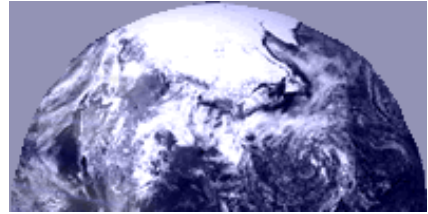


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to Businesses Around the World



U.S. Immigration For Foreign Pharmacists

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1 INTRODUCTION TO U.S. IMMIGRATION FOR FOREIGN HEALTHCARE WORKERS

The United States has one of the most structured and detailed immigration laws in the world, with many government agencies regulating various parts of the immigration process. The healthcare field is probably the most highly regulated area of all.

Every physician and many other healthcare providers have special credentialing requirements they must comply with before they can enter the United States to work. While these credentialing requirements slow down the overall immigration process, they also help ensure that a foreign healthcare worker has the equivalent credentials as a U.S. trained healthcare worker. They also establish a more objective system that allows foreign healthcare workers and potential U.S. employers the ability to know more definitively determine whether a particular foreign healthcare worker will qualify for a work visa or green card.

1.1 “CREDENTIALING” VERSUS “LICENSING”

To understand how the U.S. immigration system is applied to foreign healthcare workers, two concepts must be distinguished - credentialing and licensing.

- “Credentialing” refers to a process *established solely for immigration purposes* that must be completed before a foreign healthcare worker may obtain a U.S. work visa or green card. This credentialing process is designed to ensure that a foreign healthcare worker’s education is equivalent to that received in the United States; that their license to practice in their country of origin is unrestricted and unencumbered; and that the foreign healthcare worker has passed both English language and technical competency examinations.
- “Licensing” is a set of requirements established by each State in the United States as a prerequisite for most healthcare professionals (both foreign and U.S. citizens) to practice in that State.

A foreign healthcare worker must, therefore, comply with more requirements in order to work than a U.S. citizen. In fact, it is possible for a foreign healthcare worker to be fully licensed in the State where they intend to work, yet still be unable to obtain a work visa or green card because they have not met all of their credentialing requirements.

Not all foreign healthcare workers are subject to immigration credentialing requirements. Only foreign physicians and those healthcare workers covered by the “VisaScreen” credentialing program need to comply with extra credentialing requirements. All other foreign healthcare workers must only comply with the licensing requirements established by the State in which they intend to work.

2 FOREIGN PHARMACISTS

A "foreign pharmacy graduate" is a pharmacist whose undergraduate pharmacy degree was conferred by a recognized school of pharmacy outside the 50 United States, the District of Columbia, and Puerto Rico. As such, U.S. citizens who have completed their pharmacy education outside the United State are considered to be "foreign pharmacy graduates," whereas foreign nationals who have graduated from schools in the United States are not considered to be foreign pharmacy graduates.

2.1 CREDENTIALING AND LICENSING REQUIREMENTS

2.1.1 CREDENTIALING

There are no U.S. government-mandated credentialing requirements for foreign pharmacists. However, in order to become licensed within the United States, a foreign pharmacist must go through a certification process that is administered by the National Association of Boards of Pharmacy (<http://www.nabp.net>) through its Foreign Pharmacy Graduate Examination Committee. This certification process addresses three areas:

1. Whether the foreign pharmacist has the necessary educational and licensure credentials; specifically:
 - a. They have completed all educational requirements to practice in the country in which their education was received;
 - b. That such requirements are comparable to those of a person trained in the United States for the same position (*for example, foreign pharmacy graduates who earned their degree after January 1, 2003, must have earned their professional degree from a five-year curriculum program in order to apply for FPGEC Certification*); and
 - c. They have an unrestricted and unencumbered license in the country in which they received their education.
2. Whether the foreign pharmacist is competent in both oral and written English; and
3. Whether the foreign pharmacist has passed the necessary technical competency examinations.

The English language proficiency requirement may be fulfilled either through the Test of English as a Foreign Language ("TOEFL"), which is administered by the Educational Testing Service (<http://www.ets.org>). There is no exemption from this requirement. As such, it is imposed even if the candidate was born or has lived in a country in which the native language is English.

A foreign pharmacy graduate must also pass the North American Pharmacist Licensure Examination (NAPLEX), which tests an applicant on the knowledge, judgment and skills of an entry-level pharmacist; and oftentimes the Multistate Pharmacy Jurisprudence Examination (MPJE), which tests an applicant on both federal and state laws and regulations. Both of these tests are administered by the NABT.

2.1.2 LICENSING REQUIREMENTS

Each State has its own set of licensing requirements. These requirements are tracked by the National Association of Boards of Pharmacy (<http://www.nabp.net>).

It should be noted that most States require a candidate to complete internship hours (*generally 1500 hours*) under the supervision of a registered and licensed U.S. pharmacist in what is generally known as an “Intern Pharmacist” position.

2.2 NONIMMIGRANT VISAS

2.2.1 TN VISAS (FOR CANADIAN AND MEXICAN NATIONALS)

A TN (or “Trade NAFTA”) visa can be obtained by Canadian and Mexican citizens under the North American Free Trade Agreement (“NAFTA”). For a pharmacist, the required credentials include a baccalaureate or licenciatura degree; or state/provincial license.

It is also important to note that the TN occupations list does not include “Intern Pharmacist”. As such, it is probable that a Canadian or Mexican national who qualifies for an “Intern Pharmacist” position within the United States will not qualify for a “Pharmacist” TN visa.

A TN visa is now a 3-year visa that can be extended indefinitely. A Canadian citizen may apply at the U.S.-Canada border. However, a Mexican citizen must apply for a new TN visa at the U.S. Embassy or consulate in Mexico.

2.2.2 H1B VISAS (FOR ANY NATIONALITY)

The United States' standard work visa is the 3-year H1B visa. To qualify for an H1B visa, both the foreign national and the position being sponsored must qualify for an H1B visa. Specifically:

- A foreign national must have a U.S. bachelor's degree or foreign equivalent, plus any certifications and licenses required for the position; and
- The position being sponsored must also typically require a U.S. bachelor's degree.

As such, a pharmacist position qualifies for an H1B visa. However, because of many States' licensure requirements, many intern pharmacists cannot qualify for an H1B work visa. Whether a foreign pharmacist graduate will qualify for an H1B visa as an intern pharmacist depends on whether the State of intended employment requires a bachelor's degree as a prerequisite for working as an intern pharmacist.

2.2.3 H2B VISAS

The H2B visa category allows U.S. employers to bring both skilled and unskilled workers from foreign countries to temporarily engage in non-agricultural employment in the United States. However, this visa is only available to fill an employer's temporary need, which is designated as a position that will last less than one year. It is unlikely that the U.S. government will accept that a pharmacist position could be a temporary (*versus permanent*) position. Because of this, the H2B visa category is not a viable option for foreign pharmacists.