



## Federal Regulations Related to Healthcare Worker Visas

Section 212.15 of the federal regulations governing visas for healthcare workers outlines the requirements for the issuance of the Healthcare Worker Certificate for the following professions: *nursing, OT, PT, speech language pathologists and audiologists, medical technologists, physician assistants and medical technicians (clinical lab technicians).*

The regulation specifically names the Commission on Graduates of Foreign Nursing Schools (CGFNS). The Foreign Credentialing Commission on Physical Therapy (FCCPT) and the National Board for Certification in Occupational Therapy (NBCOT) also applied for recognition and were certified to issue the healthcare certificates for their professions respectively.

The agencies must verify that

- The alien's education, training, license and experience are comparable with that required for an American healthcare worker of the same type.
- The alien's education, training, license and experience are authentic and in the case of licensure, is unencumbered
- The alien's education, training, license and experience meet all applicable statutory and regulatory requirements for admission into the U.S.
- The alien has passed a test predicting success on the occupation's licensing or certificate examination, provided such a test is recognized by a majority of states licensing the occupation for which the certification is issued.

The most common types of visas or immigration status for foreign educated PTs are the H1B and EB2. There are two additional visas of interest, the dependent visa and permanent residency visa, which we've included to contrast to the H1B and EB2 visas.

### H1B

- Non-immigrant – temporary work visa for professionals
- Annual quotas for professionals are lumped together, thus timing is essential

- Six- year work permit, at the end of which time one must either apply for an additional six years or an adjustment of status to permanent resident or citizenship

Requirements:

- Healthcare Worker Certificate
- Substantial equivalency to current educational standards
- Verification of eligibility to practice in country of education
- English Proficiency (TOEFL )
  - 26 speaking IBT-TOEFL & 63 composite reading, listening and writing or graduates from a CAPTE program
  - The Australia, Canada (except Quebec), Ireland, New Zealand , UK, and US are exempt from the TOEFL requirement.
- Expires every five years
- Sponsoring employer; must re-apply if change employers
- Must show eligibility to take the NPTE
- Should be working within 60 days of entry to the US

**EB2**

- Employment-based visa
- Professions with critical shortage status
- Permanent visa – work permit

Requirements:

- Healthcare Worker Certificate
- Professions that require at least a master's degree to practice
- Must hold an advanced degree
  - USCIS recognized a BS degree and five years of progressive, documented work experience in the field as equivalent to the MS degree.
- Substantial equivalency to current PT educational standards
- Verification of eligibility to practice in country of education
- English Proficiency ( TOEFL )
  - 26 speaking IBT-TOEFL & 63 composite reading, listening and writing or graduates from a CAPTE program
  - The Australia, Canada (except Quebec), Ireland, New Zealand , UK, and US are exempt from the TOEFL requirement.
- Expires every five years
- Sponsoring employer needed initially
- Progressive employment, which means they must show promotion in the field

**Dependent visa:** dependent has same rights of the primary visa holder

- This individual does not need to show any other qualifications

**Permanent Residency – Green Card**

- Not linked to profession or qualifications
- Work permit