

Do Foreign Health Workers Have To Meet New Requirements?

by John R. Wilson, Esq. Goff and Wilson, P.A.

Question: Is it true that foreign health care workers have to meet new certification requirements?

Answer: Yes and no. The immigration laws created certification requirements for foreign health care workers other than physicians. If the foreign health care worker did not possess a VisaScreen certificate then he or she was inadmissible as an intending immigrant.

Now, the Department of Homeland Security has interpreted this law to apply to non-immigrant health care workers as well. This includes RNs, LPNs, OTs, PTs, MTs, speech and language therapists, and PAs. This rule goes into effect Sept. 23. However, there is a grace period of one year until July 26, 2004. During this time, a foreign health care worker who does not have the proper certification can be admitted, extend their stay or change their status.

However, these individuals will only be allowed a one-year length of stay, even if under other circumstances they would be allowed a longer stay. In addition, the alien must obtain the certification from ICHP or another approved agency within one year of admission. This delineation may pose a problem for those foreign health care workers here in H-1 status. If they have more than one year left on their stay and subsequently depart and try to re-enter during the grace period, they will only be granted a one-year stay upon re-entry in which to become certified. We recommend that those workers remain in the US until the certification is completed before departing.

Foreign health care workers should keep in mind that the certification process can be slow due to the fact that all evidence of the candidate's education and licensure must originate from the issuing authorities. Additionally, with the increase in the number of applicants seeking certification, there will be additional delays in processing.

Finally, it is important to note that physicians are exempt from this rule, as well as those individuals in F-1 student status receiving optional practical training and those in a J-1 training program in the medical field. ■

John R. Wilson, Esq., has been in active practice for the last twenty years. He focuses on immigration law. He is also Adjunct Faculty for the Graduate School of Business at Southern New Hampshire University. Please submit comments or additional questions to Mr. Wilson, Goff and Wilson, P.A., PO Box 347, Concord, NH 03302-0347. You can also email him jwilson@goffandwilson.com.

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