

# THE FILIPINO EXPRESS

July 31 - August 6, 1995

---

## Immigrant Visa Options for Physicians

By Reuben S. Seguritan

Immigrating to the U.S. as a physician nowadays may not be as difficult compared to the past years when restrictions were tighter. The unfavorable if not discriminatory treatment of doctors that started with the Health Professional Educational Assistance Act of 1976 has somewhat been relaxed recently.

At present, three options are available under the employment-based immigrant visa categories namely, First, Second, and Fifth Preference.

Qualifying in each category depends on individual capabilities plus fulfillment of certain requirements. The regulations require applicants to submit a certain number of evidence. It has enumerated six categories of evidence which are a degree, ten years of experience in the field, a medical license, evidence that the applicant deserves a high remuneration, membership in professional organizations, and achievements and significant contributions to the field.

Another requirement though it applies only to the second and third preferences refers to credentialing. This can be fulfilled by passing the National Board of Medical Examiners Examination (NBME) Parts I and II or its equivalent. To date, only the United States Medical Licensure Examination (USMLE) Parts I and II and the Foreign Medical Graduates Examination in the Medical Sciences (FMGEMS) Parts I and II, and the forerunner of these examinations, the Visa Qualifying Exam (VQE) have been designated as equivalent of the NBME Parts I and II. It must be noted that satisfying the credentialing requirement merely overcomes a potential ground of exclusion and does not confer the right to practice medicine within any jurisdiction in the United States as it is often confused with a licensure. On the other hand, a licensure cannot also be used to overcome exclusion.

The most accessible among the options and the most commonly used is the Second Preference. Physicians would easily satisfy the requirements because of their qualifications. This option subclassifies applicants into two types namely: **professionals with advanced degrees** and **individuals with exceptional ability**. To qualify for the first type, the applicant must have an advanced degree, a requirement which is usually accomplished by a physician. The applicant has to undergo the labor certification process but this may be avoided if he can show that it is in the national interest to do so. Passing of the NBME Parts I and II or its equivalent is also required.

The second type under the Second Preference applies to individuals with exceptional ability. This option is very accessible to applicants considering a very light requirement set by the labor certification law and a minimal number of evidence required by the regulations. It offers a somewhat different application of the labor certification process as it only requires the applicant to prove that there is no individual more qualified than the applicant instead of having to prove that there is no minimally qualified U.S. worker, a requirement normally associated with a labor certification. The applicant should also be able to provide at least three of the six categories of evidence as a requirement. In addition, the same credentialing requirements of the NBME Parts I and II or its equivalent also apply.

The First Preference is another option available to physicians. This option subclassifies applicants into two types. The first type applies to **individuals of extraordinary ability**. To qualify for this category, the applicant must have achieved a level of expertise indicating that he has risen to the top of his field. He must be able to prove this through the submission of three categories of evidence. Since there are no other requirements needed, the evidence that the candidate submits must be impressive enough to serve as basis for evaluation. A job offer is not required and the applicant does not need a labor certification. Neither is he required to pass the NBME Parts I and II.

The second type classifies applicants as an **outstanding professor and researcher**. To qualify, one must have three years of experience in teaching or research, and he must satisfy at least two of six categories of evidence. A job offer is necessary in the form of a tenured academic position, but neither a labor certification nor passing of NBME Parts I and II is required.

The last category and the least availed of is the Fifth Preference. This option is open to physicians who would like to invest in a new enterprise presumed to be in the form of a medical practice. This requires a minimum investment of \$1 million dollars and must employ at least ten U.S. full time workers for a period of at least two years. This option is the least inviting because the terms and conditions set are considered impractical with regard to the goals of the entrepreneur. A doctor's office most often would not require the amount of investment as stipulated and would not require so many employees.