing requirements, and handling immigration paperwork. They can also facilitate cultural and workplace adaptation, reducing turnover rates among foreign hires.

4. Consider Expedited Options

For urgent staffing needs, premium processing is available for certain visa categories, such as H-1B and I-140 petitions, for an additional fee, guaranteeing adjudication within 15 calendar days. Expedited labor certifications may also be available for positions in critical shortage areas. Employers hiring foreign physicians should consider Conrad 30 J-1 waivers, which allow doctors to bypass the two-year home residency requirement by committing to practice in underserved communities.

5. Provide Support for Foreign Workers

Retention of foreign healthcare professionals is just as important as recruitment. Employers should assist with credentialing, state licensing, and relocation logistics to ensure a smooth transition. Offering mentorship programs, cultural integration support, and housing assistance can significantly improve retention rates and job satisfaction among foreign hires.

Conclusion

The healthcare worker shortage in the US is a growing crisis, particularly in rural areas where access to care is severely limited. By leveraging available visa options and implementing strategic hiring practices, healthcare employers can effectively address staffing shortages by recruiting and retaining foreign healthcare professionals. Understanding immigration pathways, working with experienced legal counsel, and partnering with international recruiting agencies can streamline the hiring process and reduce delays. Additionally, providing comprehensive support—including credentialing assistance, relocation services, and cultural integration programs—can enhance retention and long-term workforce stability. As healthcare demand continues to rise, especially in underserved regions, investing in foreign talent is a proactive and sustainable solution to ensure the delivery of quality care nationwide.

This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.