



## HOMELAND SECURITY RULES

### HOMELAND SECURITY RULES MANDATE SCREENING OF INTERNATIONAL MT/MLS and MLT SEEKING EMPLOYMENT IN THE UNITED STATES

The U.S. Department of Homeland Security (DHS) has issued final Section 343 (regulations) requiring medical technologists (MT/MLS) and medical laboratory technicians (MLT) that are not U.S. citizens to obtain a special certificate to provide healthcare services in this country. Eight occupations are covered by these rules: MLT, MLS, nurses, physical therapists, occupational therapists, speech-language pathologists, audiologists, and physician assistants.

The rules are intended to ensure that foreign healthcare workers meet the professional training and standards necessary to provide diagnostic services and patient care in U.S. hospitals and clinical facilities. The final rules approved by the DHS apply to foreign healthcare workers seeking either **temporary (H1B)** or **permanent occupational visas (Green Cards)**. The rules also apply to healthcare professionals from Mexico and Canada who were exempt under the terms of the North Atlantic Free Trade Agreement (NAFTA).

The Commission on Graduates of Foreign Nursing Schools (CGFNS) was designated by the U.S. Congress in 1996 to manage a healthcare worker visa certification program. CGFNS established the International Commission on Healthcare Professions (ICHP), to manage the application process for this program. ICHP calls its application program VisaScreen.

Although the specific requirements may vary by profession, the VisaScreen program reviews a foreign healthcare worker's education to ensure it is comparable to that available in the U.S, evaluates all current and previous licenses to practice received by the foreign healthcare worker, and assesses English language proficiency.

The rules require that a VisaScreen certificate be presented whenever a foreign healthcare professional enters the U.S. to work, applies for an extension of stay, or when there is a change in immigration status or employment. Although the new rules went into effect on September 23, 2003, they include a transition period for foreign healthcare workers to minimize disruption in the current US healthcare employment market.

More information about the regulations can be found at [www.cgfns.org](http://www.cgfns.org).

### Frequently Asked Questions Related to New Homeland Security Rules

ASCP BOC staff has received several questions regarding this program from students, academic program directors, and laboratory managers. Below are the most common questions and the answers:

**To whom does the law apply?**

It applies to non-US citizen medical technologists (MT/MLS) and medical laboratory technicians (MLT) who want to work in this country and are applying for either a temporary (H1B) or permanent (Green Card) employment visa. It also applies to non-citizens studying in the US on student visas who want to stay in the country after graduation to work and will need another type of visa. It also applies to MT/MLS certificants who are working in the U.S. under Trade NAFTA. At this time, it does not apply to other laboratory practitioners, such as cytotechnologists, histotechnicians and histotechnologists.

**Does it apply to individuals from Canada and Mexico?**

Yes, it does.

**What do individuals get if they meet all the requirements?**

They receive a document from the International Commission on Health Professions (ICHP) called a VisaScreen Certificate, which is valid for five years. This then allows them to be eligible to apply for the visa needed to stay and work in the United States.

**What are the requirements for this VisaScreen program?**

An individual must meet four requirements established by Congress.

- The individual's education must be comparable with that required for certification or licensure in the US.
- The individual's education, training, license, and experience are 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 individual holds a valid license or certification in his/her occupation if such license or certification is required for practice in the United States
- The individual must have passed an approved English language proficiency examination to demonstrate proficiency in written and spoken English.

**What are the approved English language proficiency examinations?**

There are three sets of approved exams. They 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); (2) the Test of English in International Communications (TOEIC) plus TSE and TWE; or (3) the International English Language Testing System (IELTS).

**Is there an exemption from the English language proficiency requirement?**

Yes, someone 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,
- The language of spoken instruction was English, and
- The language of the textbooks was English.

**Does being certified by ASCP BOC help someone meet the VisaScreen requirements?**

Yes. Holding ASCP BOC certification satisfies the requirement that an individual holds the accepted certification to practice as an MT/MLS or MLT in the United States. ASCP BOC has been actively involved in helping the ICHP establish the standards to determine whether an individual's education can be considered equivalent to that offered in the United States. The Executive Director of the ASCP BOC has been consulted frequently in the development of this program and the Chair of the ICHP Laboratory Standards Committee is a former member of the ASCP BOC Board of Governors, Harriet Rolan-Mark, MA, MLS(ASCP)<sup>CM</sup>. ASCP is the only certification program that the ICHP has chosen to officially recognize and seek advice from in fulfilling its Congressional mandate.

**Does this mean that someone who is ASCP certified as MT/MLS or MLT automatically gets the visa they need and can work in the United States?**

No, there are many other requirements that people must meet to get a visa. These vary based on individual's specific circumstances. Additionally, to be granted certain visas

- An individual must have a bona fide offer of employment,
- The employer must attest that they have been unable to hire a US-Citizen for the position, and
- Like all MT/MLS and MLT certificants, an individual must meet whatever additional employment requirements may be imposed by the state, such as a state license and the employer (such as specific experience requirements etc.).

**Why isn't ASCP BOC running this program on behalf of the laboratory science community?**

CGFNS is the only organization authorized by the government to issue visa certificates for MT/MLS and MLT certificants.

The ASCP BOC is able to petition the DHS to become authorized to issue these certificates. However, the development and implementation of this program would be very costly. The small number of MT/MLS and MLT certificants receiving certificates under this program (less than 100 in 2003) suggests that at this time ASCP BOC can make best use of its resources by playing a leadership role in helping set the standards for the program and monitoring its application, not conducting reviews of individual applications.

**What happens to foreign students currently in laboratory science MT/MLS and MLT programs here in the US?**

Students, even those earning degrees from US programs, must still obtain a visa certificate. The issue is not where one is educated but country of citizenship. Students will need to obtain a visa certificate before being eligible to apply for an H1B visa. This is an important change that students, academic program directors, and employers need to recognize.

**How can someone apply for the VisaScreen Certificate?**

Applications are available from the CGFNS/ICHP website at [www.cgfns.org](http://www.cgfns.org). An MT/MLS or MLT certificants can apply on-line or can download the application and mail it to CGFNS. Also available online is the Handbook. This Handbook provides step by step help to complete the VisaScreen Application.

Alternatively, one can contact CGFNS/ICHP and request that an application be sent via regular mail. Five applications will be sent without charge; however, a service fee will be charged for additional hard copies sent. All the information to apply and additional information about the program can be obtained from the website.

**How long is the application process?**

The process may take several months because information must be secured from the applicant's country of origin, such as academic transcripts, copies of licenses etc.