

HOMELAND SECURITY RULES

HOMELAND SECURITY RULES MANDATE SCREENING OF INTERNATIONAL MLS AND MLTS SEEKING EMPLOYMENT IN THE UNITED STATES

The U.S. Department of Homeland Security (DHS) has implemented Section 343 of the Illegal Immigration Reform and Immigrant Responsibility Act (the IIRIRA) of 1996 for foreign Medical Laboratory Scientists/Medical Technologists (MLS/MTs) and Medical Laboratory Technicians (MLTs) who seek to enter and perform labor as health care worker in the United States. Other occupations covered by these rules are nurses, physical therapists, occupational therapists, speech-language pathologists/audiologists, and physician assistants.

The credentialing requirements are intended to ensure that foreign healthcare workers seeking either **temporary or permanent occupational visa, including NAFTA status** meet the training and standards necessary to provide diagnostic services and patient care in U.S. hospitals and clinical facilities.

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 *VisaScreen*[®]: Visa Credentials Assessment Service program.

Although the specific requirements may vary by profession, the *VisaScreen*[®] program reviews nonimmigrant healthcare worker's education to ensure it is comparable to that of a U.S. graduate in the same profession, verifies that all professional health care licenses are valid and without restrictions, and assesses English language proficiency.

More information about the regulations can be found at 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 all foreign health care workers coming to the United States on a temporary basis (nonimmigrant aliens) as well as on a permanent basis (immigrants). This law also applies to international students who are studying in the US and want to stay in the country after graduation to work and will need another type of visa. In addition, MLS's who are seeking to work or are currently working in the U.S. under Trade NAFTA must also follow this rule. At this time, it does not apply to other laboratory practitioners, such as cytotechnologists, histotechnicians and histotechnologists.

Does it apply to all health care workers from Canada and Mexico?

Yes, it does.

WHAT DO HEALTH CARE WORKERS GET IF THEY MEET ALL THE REQUIREMENTS?

Health care workers receive a document from the International Commission on Health Professions (ICHP) called a *VisaScreen*[®] Certificate, which is valid for five years from the date that it is issued and can be renewed through the same process.

WHAT ARE THE REQUIREMENTS FOR THIS VISASCREEN[®] PROGRAM?

The *VisaScreen*[®] program requires specific health care professionals to complete a screening program which includes:

- An assessment of an applicant's education to ensure that it is comparable to that of a U.S. graduate in the same profession
- A verification that all professional health care licenses that an applicant ever held are valid and without restrictions
- An English language proficiency examination

WHAT ARE THE APPROVED ENGLISH LANGUAGE PROFICIENCY EXAMINATIONS?

Health care workers must take one of the following tests and pass the minimum requires score:

- Test of English as a Foreign Language, Internet-Based Test (TOEFL[®] iBT) *or*
- 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 the United Kingdom, Australia, Canada (except Quebec), New Zealand, Ireland or the United States.
- The language of spoken instruction was English, and the language of the textbooks was English.

DOES THIS MEAN THAT SOMEONE WHO HOLDS MLS(ASCP) OR MLT(ASCP) 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 bono fide offer of employment,
- The employer must attest that they have been unable to hire a Us citizen or permanent resident for the position, and
- Like all MLSs and MLTs, an individual must meet whatever additional employment requirements may be imposed by the state, such as a state license and the employer's specific experience requirements.

WHAT HAPPENS TO INTERNATIONAL STUDENTS CURRENTLY ENROLLED IN MLS AND MLT PROGRAMS HERE IN THE US?

International student who have earned degrees from US programs, must still obtain a visa certificate. The issue is not where one is educated but the country of citizenship. Students will need to obtain a visa certificate before being eligible to apply for a temporary occupational 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.