

UNIVERSITY • MEDICAL CENTER • HEALTH SYSTEM • AFFILIATED INSTITUTIONS

MAINTENANCE OF LEGAL IMMIGRATION STATUS AS A HEALTHCARE WORKER UNDER

SECTION 343 OF THE 1996 ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT (IIRAIRA)

ACKNOWLEDGEMENT OF RESPONSIBILITY

Regulations pertaining to Section 343 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), were published in the Federal Register, July 22, 2004. The underlying law passed on September 30, 1996, is intended to ensure that workers coming to the U.S. for the purpose of practicing in the area of healthcare meet the following standards:

- education, training, license, and experience comparable with that required for an American health care worker of the same type; are authentic; and, in the case of a license, unencumbered;
• level of competence in oral and written English considered by the Secretary of HHS, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged; AND
• if a majority of States licensing the profession in which the alien intends to work recognize a test predicting an applicant's success on the profession's licensing or certification examination, that the alien has passed such a test, or has passed such an examination (e.g., in the case of nursing, either the NCLEX or CGFNS).

Effective July 26, 2004, if an alien is seeking an immigrant (a.k.a., "green card") or non-immigrant (e.g., TN, H-1B, etc.) status based upon employment as a healthcare worker, then the alien must first obtain a Healthcare Worker Certificate (a.k.a., VisaScreen). Deadline Extension: IF you are a Canadian or Mexican citizen who can prove BOTH [1] before September 23, 2003, you were employed as a TN or TC nonimmigrant healthcare worker AND [2] before September 23, 2003, that you held a valid license from a U.S. jurisdiction, THEN DHS has waived the current deadline and provided a new deadline of July 26, 2005, to obtain the Healthcare Worker Certificate. The Healthcare Worker Certificate identifies and documents that a foreign healthcare worker has met the minimum requirements under this law. The procedure for applying for the Healthcare Worker Certificate is similar to that of applying for a license or to register for a professional licensing examination/certification. Specific information regarding these requirements and procedures are available and updated on the Visa Services website at https://visaservices.duke.edu/HealthcareProfessionals/index.php. Registered nurses should also review the special Duke FAQ addressing issues that may apply to them, which is available at https://visaservices.duke.edu/HealthcareProfessionals/foreign_nurses.php. If, after reading this information, you are still unclear about the necessary procedures or your responsibilities in complying with these regulations, schedule an appointment with an Advisor on the Medical Affairs Team at Visa Services. We will try to accommodate your schedule. It is best to contact us by email at visahelp@mc.duke.edu or by phone at 681-8472.

YOUR RESPONSIBILITY FOR MAINTENANCE OF LEGAL IMMIGRATION STATUS

You, and only you, are responsible for (1) complying fully and properly with all laws and regulations of the U.S. government, including those of DHS; (2) maintaining your legal status; (3) refraining from unauthorized employment and accepting and continuing in employment only of a nature and duration permitted by your visa status; and (4) ensuring that any necessary documents for maintenance of status or employment authorization (including the Healthcare Worker Certificate) are secured and forwarded to DHS in a timely and appropriate manner. Failure to meet these responsibilities can result in denial of certain benefits, inability to remain in the U.S. or return to the U.S. after a trip outside, or deportation from the U.S.

VERIFICATION OF UNDERSTANDING AND RECEIPT OF INFORMATION

By my signature below, I verify that I have read this document, understand its contents, and have received a copy. I understand that it is my responsibility to maintain legal status as outlined above and my right to obtain information and assistance for doing so from Visa Services, from the U.S. Department of Homeland Security (DHS), and from other sources. Further, I understand this law may impact me in any and all of the following ways if I am seeking an immigrant (a.k.a., "green card") or non-immigrant (e.g., TN, H-1B, etc.) status based upon employment as a healthcare worker:

- any application to extend status submitted to DHS on or after July 26, 2004, requires me to have an original Healthcare Worker Certificate (a.k.a., VisaScreen) or evidence that I am eligible for the deadline extension described above;
• any request to enter the U.S. on or after July 26, 2004, also requires me to have the original Healthcare Worker Certificate or evidence that I am eligible for the deadline extension described above;
• that even though I may already have a Form I-94 or other visa document that indicates a visa status approval beyond July 26, 2004, I will not be allowed to enter the U.S. on or after July 26, 2004, until I have the Healthcare Worker Certificate or evidence that I am eligible for the deadline extension described above;
• that even though I may already have a Form I-94 or other visa document that indicates a visa status approval beyond July 26, 2005, I must have the Healthcare Worker Certificate no later than July 26, 2005, or I will not be able to continue employment and may be considered by the U.S. government as being in violation of my visa status.
• once I obtain the Healthcare Worker Certificate I must immediately provide a legible copy of it to the International Office.

IMPORTANT NOTE: Any change in address, phone number, and/or Duke email address during employment with Duke must be provided to your supervisor, the International Office, and the U.S. Department of Homeland Security within 10 days of any change (information on mandatory address reporting is available at www.visaservices.duke.edu).

Employee's Signature: _____ Date: ____/____/____

Employee's Name (printed) _____

Supervisor's Signature: _____ Date: ____/____/____

Supervisor's Name (printed) _____