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OVERVIEW

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.

Codified into section 212(a)(5)(C) of the Immigration and Nationality Act (INA), these healthcare professionals cannot seek immigrant visas or adjust their status to permanent residents unless they obtain a **VisaScreen certificate** that verifies their education, training, licensing, experience, and English competency are comparable to American healthcare workers.

Once the applicant has successfully completed all elements of the *VisaScreen* assessment, the applicant is awarded a *VisaScreen* Certificate, which can be presented to a consular office or, in the case of adjustment of status, the attorney general as part of a visa application.

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

WORKERS REQUIRING VISASCREEN CERTIFICATION

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.*

This rule does not apply to foreign-educated physicians and 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.

VISA TYPES COVERED

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 employment based visa.)

ORGANIZATIONS AUTHORIZED TO ISSUE THE VISASCREEN CERTIFICATE

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 (FCCPT) and the International Consultants of Delaware, Inc. (ICD) are authorized to certify physical therapists only, and the National

Board for Certification in Occupational Therapy (NBCOT) is authorized to certify occupational therapists only.

PROGRAM ELEMENTS

The *VisaScreen* program is comprised of an educational analysis, licensure validation, English language proficiency assessment, and, in the case of nurses, an exam of nursing knowledge.

- **Educational Review**

The educational review ensures that the applicant's education meets all applicable, statutory and regulatory requirements for the profession the applicant intends to practice, and is comparable to that of a US graduate seeking licensure.

In order to meet the educational requirements for the *VisaScreen* program, applicants must have:

- 1) Successfully completed a senior secondary school education that is separate from their professional education;
- 2) Graduated from a government-approved, professional healthcare program;
- 3) Successfully completed a minimum number of clock and/or credit hours in specific theoretical and clinical areas during their professional program.

** Physical therapists must include a self-reported, typewritten summary of their supervised clinical experience.*

- **Licensure Review**

The licensure review evaluates initial and all current and past licenses. Validations provided directly to ICHP by the issuing/validating institution, affirm that the applicant has completed all practice requirements and that the registration/licensure has no encumbrances.

- **English Language Proficiency Assessment**

The English language proficiency assessment confirms that the applicant has demonstrated the required competency in oral and written English by submitting passing scores on tests approved by the U.S. Departments of Education and Health and Human Services. Currently, to fulfill this requirement, applicants, except for Physical Therapists and Occupational Therapists, may take either of the three options such as (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).

** Physical Therapist and Occupational Therapists can only take the first option as mentioned above which is the TOEFL/TWE/TSE.*

- **Predictive Examination for Nurses**

Applicants who wish to obtain an occupational visa to practice as registered nurses in the United States must present a CGFNS Certificate or a passing score on the NCLEX-RN examination to provide proof of their nursing knowledge.

In order to obtain a CGFNS Certificate, applicants must successfully complete CGFNS' Certification Program, a three-part program, comprised of a credentials review, a one-day Qualifying Exam of

nursing knowledge and an English language proficiency exam. Upon successful completion of all three elements of the program, applicants are awarded a CGFNS Certificate. Most states require the CGFNS Certificate from nurses educated abroad before they can take the NCLEX-RN examination.

ENGLISH LANGUAGE PROFICIENCY EXAMINATIONS

For English language proficiency examinations, health care workers must apply directly with the following organizations:

- 1) **TOEFL, TWE and TSE Educational Testing Service (ETS)**
PO Box 6151 Princeton, NJ 08541-6151 Tel: (609) 771-7100
Tel: (609) 771-7100 Website: www.ets.org
- 2) **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
- 3) **IELTS International**
100 East Corson Street
Suite 200 Pasadena, CA 91103
Telephone: (626) 564-2954
Fax: (626) 564-2981
Email: ielts@ieltsintl.org Website: www.ielts.org

EXEMPTIONS

- 1) A foreign nurse with a “*Certified Statement*” duly issued by CGFNS need not obtain a separate *VisaScreen* certificate.

CGFNS issues Certified Statements only to foreign educated nurses who meet all the following criteria:

- a) Passed the NCLEX-RN exam for registered nurses;
 - b) Has a valid and unrestricted license as a nurse in a state/territory where he/she intends to be employed and such state/territory verifies that his/her foreign license is authentic and unencumbered. (At present only the states of New York, Florida, Georgia and Illinois qualify.)
 - c) A graduate of a nursing program in which the language of instruction was English;
 - d) The nursing program was located in Australia, Canada (except Quebec), Ireland, New Zealand, South Africa, the United Kingdom or the United States;
 - e) The nursing program was in operation on or before November 12, 1999, or has been approved by CGFNS. CGFNS is authorized to designate any additional country to the list above. If there are any other DHS approved credentialing organizations for registered nurses, unanimous agreement between CGFNS/ICHP and the other credentialing organization must first occur.
- 2) A nurse or physical therapist are exempted from both the educational comparability review and English language proficiency examination in the follow circumstances:

Nurse

Has graduated from an entry-level program accredited by the National League for Nursing Accreditation Commission or the Commission on Collegiate Nursing Education.

Physical Therapist

Has graduated from a program accredited by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association.

- 3) Nurses and Physical Therapists are exempted from the English language proficiency requirement if they meet all of the following criteria:
 - a) Country of professional education was Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom or the United States;
 - b) Language of instruction was English; and
 - c) Language of textbooks was English.

APPLICATION PROCESS

- 1) The applicant completes an “ICHP *VisaScreen* Visa Credentials Assessment” application form and submits full payment and other requested documentation (as will be indicated on the form) to ICHP;
- 2) ICHP sends a welcome letter and card giving the applicant a permanent identification number;
- 3) The applicant prepares and sends a “Request for Academic Records” to each post-secondary, healthcare professional school he/she attended;
- 4) The school(s) completes the “request” form and returns it by mail to ICHP with the applicant’s full academic records/transcripts and, depending upon the applicant’s profession, other required documentation;
- 5) ICHP notifies the applicant periodically of insufficient or outstanding documentation;
- 6) The applicant sends a “Request for Validation of Registration/License” form to each licensing authority that has ever issued him/her a registration/license or certification as a professional in his/her healthcare field, including the U.S. Board of Nursing, where he/she passed the NCLEX-RN or SBTPE (if applicable);
- 7) Each licensing institution completes the “Request” form with information on each registration/license or certification the applicant holds/ever held and returns it by mail to ICHP;
- 8) Licenses are reviewed by document specialists;
- 9) The applicant registers with the appropriate examining institution for the required English proficiency examinations. He/she must identify CGFNS/ICHP as entity to receive his/her scores.
- 10) The applicant’s passing English proficiency scores are forwarded to ICHP by the examining institution;
- 11) ICHP receives the passing scores from the examining institution and matches them with the applicant’s *VisaScreen* file;
- 12) The applicant can check the status of his/her file online at www.cgfns.org
- 13) ICHP reviews the applicant’s documentation and eligibility for the *VisaScreen* Certificate and notifies CGFNS/ICHP if there are errors in the applicant’s file;
- 14) ICHP notifies the applicant periodically of insufficient or outstanding documentation, or issues a *VisaScreen* Certificate to the applicant.

For current fee information, you may visit <http://www.cgfns.org/cgfns/index.html>