



INFORMATION FOR HEALTH CARE WORKERS: Certification Requirements for Visas*

- In 1996, Congress enacted section 343 of IIRIRA, which created a new ground of inadmissibility for uncertified immigrants or nonimmigrants who seek "to enter the United States to perform labor as a health care worker." The seven categories of affected professionals are **nurses, physical therapists, occupational therapists, speech language pathologists, medical technologists (also known as clinical laboratory scientists), medical technicians (also known as clinical laboratory technicians), and physician assistants**. Codified in section 212(a)(5)(C) of the Immigration and Nationality Act (INA), these health care professionals are deemed inadmissible for the purpose of performing labor as a health care worker in the affected occupations, **unless they first obtain a certificate verifying that their education, training, licensing, experience, and English competency are comparable to that of American health care workers**.
- All medical professionals in the seven affected categories who are already in the U.S. on a non-immigrant visa (such as an H1-B, J, or O) **must present a certificate from the Commission on Graduates of Foreign Nursing Schools (CGFNS) when applying for a visa extension in the United States or when entering the United States from a trip abroad**.
- The certificate, called a **Visa Screen**, shows that:
 - The worker's education, training, license, and experience meet all applicable requirements for admission into the US, are comparable with that required for a similar American health care worker, and the license (if a license is required in the state where the individual intends to work or is working) is unencumbered.
 - The worker has an appropriate level of competence in oral and written English.
 - If a majority of states licensing the profession recognize a test predicting an applicant's success on the profession's licensing or certification examination, the worker has passed such a test or examination
- Nonimmigrant health care workers already in the U.S. in non-immigrant status have until **July 26, 2004** to obtain their certification. A worker who does not obtain certification by July 26, 2004, **will not be permitted to re-enter the United States from abroad**. Health care workers will be permitted to re-enter the U.S. from trips

* This document is aimed at providing individuals with basic information about medical certification requirements and is not a substitute for the advice of a legal professional. As with all areas of the law, immigration laws are subject to frequent change. The information presented here is based upon the experience of the HIAS legal staff and the most up-to-date published information available from U.S. Citizenship and Immigration Services and other sources.

abroad if they return prior to July 26, 2004, even if they do not yet have their certification.

- Any petition or **application to extend a worker's authorized stay** will be denied unless the alien obtains the required certification **no later than one year after the date of the worker's admission or by July 26, 2004, whichever is earlier.**
- To fulfill the English language requirements, health care workers must take one of the following exams: 1) the three tests offered by the Educational Testing Service (ETS); b) the TOEIC test offered by the Test of English in International Communication (TOEIC) Service International in addition to the TSE and the TWE offered by ETS; or c) the International English Language Testing System (IELTS) examination. Occupational and physical therapists may **only** take the three ETS tests; nurses and other medical professionals may choose from the three options listed above. **Individuals who have taken these exams report that the IELTS exam is the easiest to follow and that the TOIEC is the most difficult.**
- A valid certificate must be presented to the DHS **whenever a nonimmigrant seeks admission into the United States** (starting on June 26, 2004). A certification is considered "valid" five years from date of issuance. Therefore, non-immigrant health care workers must renew their certification every five years. Health care workers with green cards do not have to present a certificate upon admission to the United States, and therefore do not have to renew their certification.
- Individuals coming to the United States to perform services in non-clinical health care occupations such as medical professors, teachers, researchers, managers of health care facilities, and insurance consultants, are not required to obtain a certificate. However, health care workers, such as supervisory physical therapists, who may not typically be involved in hands-on patient care but do have a direct effect on patient care, are subject to the certification requirement. Workers who have applied for immigrant benefits on the basis of a family sponsored petition, as refugees, or as dependent aliens whose primary purpose is to accompany the principal alien, regardless of their professions, are also exempt. The final rule also clarifies that nonimmigrant aliens entering the United States to receive training in one of the affected occupations, such as in F-1 optional practical training, H-3, and J-1 training program, are exempt.
- The Visa Screen process is lengthy and **it is extremely important to begin the application process, obtain the required documents, and register, take, and pass the English exam immediately.**
- **How to obtain the Visa Screen certificate:**
 - Visit the CFGNS website (www.cfgns.org) for detailed information about application procedures, forms, and fees, and to find out the passing scores on the English language tests required for each of the seven medical worker categories.
 - Visit the IELTS (www.ielts.org), the ETS (www.ets.org) or TOEIC websites

- to learn more about exam requirements, study guides, and testing locations (exams are offered in the U.S. and in many countries abroad). Study materials are also available (both for free and for a fee) elsewhere on the web.
- **Register for English language exam and begin studying.**
 - **Download, complete, and submit CFGNS application forms** (this can be done prior to taking and passing the English examination), along with the **application fee of \$325** (this is the current fee; you should verify the fee before filing the application).
 - **Collect documents required for the certificate**, which include:
 - **Original transcripts** from each professional school attended, sent directly to CFGNS from the school on a form provided by CFGNS called the “Request for Academic Records Form,” available on the CFGNS website;
 - **Copies of diplomas** from high school (colegio) and institutions where you received any non-professional or professional degrees and certificates (originals are not required). All documents must be translated into English and signed and certified for accuracy by the translator (see application form for instructions), but **need not be translated or notarized by a professional translator.**
 - **Validations of licenses to practice your profession**, submitted directly to CFGNS by the issuing institution on a form provided by CFGNS called the “Request for Validation of Registration/License Form,” available on the CFGNS website.

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