



*Serving the Public Interest*

NATIONAL BOARD FOR CERTIFICATION IN OCCUPATIONAL THERAPY, INC.

March 10, 2009

Ms. Paola Rodriguez Hale, Esq.  
Adjudications Officer  
Business and Trade Services, Service Center Operations  
U.S. Citizen and Immigration Services  
Department of Homeland Security  
111 Massachusetts Avenue, NW  
ULLICO Building, 3<sup>rd</sup> Floor  
Washington, DC 20529

Re: U.S. Department of Labor  
Occupational Outlook Handbook, 2008-09 Edition  
Language Misinterpretation Results in Visa Denials

Dear Ms. Rodriguez Hale:

I am writing as follow up to our letter dated March 6, 2009 regarding our concerns with the misinterpretation, by immigration officials, of the occupational therapy academic/education requirements sited in the Occupational Outlook Handbook. Immigration officials are misinterpreting the academic/education requirements of an occupational therapist for the certification examination eligibility requirements for OCCUPATIONAL THERAPIST REGISTERED OTR®. As a result, internationally educated occupational therapists who hold a baccalaureate degree in occupational therapy and who have passed the NBCOT certification examination are being denied their visas. Regardless of whether these individuals are new applicants or those who have already been working in the United States, visas are being denied because of this misinterpretation. Individuals certified prior to January 1, 2008, as occupational therapists (both US and internationally educated) are not affected by this policy change. The policy is not retroactive.

In an effort to rectify the misunderstanding that is occurring and as a supplement to the information provided in our last letter, we are specifically requesting the following which we hope is clear and constructive:

1. Please disseminate an E-blast or other form of mass communication to those immigration officials who are responsible for processing Health Care Worker Visas to clarify the NBCOT certification examination eligibility requirements that became effective January 1, 2008. The new examination eligibility standard requires a post-baccalaureate degree or ("comparable to a post-baccalaureate degree"). Only new occupational therapy exam candidates are required to meet this eligibility requirement.
2. Though we recognize amendments to the Occupational Outlook Handbook will need to be addressed by the Department of Labor, we are specifically requesting that revisions be made to the 2008-09 Edition under "Training, Other Qualifications, and

Advancement." The first sentence in this section references occupational therapists being licensed and "*requiring a master's degree*" which should be deleted. All previously certified occupational therapists with baccalaureate degrees are not required to go back and obtain a post-baccalaureate (or comparable) degree in occupational therapy in order to obtain and/or maintain a license to practice. The vast majority of individuals certified as OTR (U.S. and internationally educated) have baccalaureate degrees in occupational therapy.

It is important to emphasize that this language misinterpretation is having a real and devastating impact on internationally educated occupational therapists and on the occupational therapy workforce. Ultimately, it is the consumers of services who will be impacted if qualified practitioners are being denied their visas.

As you know, NBCOT is authorized by the USCIS to issue certifications for Healthcare Workers for occupational therapy. In order for an individual to obtain a Visa Credential Verification Certificate (VCVC) it must be determined that when the individual became initially certified with NBCOT they met the current certification requirements at that time. An individual holding a VCVC certificate should be considered to have met the NBCOT certification requirements to practice occupational therapy in the United States.

In closing, I hope you recognize the language misinterpretation that is occurring and that you will work with immigration officials to provide the clarification that is needed to further alleviate qualified internationally educated occupational therapists from being denied their visas. If you have questions or need additional information, please contact me at (301) 990-7979 ext. 3130 or paul.grace@nbcot.org.

Thank you for your attention to this important matter. We look forward to your response.

Sincerely,



Paul Grace, MS, CAE  
President and Chief Executive Officer

Cc: Lyman Van Nostrand  
Director, Office of Planning and Evaluation  
Health Resources and Services Administration



NATIONAL BOARD FOR CERTIFICATION IN OCCUPATIONAL THERAPY, INC.

*Serving the Public Interest*

March 6, 2009

Ms. Paola Rodriguez Hale, Esq.  
Adjudications Officer  
Business and Trade Services, Service Center Operations  
U.S. Citizen and Immigration Services  
Department of Homeland Security  
111 Massachusetts Avenue, NW  
ULLICO Building, 3<sup>rd</sup> Floor  
Washington, Dc 20529

Re: U.S. Department of Labor  
Occupational Outlook Handbook, 2008-09 Edition

Dear Ms. Rodriguez Hale:

It has come to our attention that the occupational therapy academic/education requirements, sited in the Occupational Outlook Handbook, recently published by the United States Department of Labor, are being misinterpreted by immigration officials for the certification examination eligibility requirements established and implemented by the National Board for Certification in Occupational Therapy, Inc., (NBCOT®). As the national credentialing agency responsible for developing and administering the national certification examination, the purpose of our letter is to clarify the certification examination eligibility requirements of an OCCUPATIONAL THERAPIST REGISTERED OTR®.

In our efforts to rectify this misunderstanding, it is important to set forth language from the Department of Homeland Security rules and regulations for Certificates for Certain Health Care Workers, Vol. 68, No. 143, Federal Register, July 25, 2003.

- (f) *Requirements for issuance of health care certification.* (1) Prior to issuing a certification to an alien, the organization must verify the following:
  - (i) That the alien's education, training, license, and experience are comparable with that required for an American health care worker of the same type;
  - (ii) That the alien's education, training, license, and experience are authentic and, in the case of license, unencumbered;
  - (iii) That the alien's education, training, license, and experience meet all applicable statutory and regulatory requirements for admission into the United States. This verification is not binding on the DHS; and
  - (iv) Either that the alien has passed a test predicting success on the occupation's licensing or certification examination, provided such a test is recognized by a majority of states licensing the occupation for which the certification is issued, or that the alien has passed the occupation's licensing or certification examination.

NBCOT is authorized by the United States Citizenship and Immigration Services (USCIS) to issue certifications for Healthcare Workers for occupational therapy. In order for an individual to obtain the Visa Credential Verification Certificate (VCVC), it must be determined that when the individual became initially certified with NBCOT they met the current certification requirements at that time, including education, fieldwork, and passing the NBCOT Certification Examination for OCCUPATIONAL THERAPIST REGISTERED OTR®.

The Occupational Outlook Handbook speaks to the education and training of occupational therapists as needing to have a *master's degree or higher*. As of January 1, 2008, NBCOT began requiring all *new* candidates taking the NBCOT Certification Examination for OCCUPATIONAL THERAPIST REGISTERED OTR® to meet the current requirement of having a post-baccalaureate degree or "comparable to a post-baccalaureate degree". Individuals certified prior to January 1, 2008, as occupational therapists (both US and internationally educated with a baccalaureate degree) are not affected by this policy change. The policy is not retroactive.

In the context of this discussion, it is important to highlight that calls are coming in from around the United States from certified occupational therapists who are unable to renew their visas because they do not have a post-baccalaureate degree in occupational therapy. These individuals met the NBCOT certification examination eligibility requirements and became qualified to practice. Further, those individuals that are currently practicing in the United States have met the state regulatory board requirements for licensure. In order to meet state licensing requirements, occupational therapists must provide proof of successful completion of the national certification examination. As is the case with the NBCOT, all previously certified occupational therapists with baccalaureate degrees are not required to go back and obtain a post-baccalaureate (or comparable) degree in occupational therapy in order to obtain and/or maintain a license to practice.

The final point we would like to emphasize is as follows. As mentioned in the Occupational Outlook Handbook, employment opportunities in occupational therapy are expected to grow. Not providing visas to qualified occupational therapists with baccalaureate degrees in occupational therapy will place considerable strain on the occupational therapy healthcare workforce which will ultimately impact consumers of services. The vast majority of individuals certified as OTR (U.S. and internationally educated) have baccalaureate degrees in occupational therapy.

In closing, I hope you recognize the language misinterpretation that is occurring and that you will give serious consideration to the clarification that needs to be made with immigration officials. If you have questions or need additional information, please contact me at (301) 990-7979 ext. 3130 or [paul.grace@nbcot.org](mailto:paul.grace@nbcot.org).

Thank you for your attention to this important matter. We look forward to your response.

Sincerely,



Paul Grace, MS, CAE  
President and Chief Executive Officer

Cc: Lyman Van Nostrand  
Director, Office of Planning and Evaluation  
Health Resources and Services Administration