

# Filipino Reporter

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## New law barring alien MDs to enter US called 'unusual'

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There is a consensus among immigration lawyers that the new amendment limiting the entry of foreign medical graduates to the United States is an "unusual piece of legislation" because for the first time, the members of a particular occupation, namely, medicine, are singled out as inadmissible to the United States in the same fashion as idiots, criminals and anarchists.

This surfaced during the five-day convention of immigration and nationality lawyers held at Bermuda two weeks ago and which I attended. Some 200 lawyers from all over the country participated and several high ranking members of the Department of State and the Department of Health, Education and Welfare were there to lend their expertise on the subject.

Sam Bernsen, who was general counsel of the Immigration and Naturalization Service at the time of the enactment of the new law, recalled that the committee report

accompanying the act had emphasized that foreign medical graduates were creating problems as a result of (1) the quality of medical care provided by the foreign medical graduates and (2) the impact posed by their exodus from the developing countries on United States foreign relations.

The conclusion pertaining to the problem of quality come out, it seems, after a finding that 90 percent of American medical graduates have passed Parts I and II of the National Board of Medical Examiners (NBME) exam, while only 20 percent of the foreign medical graduates who were successful on the Educational Commission for Foreign Medical Graduates (ECFMG) exam can pass the national board exam. As to how they were able to determine the passing percentage of the alien doctors is not clear.

The problem in the field of foreign relations is created by the massive influx of foreign medical graduates

into the United States as leaving millions in their countries of origin without medical care. Again, the committee reported that about one-fourth of all graduates of all foreign medical schools in the non-communist countries migrate to the United States. In fact, more than 90 percent of the foreign medical graduates entering the United States come from the developing countries, which include the Philippines.

The foregoing assumptions furnished the basis for requiring the passing of a new examination which is equivalent to the NBME exam Parts I and II as a prerequisite to obtaining an immigrant visa under the third, sixth and non-preference categories, according to Dr. Betty Lockett, chief of the international program staff, division of medicine, Department of Health, Education and Welfare.

Dr. Lockett recounted that prior to the new amendment a dual standard to measure the competence of physicians had existed in this country, one for the American graduates and another for the foreign medical graduates. The purpose of the new exam (which is now known as the Visa Qualifying Exam), she said, was to set a single minimum standard. The new exam was designed to test the foreign medical graduates' background and training in a manner comparable to graduation from an American medical school.

Dr. Lockett said that HEW developed certain criteria for the formulation of the new exam. After the department had evaluated the ECFMG, the Federal Licensing Examination (FLEX), and other types of examination, it asked the NBME to develop an equivalent exam. The reasons why, according to the criteria set, neither the ECFMG nor the FLEX could not be considered as the equivalent were: (1) Congress had specifically stated in the conference report that the ECFMG exam could not be the equivalent; and (2) the FLEX exam results were the property of the individual state boards and hence it would be difficult to obtain them.