

## Immigration Update

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### Extension of Certification Deadline for Certain Foreign Health Care Workers from Canada and Mexico

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The U.S. Citizenship and Immigration Services (USCIS) has agreed to extend the transition period for certification of Canadian and Mexican TN health care workers for one additional year to ensure that there is no disruption to the regional health care systems along the Canadian and Mexican borders. A year ago on July 23, 2003, the USCIS announced that, beginning July 27, 2004, foreign health care workers (except for physicians), who are subject to the foreign health care worker certification requirement, would be inadmissible and, therefore, ineligible for an extension of status or change of status if already in the United States, unless they present a certificate granted by an approved credentialing organization.

This one-year transition period was sufficient for the majority of foreign health care workers. However, in the case of Canadian and Mexican TN health care workers, an extended transition period was needed due to the lengthy process involved in obtaining the necessary certification.

The USCIS announcement will publish later this week in the *Federal Register*. This exemption applies **only** to Canadian and Mexican TN (NAFTA professional) health care workers who were employed as TN nonimmigrant health care workers before September 23, 2003 and held a valid license from a U.S. jurisdiction before September 23, 2003.

Please note that health care workers from Canada or Mexico holding nonimmigrant work authorization status other than TN status must still obtain the Visa Screen certificate prior to July 26, 2004. The deadline of July 26, 2004 is also applicable for foreign health care workers from other countries.

Because of the lengthy processing times in obtaining the visa screen, Fennemore Craig recommends that all hospitals and medical establishments require that their nonimmigrant health care workers obtain a Visa Screen certificate at the earliest opportunity. Doing so will ensure that there will be no interruption in approved work authorization for your foreign health care workers.