

November 12-18, 1976

# **US SLAMS DOOR ON ALIEN MEDICS**

## **Labor dept. scraps nurses, pharmacists from work schedule**

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New regulations governing the labor certification process for the permanent employment of aliens in the United States have been proposed by the Department of Labor, Employment and Training Administration. In its notice of revision signed on October 29, 1976 and published in the Federal Register on November 5, 1976, it was stated that the regulations would, among other changes, exclude the entire occupations of pharmacy, medicine and surgery, and nursing from the list of those who may apply for third preference visa classification without an employer applying for a labor certification on their behalf.

The proposed regulations are being issued under section 212 (a) (14) of the Immigration and Nationality Act. They are intended to implement the recent Immigration and Nationality Act Amendments of 1976 and Title VII of the Health Professions Educational Assistance Act of 1976.

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Under Section 212 (a) (14) of the Immigration Law, alien professionals may not obtain a visa for entry into the U.S. in order to engage in permanent employment unless the Secretary of Labor has first certified, by granting a labor certification that: (1) There are not sufficient U.S. workers who are able, willing,

qualified and available to perform the work; and (2) The employment of the alien will not adversely affect the wages and working conditions of U.S. workers similarly employed.

The Department of Labor, however, has a list of occupations (known as "Schedule A") which exempts members thereof from the above labor certification. Aside from doctors, nurses and pharmacists, presently included in said list are dietitians and physical therapists.

While the proposed changes will not entirely delete the professions of physical therapy and dietetics from "Schedule A," it will limit the privilege to those physical therapist and dietitians who have advanced degrees equivalent to a Ph.D. or master's degree from a U.S. college or university.

The new regulations, which is expected to take effect in January 1977, imply that there is no longer a shortage of doctors, nurses and pharmacists in the United States. At the same time, they recognize the unavailability of persons of exceptional ability in the sciences and arts and certain intra-company transferees. Said persons of exceptional talents and intra-company transferees will be accorded "Schedule A" benefits.

Under the proposal, an employer

who desires to apply for a labor certification on behalf of an alien will have to file a "Statement of Qualification of Alien" form and a "Job Offer for Alien Employment" form. If the application involves a job offer as a physician or surgeon, documentation should show that the alien has passed parts I and II of the National Board of Medical Examiners Examination or an equivalent examination as determined by the Secretary of Health, Education, and Welfare.

In addition, employers will be required to recruit U.S. workers by advertising, through the public employment service, and by other reasonable means in order to make a good faith test of U.S. worker availability. An employer's advertising, moreover, will have to offer prevailing wages and working so as to avoid any potential adverse effect upon the wages and working conditions of U.S. workers.