



**USCIS Position on Clinical Laboratory Scientist/Technicians,
Non-related Professions, & Related Categorical/Specialist Professions**

August 09, 2022

Dear [REDACTED]

Re: (CGFNS ID# [REDACTED])

The Commission on Graduates of Foreign Nursing Schools (CGFNS International) CGFNS has only been authorized to issue certificates pursuant to Section 343 (a)(5)(c) of the Immigration and Nationality Act to foreign health care workers coming to the United States as immigrants or applicants for adjustment of status to work in the occupations of speech-language pathologists, audiologists, medical technologists (clinical laboratory scientists), physicians assistants, medical technicians (clinical laboratory technicians), registered nurses, licensed practical nurses, physical therapists and occupational therapists.

Cardiovascular Perfusion is not one of the nine professions for which CGFNS is authorized to certify for occupational visas and is not a Clinical Laboratory Scientist (Medical Technologist) as described by the Department of Homeland Security (DHS).

There are also differences in education, clinical experience, licensure/certification requirements and functions. The Clinical Laboratory Scientist works in five major areas of the laboratory; blood banking, chemistry, hematology, immunology, and microbiology. The medical technologist performs a full range of analytical laboratory tests on blood, tissues and body fluids to provide laboratory information for the detection, diagnosis and treatment of human diseases. The educational requirement is a Bachelor of Science degree.

Cardiovascular Perfusion are a separate and distinct profession from clinical laboratory scientist. Since CGFNS International is not authorized to review this group, we have not established a standards committee to develop or review educational and clinical experience of the profession. CGNFS International has reiterated these occupational differences to DHS and various service centers in response to requests for a *VisaScreen*® certificate.

In addition, CGFNS International addressed the confusion regarding the professions defined as medical technologist in its September 2004 interim rule comments on BCIS 2320-04: Extension of Deadline for Certain Health Care Workers Required to Obtain Certificates as noted below. The definition was also addressed in its annual reports to DHS from 2005-2007. Please see our explanation to USCIS below:

1. Laboratory Technologists and Technicians (Generalists). Medical Technologists/Clinical Laboratory Scientists are the generalists in the medical laboratory. They perform complex chemical, biological, hematological, immunologic, microscopic, and bacteriological tests in the major areas of the clinical laboratory and other practice settings. This includes the area of immunohematology (blood banking) where they type and cross match blood samples for transfusions. They can practice in one, any combination, or all of these areas, depending on practice site. As new major techniques and analysis are developed, they tend to first evolve as a research and development function and are then either incorporated into the general existing laboratory units or are gradually separated into a discrete area of practice. We, therefore, assume that Congress intended to cover medical laboratory generalists when it designated this profession for inclusion in the certification requirements.

2. Unrelated and Uncovered Professions. Based on Department of Labor job classification codes for Medical and Clinical Laboratory Technologist (29-2011.00) and Medical and Clinical Laboratory Technicians (29-2012.00) that are significantly different than those for other medical technologist occupations, we believe the following professions are clearly not covered by the Final Rule:

Medical Assistants – 31-9092.00
Respiratory Therapists – 29-1126.00
Medical Records & Health Information Technicians – 29-2071.00
Medical Equipment Preparers – 31-9093.00
Biomedical Engineers – 17-2031.00
Respiratory Therapy Technicians – 29-2054.00
Cardiovascular Technologists & Technicians – 29-2031.00
Nuclear Medicine Technologists – 29-2033.00
Radiologic Technicians – 29-2034.02
Diagnostic Medical Sonographers – 29-2032.00
Radiologic Technologists – 29-2034.01
Biological Technicians – 19-4021.00
Nuclear Monitoring Technicians – 19-4051.02
Pharmacy Technicians – 29-2052.00
Surgical Technologists – 29-2055.00

3. Related Categorical Professions & Specialists

Clinical Laboratory Scientist Related Categorical Professions

Categorical Certification

Cytotechnologist (CT)
Donor Phlebotomy Technician (DPT)
Histotechnician (HT)
Histotechnologist (HTL)
Phlebotomy Technician (PBT)
Technologist in Blood Banking (BB)
Technologist in Chemistry (C)
Technologist in Cytogenetics (CG)
Technologist in Hematology (H) Technologist in Microbiology (M)
Technologist in Molecular Biology (MB)

Specialist Certification

Pathologists' Assistant (PA)
Specialist in Blood Banking (SBB)
Specialist in Chemistry (SC)
Specialist in Cytotechnology (SCT)
Specialist in Hematology (SH)
Specialist in Laboratory Safety (SLS)
Specialist in Microbiology (SM)

Diplomate Certification

Diplomate in Laboratory Management (DLM)

Qualifications

Cytometry
Immunohistochemistry
Laboratory Informatics

In April 2008, CGFNS was pleased to hear USCIS agreed with CGFNS' interpretation of a medical technologist. USCIS confirmed our position in a liaison meeting with the American Immigration Lawyers Association (AILA). AILA reported to USCIS that its members were reporting conflicts that had arisen between CGFNS and USCIS positions on the need for a *VisaScreen*® for medical technologist specialist cases. CGFNS takes the position that specialists

in medical technology (e.g., cytotechnologists) are not subject to the *VisaScreen*® requirement declines to issue *VisaScreen*® certification and instead provides a letter explaining why it declined to issue the *VisaScreen*®. AILA questioned since CGFNS has been mandated as the agency to decide *VisaScreen*® issues, if CGFNS decides in a particular situation that a *VisaScreen*® is not required, will USCIS adhere to the CGFNS decision?

USCIS answered that it "agrees that a *VisaScreen*® cannot be issued in this instance. Medical technologist specialties fall outside the regulations requiring *VisaScreen*®. This issue has already been reviewed within the service center and USCIS requests that AILA notify them if these types of issues continue.

As provided in 8 CFR 212.15 (c), only the health care occupations listed are subject to the certification requirement:

Paragraph (c) applies to any alien seeking admission to the United States to perform labor in one of the following health care occupations, regardless of where he or she received his or her education or training:

1. Registered Nurse
2. Licensed Practical Nurses,
3. Occupational Therapists
4. Physical Therapists
5. Speech Language Pathologists
6. Audiologists
7. Medical Technologists (clinical laboratory scientists)
8. Medical Technicians (clinical laboratory technicians)
9. Physician Assistants

CGFNS is an approved credentialing agency only for the above nine occupations. For USCIS purposes Cardiovascular Perfusion, do not fall within the technologist category. This occupation falls outside the purview of the certification requirement; professions not specifically mentioned in the regulation are not subject to the provisions of the regulation".

Sincerely,

Erica N. Fuller
Director, Visa Credentials Assessment Service