

Immigration Issues for International Healthcare Students and Workers

Non-Physician Allied Health
Professions

Healthcare Professions

- This session will focus on immigration regulations governing specific healthcare professions under the Illegal Immigration and Reform Responsibility Act (IIRIRA).
- Visa options for education, training, and post training employment.
- Certification requirements for nonimmigrant and immigrant options

US Higher Education Allied Healthcare*

- Nursing
- 850 RN programs granted associate degrees.
- 709 nursing programs offered degrees at the bachelor's level
- 448 offer master's degrees,
- 108 offered doctoral degrees, and
- 58 offered accelerated BSN-to-doctoral programs.

*US Department of Labor Bureau of Labor Statistics, Occupational Outlook Handbook

Select Other US Allied Healthcare Education Programs*

- Occupational Therapy:
 - 124 master's degree programs
 - 66 combined bachelor's and master's degree,
 - 5 entry-level doctoral degree.
- Physical Therapy:
 - 136 bachelors
 - 90 offering masters
- Speech-language pathology:
 - 230 colleges and universities offered graduate programs in

*US Department of Labor Bureau of Labor Statistics, Occupational Outlook Handbook

Nonimmigrant Student Options

Those admitted for the purpose of FT study:

- F-1
- J-1

Certain dependent who may study FT

- **A 1-2, E-1/E-2 Spouse, E-3D J-2, K 1-4, L-2 Spouse NATO 1-6 Dependent, T 1-4, V 1-3**

Non Immigrant Clinical Training Options for US Graduates

- F-1
 - On-Campus
 - Curricular Practical Training,
 - Optional Practical Training
- J-1
 - On-campus
 - Academic Training
- H-3 (also available for graduates of foreign programs)
- Certain non-immigrants possessing EADs

Employment-Based Options after graduation

Employer Sponsored Nonimmigrant Temporary Options

E-3 (Australians)

H-1B for specialty occupations requiring a bachelors degree or higher.

TN (Canadians & Mexicans)

Employer Sponsored Immigrant Options

PERM Labor Certification

Schedule A

Permanent Options

- Registered Nurses (Associates) (schedule A)
- Physical Therapists (MS/DPT) (schedule A)
- Occupational Therapists (BS/MS/DOT) PERM
- Physician Assistants PERM
- Clinical Laboratory Technicians (Medical Technicians) PERM
- Clinical Laboratory Scientists (Medical Laboratory Technologists) PERM
- Speech Language Pathologists PERM
- Speech Language Audiologists PERM
- Licensed Practical or Vocational Nurses (Associates degree) PERM

Certification Requirements for Employment Based Visas

- (a) General. Under section 212(a)(5)(C) of the Act, **an alien who seeks admission to the United States for the primary purpose of performing labor as a health care worker, other than a physician, is inadmissible unless he or she presents a certificate from the Commission on Graduates of Foreign Nursing Schools (CGFNS) or an equivalent credentialing organization.** Section 212(r) of the Act provides an alternate certification process for nurses. The certification generally verifies that the alien's training, license, experience, and English-language ability meet minimum standards and are comparable with that required for an American health care worker of the same type.

Final Regulation on Certification of Foreign Health Care Workers: Adjudicator's [Field Manual Update AD 03-31](#), 9/23/2003

Exemptions

The following healthcare workers are exempt:

- Physicians
- Researchers and teachers
- F/J and H-3 trainees
- Applicants for Adjustment of Status for family based or employment based outside of the listed healthcare occupations.
- Dependents of any non-immigrants or immigrants

Affected Healthcare Occupations

- **Licensed Practical or Vocational Nurses**
 - **Registered Nurses**
 - Physical Therapists
 - Occupational Therapists
 - Physician Assistants
 - Clinical Laboratory Technicians (Medical Technicians) Clinical Laboratory Scientists (Medical Laboratory Technologists)
 - Speech Language Pathologists
 - Speech Language Audiologists
- NOTE: Certification is required for alien graduates of American and Foreign programs.*

Authorized Credentialing Organizations.

- Commission on Graduates of Foreign Nursing (CGFNS) is authorized to issue health care worker certificates for all 7 occupations.
- The National Board for Certification in Occupational Therapy (NBCOT) is authorized to issue certificates for occupational therapists only.
- The Foreign Credentialing Commission on Physical Therapy (FCCPT) is authorized to issue certificates for physical therapists only.

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Visa Options At A Glance

Profession	H-1B	TN: NAFTA	Schedule A	PERM
Medical Technologist <i>(clinical laboratory scientists)</i>	Yes	Yes	No	Yes
Medical Technicians <i>(clinical lab technicians)</i>	Yes	Yes	No	Yes
Nurse (RN)	No	Yes	Yes	
Nurse Practitioner (BSN/ MSN)	Yes	Yes	Yes	Yes
Occupational Therapist	Yes	Yes	No	
Physician Assistants	Yes	No	No	Yes
Physical Therapist	Yes	Yes	Yes	Yes
Speech Language Pathologist	Yes	No	No	YES
Audiologist	Yes	No	No	Yes

Focus on Nurses

US Education Options & Employment Visas

- Associates Clinical RN -
 - OPT or J-1 AT, TN – LPR when available
- Bachelors – Clinical RN
 - TN – LPR
- Masters – Advanced Practice
 - H-1B, TN, LPR –currently available

Strategies?

- F-1 / J-1 Student repeat enrollment in graduate pathway CPT & OPT, on-campus employment at contract/affiliated institutions.

Issues Facing the Alien Healthcare Graduate and US Employers

- STEM OPT extensions are not available
- Health Professions and Related Clinical Sciences 51.1401
- 51.1401 Medical Scientist (MS, PhD). An undifferentiated clinical science program that prepares graduated physicians (MD or DO) as research scientists in various areas
- H-1B Cap
- TN travel – risks
- Visa Numbers
- Schedule A & PERM – Legal fees