

How Are Security Issues Affecting Foreign Health Care Professionals?

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

Once a foreign health care professional has been found eligible for an immigrant visa at a US Consulate abroad, they must still show they are “admissible.” Admissibility is reviewed by the State Department at a US Embassy or Consulate in a foreign country, and a second time by the immigration service upon arrival at a US port of entry.

The State Department at the Embassy or Consulate abroad issues the visa that is placed in the foreigner’s passport, which allows the individual to request entry into the US. Then the immigration service determines the length of authorized stay and terms of admission on Form I-94, which is a document inserted in the passport.

There is a long list of inadmissibility grounds including public health, criminal convictions, unlawful presence and national security, to name a few. The government has a list of sensitive technologies called the “Critical Fields List,” as well as a list of “State Sponsors of Terrorism.” The two lists comprise the “Technology Alert List,” or TAL.

The TAL includes 16 broad categories, including such things as Nuclear Technology, and Chemical and Biotechnology Engineering, to name a few. It is important to note that the use need only have possible military application to be included. If a foreign worker’s proposed activity in the US involves one of these TAL-sensitive technologies, the worker may be barred under security grounds.

For example, some technologies being developed in the health-care field – such as optical imaging equipment or nanotechnology – were originally designed for military use. If this situation arises, it is up to the Consular officer overseas to request a security check on the individual. These checks can add an additional six to eight weeks before the visa is granted and the person can seek admission to the US. Automatic and mandatory checks apply in certain cases such as when the foreign worker’s activity is on the TAL, and if they are a national of or employed by certain countries designated as State Sponsors of Terrorism.

There are also Special Processing Requirements (SPR) imposed on certain nationalities. The SPR includes a mandatory 20-day wait for men between the ages of 16 and 45, who are nationals of 26 different countries. Thus, employers can be assured that the entry of healthcare professionals is carefully reviewed prior to arrival in the US. ■

John R. Wilson, Esq., can be emailed at jwilson@goffandwilson.com.

Goff & Wilson

