

ARCHER & GREINER

ATTORNEYS AT LAW

Immigration Client Advisory

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Foreign Healthcare Worker's Certification Extended for Canadian and Mexican TN Visa Workers

Despite the announcement in July 2003 by the USCIS (legacy INS) that after July 26, 2004 **all** foreign healthcare workers subject to the foreign healthcare workers certification requirement other than physicians would be inadmissible and ineligible for an extension of status or change of status if already in the United States unless presenting a certificate granted by an approved credentialing organization, the USCIS has graciously extended this deadline for all TN visa (Canadian and Mexican) healthcare workers.

The USCIS officially announced on July 19, 2004 that foreign healthcare workers holding TN visas are exempt for one year as NAFTA professional healthcare workers provided that they were employed in such positions prior to September 23, 2003 and have held valid licenses from US jurisdictions since before that date.

In essence, the licenses provided to these workers will suffice for a one year period of time, negating the immediate foreign worker certification requirement that is required by the USCIS for all other foreign nationals performing healthcare work in the United States.

The reasoning behind the decision of the USCIS is directly tied to the many Canadian and Mexican nationals working in border regions and regularly traveling across the borders who have had delays in obtaining the certification and, thus, have run into travel difficulties in crossing the border since July 26, 2004 due to the absence of their foreign healthcare worker certification in final form. The USCIS's goal is to stop disruptions of regional healthcare systems along the Canadian and Mexican borders, as well as those systems using Canadian and Mexican nationals to fill essential healthcare worker positions all over the country.

This deadline extension by the USCIS does **not** negate the requirement of NAFTA professional Canadian and Mexican TN healthcare workers from obtaining their foreign healthcare worker certification requirement. All of these workers should continue the application process or, if they have not done so already, begin the process or they will lose their ability to perform these important tasks in this country as of July 19, 2005.

If your business needs involve TN visa or other nonimmigrant temporary foreign employees or you wish to discuss general immigration questions, please contact Gregory J. Palakow, Chairman of the Immigration Department, Archer & Greiner, P.C. at 908.788.9700.