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Health Care Workers

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Immigrant Visa for Physical Therapists

General Information

A physical therapist who wishes to apply for an Immigrant Visa (Permanent Resident Status) is required to have:

1. A job offer from a financially capable health care facility in the U.S. that is willing to file an Immigrant Visa petition with United States Citizenship and Immigration Services (USCIS) on behalf of the physical therapist.
2. Credentials showing that the applicant has a permanent license to practice in the state of intended employment or a letter/statement, signed by an authorized state physical therapy licensing official, stating that the alien beneficiary is qualified to take that state's written licensing examination for physical therapists.
3. FCCPT/CGFNS certification (Foreign Credentialing Commission on Physical Therapy/Commission on Graduates of Foreign Nursing Schools), or certification from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services (HHS).

NOTE: Aliens coming to the U.S. to perform labor in covered health care occupations (other than as a physician) are inadmissible unless they present a certificate attesting to their education, experience, and English language proficiency. The reason for this requirement is to ensure that aliens possess the skills required to sufficiently provide health care services in the U.S.

Required Qualifications

A. Licensed/Registered in the Country of Education

A physical therapist needs to meet only the minimum requirement of physical therapy studies in his/her own country. Universities in some countries offer a full, five-year Bachelor of Science degree for completing Physical Therapy programs, while other countries offer a Graduate Physical Therapy degree after two or three years of study. In addition, other countries may offer a physical therapy course through a hospital study program that leads to a

diploma. There is no requirement of any specific degree. The only requirement is that the physical therapist is licensed in his/her own country.

B. FCCPT/CGFNS Certification

Applicants must produce FCCPT/CGFNS certification, or certification from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of HHS. FCCPT grants two types of certificates, FCCPT Comprehensive Credentials Evaluation (Type I Certificate) and FCCPT Visa Credentials Certification (Type II Certificate).

FCCPT Comprehensive Credentials Evaluation (Type I Certificate)

Type I Certificates are for individuals who have never been licensed to practice physical therapy in the U.S., and who need an employment visa from USCIS. Type I Certification has the following components:

1. Comprehensive evaluation based on FCCPT's approved guidelines, which meet or exceed the minimum credential requirements for licensure in most U.S. states and for USCIS. The evaluation determines whether or not the education is substantially equivalent to a first professional degree in physical therapy in the U.S.
2. Verification compliance with USCIS requirements for a Healthcare Worker Certificate. To obtain this verification, the applicant must demonstrate compliance with English language proficiency requirements and verify eligibility to practice in the country where he /she was educated.

The Type I Certificate is a Health Care Worker Certificate issued by USCIS. Some states including Louisiana, Massachusetts, North Dakota, Tennessee, Texas, and Washington, D.C require Type I certificate.

Type I Certificate application should be accompanied by:

1. Notarized copies of high school and college diplomas;
2. Notarized form and photo of applicant with signature;
3. Official transcripts/marksheets sent directly to USCIS from each institution of higher education attended by the applicant;
4. Official course descriptions sent directly from the institution for all physical therapy coursework;
5. Verification of all licenses and registrations, showing eligibility to practice in country of education, sent directly from the appropriate agency; [If applicant is licensed in the U.S., then verification of U.S. licensure from the jurisdiction, and National Physical Therapy Examination (NPTE) score transfer is required];
6. English proficiency examinations (TOEFL, TWE & TSE) scores sent directly from the testing agency; and
7. Appropriate filing fees.

FCCPT Visa Credentials Certification (Type II Certificate)

USCIS requires Type II Certificates from individuals who are currently licensed to serve in the U.S. but do not hold a current Type I Certificate, and are seeking adjustment of visa status or need to produce a Healthcare Worker Certificate to maintain their visa status. The certificate review process focuses on verifying applicant's education (certificates, diplomas, transcripts

and degrees) and all licenses to practice physical therapy, and the applicant's demonstration of English language proficiency. Type II Certification requirements are similar to Type I Certification requirements (see above).

CGFNS

Applicants must successfully complete CGFNS' three-part program to obtain a CGFNS Certificate. The program is comprised of a credentials review, a one-day Qualifying Exam, and an English language proficiency exam. Applicants are awarded a CGFNS Certificate upon successful completion of all three elements of the program.

C. VisaScreen Certificate

U.S. immigration law requires that physical therapists complete a screening program. VisaScreen is a screening program offered by International Commission on Healthcare Professions (ICHP), in association with CGFNS. The VisaScreen program is comprised of an educational review/analysis, licensure validation, and English language proficiency assessment.

VisaScreen enables physical therapists to meet this screening program requirement by verifying and evaluating their credentials to ensure compliance with the government's minimum eligibility standards. The waiting period required for receipt of the VisaScreen certificate varies, but we suggest proceeding with an application as soon as the I-140 Petition has been filed with USCIS.

The following supporting documents must also be submitted with the application:

1. Documentation of the applicant's secondary school education or external exam certificate, with literal English translations, including a Certificate of Accuracy;
2. Self-reported clinical summary of the applicant's supervised clinical experience completed during post-secondary training; and
3. Two passport-sized photographs.

Applicants must present the certificate at the time of their final visa interview at the consulate. Applicants who receive a VisaScreen Certificate can present it to a consular office, or in the case of adjustment of status, the Attorney General, as part of a visa application.

Educational Review

The educational review ensures that the applicant's education meets all applicable, statutory, and regulatory requirements for the intended profession, and is comparable to that of a U.S. graduate seeking licensure.

In order to meet the educational requirements for the VisaScreen program, applicants must have:

- a) Successfully completed a senior secondary school education that is separate from their professional education;
- b) Graduated from a government-approved, professional healthcare program of at least two years in length; and
- c) Successfully completed a minimum number of clock and/or credit hours in specific theoretical and clinical areas during their professional program.

Licensure Review

The licensure review evaluates all current and past licenses. Validations provided directly to ICHP by the issuing/validating institution affirm that the applicant has completed all practice requirements and that the registration/licensure has no encumbrances.

English Language Proficiency Assessment

The English language proficiency assessment confirms that the applicant has demonstrated the required competency in oral and written English by submitting passing scores on tests approved by the U.S. Departments of Education (DOE) and HHS. The HHS has specifically identified three appropriate testing services as contemplated by the statutory requirements. The three testing services are the Educational Testing Service (ETS), the Test of English in International Communication (TOEIC) Service International, and the International English Language Testing System (IELTS).

To fulfill this requirement, applicants must take either the Test of English as a Foreign Language (TOEFL), or the Test of Written English (TWE) and Test of Spoken English (TSE).

Certain applicants may be exempt from the English language proficiency requirement if they meet all of the following criteria:

- a) Country of professional education was Australia, Canada (except Quebec), Ireland, New Zealand, the United Kingdom or the United States;
- b) Language of instruction was English; and
- c) Language of textbooks was English.

Additionally, graduation from programs accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE) of the American Physical Therapy Association (APTA) will be accepted in lieu of the English language proficiency requirement.

Contents of the Certificates

The certificate must contain the following information:

1. The name and address of the certifying organization;
2. The certifying organization's contact information;
3. The certification issue date;
4. The occupation for which the certificate was issued;
5. The alien's name, birth date and place of birth;
6. Verification that the alien's education, training, license and experience are comparable to an American health care worker's credentials of the same type;

7. Verification that the alien's education, training, license and experience are authentic and, in the case of a license, unencumbered;
8. Verification that the alien's education, training, license and experience meet all applicable statutory and regulatory requirements for admission into the U.S. as an immigrant; and
9. Verification that the alien has passed a test (recognized by a majority of states licensing the occupation for which the certificate is issued) predicting success on the occupation's licensing or certification examination, or that the alien has passed the occupation's licensing or certification examination.

Immigration Procedures for a Professional Physical Therapist

Step I: Applying to USCIS for an Immigrant Visa (Form I-140 with ETA 9089)

Labor certification approval is not required prior to filing an immigrant visa petition for a professional physical therapist because U.S. Department of Labor (DOL) classifies licensed/registered physical therapists as a Schedule A/Group I occupation. The first step of the immigration process is the filing and approval of an Immigrant Visa petition (Form I-140) along with a duplicate ETA 9089 directly with the USCIS Service Center having jurisdiction over the place of employment. Employers seeking Labor Certification for a professional physical therapist are required to submit the applicable documentation when the employer files the application with the appropriate USCIS office.

A. Requirements for Filing ETA 9089

The employer/petitioner should complete and submit all of the following documents:

1. A completed Form ETA-9089, in duplicate, signed in the original by an authorized official of the petitioning organization, the alien, and the representative, if any. Employer must also submit all supporting documentation, including a letter explaining and summarizing how the job offer qualifies as a Schedule A occupation.
2. A DOL prevailing wage determination for the proposed area where the job opportunity exists.
3. A copy of the posted notice (Should be posted for ten CONSECUTIVE BUSINESS days in a conspicuous place in the employer's premises at the place of intended employment).
4. Copies of any and all in-house media, whether electronic or printed, in accordance with the normal procedures used for the recruitment of positions similar to the position specified on Form 9089.

B. Requirements for Filing I-140

1. Petitioner must provide proof of its ability to pay the applicant/beneficiary's proffered wage. Acceptable forms of evidence are letters from a financial officer of an employer with 100 or more employees, or copies of annual reports, federal tax returns, or audited financial statements if the employer has fewer than 100 employees.

2. Credentials showing that the applicant has a permanent license to practice in the state of intended employment, or a letter/statement, signed by an authorized state physical therapy licensing official, stating that the alien beneficiary is qualified to take that state's written licensing examination for physical therapists.

3. The I-140 petition cannot be filed until 30 days have passed after the job posting notice is removed (i.e. the notice must be posted between 30 and 180 days prior to filing the I-140 petition).

Step 2: Adjustment of Status OR Consular Processing

If the applicant is already in the United States, he/she can utilize Adjustment of Status (AOS) OR Consular Processing (CP).

If the Physical Therapist applicant is outside the U.S., he or she must go through CP. This process involves a brief interview at the U.S. consulate in their home country and is usually completed within six to nine months after the priority date (date when the I-140 petition is received at the USCIS) becomes current per the Visa Bulletin. (Available at <http://www.immigration.com/visa-bulletin> [2].).

Note that the second step can be filed only if the cut off dates (visa numbers availability) for the applicant's (or his/her spouse's) country of birth and for the category under which the petition is filed, are current or have reached the applicant's priority date. Most of these cases would qualify under the third preference employment category. You can review the current dates and read further about priority dates in the Visa Bulletin (See link <http://www.immigration.com/visa-bulletin> [2].).

Applicants in the U.S. can go through Consular Processing, but also have the option of Adjustment of Status (AOS) through Form I-485. AOS has several advantages over CP, including the fact that the applicant does not have to leave the U.S., can obtain employment authorization during the processing of the AOS, and can obtain advance parole if he or she needs to travel outside the U.S. For more information on AOS, click here.

Feel free to contact us for any clarifications or further information.

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[1] <https://immigration.com/health-care-workers>

[2] <http://www.immigration.com/visa-bulletin>