

Bureau of Citizenship and Immigration Services Issues Final Rule on Healthcare Professionals Seeking Occupational Visas

On July 25, 2003, the Department of Homeland Security (DHS) published its final rule related to Section 343 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Section 343 requires that certain foreign health care workers have their credentials evaluated

and certified before they will be allowed to work in their profession in the United States. The final rule became effective on September 23, 2003.

The regulations cover workers in seven major health care occupations. They include: nurses, registered nurses and licensed practical (vocational) nurses; physical therapists; occupational therapists; medical laboratory technicians; medical technologist (scientists); speech language pathologists and audiologists; and physician assistants.

The final rule applies to temporary and permanent employment based visas as well as Trade NAFTA (TN) health care workers from Canada and Mexico. Prior to the promulgation of the final rule, the interim rule covered only those health care workers entering under a permanent visa.

This rule does not apply to foreign-educated physicians, health care workers seeking admission to work in a non-clinical health care occupation, including medical teachers, medical researchers,

pharmacists and managers of health care facilities; to trainees in H-3, F or J status; to the spouse and dependent children of any non-immigrant (temporary); and to any health care worker seeking admission as the spouse or child of a principal alien, or as a family based immigrant, or in an uncovered profession.

There will be a transition period for these health care workers not covered by the interim rule but now covered by the final rule. DHS may admit a temporary, including TN, foreign-educated health care worker, or extend or change their status if they are already within the U.S., even if the health care worker does not at the time of application possess the required certification. The length of transition time includes: (1) a 10-month period ending on July 25, 2004 during which a temporary foreign health care worker may be admitted or may change or extend his or her status without having to present the Section 343 certification at the time of admission or of extension or change of status, and (2) a 12 month period, beginning on the date of the foreign health care worker's admission, extension or change of status during which the foreign worker must obtain the required Section 343 certification.

Grants of admission, extension, or changes of status to temporary immigrants during the transition period will be valid for only one year. There is no change and no transition period in the requirement for those applying to enter the U.S. under an employment-based permanent visa.



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CGFNS begins accepting TOEIC and IELTS examinations as proof of English language proficiency

In March 2003, CGFNS began accepting both the Test of English for International Communication (TOEIC) and the International English Language Testing System (IELTS) in addition to the already-approved Test of English as a Foreign Language (TOEFL) examination for foreign healthcare workers applying for the CGFNS Certification Program and/or the ICHP VisaScreen™: Visa Credentials Assessment program.

Applicants applying to either the Certification or VisaScreen programs must pass an English language proficiency examination as part of their requirements to receive their certificate(s). At the present time, only the TOEFL examination administered by the Educational Testing Service (ETS) is approved to meet this requirement. ETS also administers the Test of Written English (TWE) and the Test of Spoken English (TSE).

CGFNS believes that expanding the English testing options would increase access and availability to English proficiency tests for foreign healthcare professionals, and in turn, expedite the certification and screening processes for applicants. CGFNS began searching for other "nationally recognized, commercially available, standardized assessments" of the English language skills of foreign healthcare professionals in order to facilitate the Certification and VisaScreen processes. As a result of that search, CGFNS has concluded that both the TOEIC and IELTS examinations meet statutory, as well as CGFNS' high standards, for English language proficiency assessments set forth in section 343 of the Illegal Immigration Reform and Immigrant

Responsibility Act of 1996 (IIRIRA).

Since March 3, 2003, foreign registered nurses applying to the Certification Program have the option to take either the TOEFL (administered by ETS), the TOEIC (also administered by ETS) or the academic module of the IELTS (administered by Cambridge ESOL Examinations, the British Council and IDP Education Australia). Certain foreign healthcare professionals applying to the VisaScreen program will have the option to take one of the following three groups of English exams: the TOEFL, TWE and TSE; the TOEIC, TWE and TSE; or the IELTS and IELTS Spoken Band. VisaScreen applicants are advised to contact CGFNS in order to confirm which groups and what module of English examinations will be accepted for their profession.

For those applicants who have taken TOEIC or IELTS within the past two years, those passing scores will be accepted for the VisaScreen and Certification Programs, as long as they passed the TOEIC or IELTS within two years from the date that they passed the CGFNS Qualifying Exam. Applicants are also reminded that all English language proficiency scores must be forwarded to CGFNS/ICHP by the administering body.

Additional information on the TOEFL Examination can be obtained from ETS at www.toefl.org; information on the TOEIC Examination can also be obtained from ETS but at www.toeic.com; information on the IELTS Examinations can be obtained at www.ielts.org.

About this newsletter

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CGFNS launches new Integrated Voice Response System

In April 2003 CGFNS instituted an improved version of its Integrated Voice Response System. The new telephone system can be reached at 001+(215) 599-6200 and is available 24 hours a day, seven days a week, from any location around the world (long distance telephone charges may apply). The IVR system is integrated with the CGFNS On-Line Application System in order to bring applicants increased access to the status of their application with the most current information possible.

The new Integrated Voice Response System allows applicants access to the same, in-depth information about their file as the CGFNS website application system, which enables them to apply directly on-line for any CGFNS service, check the status of any application, confirm whether they have been rostered for a CGFNS Qualifying Exam, verify receipt of documents, make changes to their application, order study

materials and check their account balance. Applicants can check the status of their application(s) for any of CGFNS' services, such as the Certification Program, Credentials Evaluation Service, VisaScreen Program, and Credentials Verification Service for New York State.

CGFNS continuously strives to provide applicants with the most efficient and up-to-date resources and information possible, and remains committed to providing the same high standard in its screening, evaluating and testing services that foreign-educated healthcare professionals worldwide have come to expect and depend upon.

CGFNS is authorized to certify all the named health care workers. CGFNS provides the certification mandated under the law through its division named the International Commission on Healthcare Professions (ICHP).

In addition, the Foreign Credentialing Commission on Physical Therapy is authorized to certify physical therapists only and the National Board for Certification in Occupational Therapy is authorized to certify occupational therapists only.

To obtain the required certification, called the CGFNS *VisaScreen*TM Certificate, CGFNS must verify that:

- The foreign health care worker's education, training, license, and experience is comparable with that required for a U.S. worker of the same type;
- The foreign health care worker's education, training, license, and experience is authentic and, in the case of the health care worker's license, unencumbered. The rule requires that the verification of the education and license come directly from the issuing source.
- The foreign health care worker's education, training, license, and experience meets all applicable statutory and regulatory requirements for admission to the U.S.;
- If the health care worker is a registered nurse he or she must have passed either the CGFNS Qualifying Exam or the NCLEX-RN; and
- The health care worker must have passed an approved English language proficiency examination.

The certification is valid for five years and must be renewed before the end of that time.

The health care worker must demonstrate a certain level of proficiency in written and spoken English. Three options exist to fulfill this requirement. The health care worker may take the (1) Test of English as a Foreign Language (TOEFL) plus the Test of Written English (TWE) and the Test of Spoken English (TSE); or (2) the Test of English in International Communications (TOEIC) plus TSE and TWE; or (3) the International English Language Testing System (IELTS).

Health care workers must apply directly with the following organizations to schedule the English examinations:

TOEFL, TWE and TSE

Educational Testing Service (ETS)
PO Box 6151
Princeton, NJ 08541-6151
Tel: (609) 771-7100
Website: www.ets.org

TOEIC

Educational Testing Service
Rosedale Road, MS 10-P
Princeton, NJ 08541
Tel: (609) 734-1540
Fax: (609) 734-1560

Email: toeic@ets.org
Website: www.toeic.com

IELTS

Cambridge Examinations and IELTS International
100 East Corson Street
Suite 200
Pasadena, CA 91103
Tel: (626) 564-2954
Email: ielts@ceii.org
Website: www.ielts.org

Although the English Language Institute of the University of Michigan no longer provides the MELAB to fulfill the English language proficiency requirement under Section 343, CGFNS does accept those valid test results obtained prior to MELAB's cessation of this service. A test result is valid if it is within two years of the date of test administration.

A health care worker may be exempt from the English language proficiency requirement if:

- The country of professional education was Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom or the United States, and
- The language of spoken instruction was English, and
- The language of the textbooks was English.

Certain foreign educated registered nurses who qualify under Section 212 (r) of the Immigration and Nationality Act are exempt from the English language proficiency examination requirement also.

Section 212 (r) authorizes CGFNS to issue "Certified Statements" to foreign educated nurses who meet all the following criteria:

- The nurse has a valid and unrestricted license as a nurse in a state where the alien intends to be employed and such state verifies that the foreign license of the nurse is authentic and unencumbered. At present only the states of New York, Florida, Georgia and Illinois qualify.
- The nurse has passed the NCLEX-RN exam for registered nurses;
- The nurse was a graduate of a nursing program in which the language of instruction was English
- The nursing program was located in Australia, Canada (except Quebec), Ireland, New Zealand, South Africa, the United Kingdom or the United States; and
- The nursing program was in operation on or before November 12, 1999, or has been approved by CGFNS.

The "Certified Statement" satisfies all the requirements of Section 343 for the purpose of visa issuance and admission to the United States, or for the extension, change or adjustment of visa status.

Some health care professionals who were educated in the U.S. and seeking permanent or temporary employment visas or TN status need not meet all of the requirements for the *VisaScreen*TM Certificate. The final rule allows for a streamlined certification process. A health care worker is exempt from the educational comparability review and English language proficiency examination in the follow circumstances:

- Nurses: A nurse who has graduated from an entry level program accredited by the National League for Nursing Accreditation Commission or the Commission on Collegiate Nursing Education.
- Occupational Therapists: An Occupational Therapist who has graduated from a program accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy.
- Physical Therapists: A physical Therapist who has graduated from a program accredited by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association.
- Speech Language Pathologists and Audiologists: A Speech Language Pathologist and/or Audiologist who has graduated from a program accredited by the Council on Academic Accreditation in Audiology and Speech Language Pathology of the American Speech-Language-Hearing Association.

It is advisable to apply for the CGFNS *VisaScreen* Program as soon as possible before you need to present your *VisaScreen*TM Certificate or the "Certified Statement". Because CGFNS/ICHP, in compliance with the final rule, requires all documentation to come to CGFNS directly from the issuing source, timeliness of CGFNS' ability to process your application will be determined in large part by the responsiveness and comprehensiveness of the documents sent to CGFNS/ICHP by the licensing agencies and/or educational institutions in the health care worker's home country. Applicants are urged to make every effort to ensure that the responsible foreign institutions provide these documents to CGFNS, in the requested format, at the earliest possible date. It will be important to complete the CGFNS application for the *VisaScreen*TM service as early as possible.

You can obtain an application from the CGFNS/ICHP website at www.cgfns.org. You can apply on-line or you can download the application and mail it to CGFNS. Or, you can contact CGFNS and request that an application be sent to you via the regular mail.

CGFNS opens additional Qualifying Exam centers in India and Mexico

Beginning with the November 12, 2003 Exam, CGFNS is pleased to announce that it will be administering its Qualifying Exam for registered nurses in additional exam centers in both India and Mexico.

The new exam center in India will be located in New Delhi, and will be in addition to the existing test sites in Bangalore (center # 850) and Cochin (center # 851). The exam center number for the New Delhi, India site will be 852. In Mexico, a new exam center will be located in Monterrey (center # 928),

as well as a re-opening of the exam center in Mexico City (center # 927). Eligible applicants who are approved to sit for a CGFNS Qualifying Exam will receive further details on their exam site location when they receive their Examination Permit several weeks prior to their scheduled Examination.

CGFNS administers its Qualifying Exam three times each year for nurses educated/licensed outside the United States who wish to practice nursing in the U.S. The new exam centers will be open for the November 12, 2003 exam and all exams thereafter. Applicants wishing to sit for the November 12, 2003 Qualifying Exam, or any exam thereafter, in New Delhi, Mexico City or Monterrey, should designate the appropriate exam center numbers listed above on their Certification Program application.

The CGFNS Qualifying Exam is one component of the CGFNS Certification Program (CP), and is designed for first-

outside the United States who wish to become licensed in the U.S. More than forty U.S. states require that foreign-educated registered nurses pass the CGFNS Qualifying Exam and upon successful completion of all parts of the Certification Program, obtain the CGFNS Certificate before they will be authorized to sit for the NCLEX-RN® examination, the U.S. national licensure exam for registered nurses. In addition, United States law provides that nurses seeking to obtain permanent work visas to the United States to work in their profession must obtain a "VisaScreen Certificate" from CGFNS. This certificate attests to: 1) the comparability of the nurse's education and training to that offered in the U.S., (2) ability to speak and write English at an appropriate level, and (3) possession of a currently valid and unencumbered nursing license in the home country.

2003-2004 Qualifying Exam Dates

November 12, 2003

(New App. Deadline: Aug 13, 2003)

March 10, 2004

(New App. Deadline: Dec 10, 2003)

(Re-App. Deadline: Jan 07, 2004)

July 14, 2004

(New App. Deadline: April 14, 2004)

(Re-App. Deadline: May 14, 2004)

November 10, 2004

(New App. Deadline: Aug 11, 2004)

(Re-App. Deadline: Sept 08, 2004)

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Mark
your calendar

CGFNS will be exhibiting at the following conferences. If you will be attending any of these conferences, please stop by the CGFNS booth. We would love to see you there.

Nov. 1-4
Sigma Theta Tau International
37th Biennial Convention
Toronto, ONTARIO