

**I-905, Application for Authorization to
Issue Certification for Health Care Workers****1. Who must file this application?**

An organization wishing to obtain authorization to issue certificates to health workers under section 212(a)(5)(C) or section 212(r) of the Immigration and Nationality Act must file this application.

2. Which occupations require certification?

The occupations which require health care worker certification are:

- licensed practical nurses, licensed vocational nurses, and registered nurses
- occupational therapists
- physical therapists
- speech language pathologists and audiologists
- medical technologists (clinical laboratory scientists)
- physician assistants
- medical technicians (clinical laboratory technicians)

3. What documents do you need to file with this application?

You must submit a statement addressing how your organization meets the standards provided in item 7. In addition, by filing this application you agree to submit any information that the DHS (formerly a part of the Immigration and Naturalization Service) may request in order to determine your eligibility to issue certificates.

4. How should you prepare this application?

- A. Type or print legibly in ink.
- B. If you need extra space to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
- C. Answer all questions fully and accurately. If any item does not apply please write "none."

5. Where should you file this application?

The application must be filed in duplicate. Mail this application to the Nebraska Service Center, P.O. Box 87140, Lincoln, NE 68501-7140.

6. What is the fee for this application?

You must pay \$230 to file this application. The fee will not be refunded, whether the application is approved or not. Do not mail cash. All checks or money orders must be payable in U.S. currency at a financial institution in the United States. Checks are accepted subject to collection. Any uncollectable check will render the application invalid. A charge of \$30.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

7. How will the DHS process this application?

After the application is filed, the DHS will review the application for completeness. If the application is complete, the BCIS will forward a copy of the application to the Secretary of Health and Human Services (HHS) for an opinion. After HHS provides an opinion, the DHS will render a decision on the application. You will be notified in writing of the decision. If the application is denied, you will be provided with information on how the decision can be appealed. If the application is approved, it will be approved for 5 years. You must apply for reauthorization to issue certificates before your authorized period of time expires. Your continued eligibility to issue certificates will be reviewed periodically by the DHS.

8. What are the standards to obtain authorization to issue certificates to health care workers?**(1) Structure of the organization.**

- (i) The organization shall be incorporated as a legal entity.
- (ii) (A) The organization shall be independent of any organization that functions as a representative of the occupation or profession in question or serves as or is related to a recruitment/placement organization.

(B) The Service shall not approve an organization that is unable to render impartial advice regarding an individual's qualifications regarding training, experience, and licensure.

(C) The organization must also be independent in all decision making matters pertaining to evaluations and/or examinations that it develops including, but not limited to: policies and procedures; eligibility requirements and application processing; standards for granting certificates and their renewal; examination content, development, and administration; examination cut-off scores, excluding those pertaining to English language requirements; grievance and disciplinary processes; governing body and committee meeting rules; publications about qualifying for a certificate and its renewal; setting fees for application and all other services provided as part of the screening process; funding, spending, and budget authority related to the operation of the certification organization; ability to enter into contracts and grant arrangements; ability to demonstrate adequate staffing and management resources to conduct the program(s) including the authority to approve selection of, evaluate, and initiate dismissal of the chief staff member.

(D) An organization whose fees are based on whether an applicant receives a visa may not be approved.

(iii) The organization shall include the following representation in the portion of its organization responsible for overseeing certification and, where applicable, examinations:

(A) Individuals from the same health care discipline as the alien health care worker being evaluated who are eligible to practice in the United States; and

(B) At least one voting public member to represent the interests of consumers and protect the interests of the public at large. The public member shall not be a member of the discipline or derive significant income from the discipline, its related organizations, or the organization issuing the certificate.

(iv) The organization must have a balanced representation such that the individuals from the same health care discipline, the voting public members, and any other appointed individuals have an equal say in matters relating to credentialing and/or examinations.

(v) The organization must select representatives of the discipline using one of the following recommended methods, or demonstrate that it has a selection process that meets the intent of these methods:

(A) Be selected directly by members of the discipline eligible to practice in the United States;

(B) Be selected by members of a membership organization representing the discipline or by duly elected representatives of a membership organization; or

(C) Be selected by a membership organization representing the discipline from a list of acceptable candidates supplied by the credentialing body.

(vi) The organization shall use formal procedures for the selection of members of the governing body which prohibit the governing body from selecting a majority of its successors. Not-for-profit corporations which have difficulty meeting this requirement may provide in their applications evidence that the organization is independent, and free of material conflicts of interest regarding whether an alien receives a visa.

(vii) The organization shall be separate from the accreditation and educational functions of the discipline, except for those entities recognized by the Department of Education as having satisfied the requirement of independence.

(viii) The organization shall publish and make available a document which clearly defines the responsibilities of the organization and outlines any other activities, arrangements, or agreements of the organization that are not directly related to the certification of health care workers.

(2) Resources of the organization.

(i) The organization shall demonstrate that its staff possess the knowledge and skills necessary to accurately assess the education, work experience, licensure of health care workers, and the equivalence of foreign educational institutions, comparable to those of United States-trained health care workers and institutions.

(ii) The organization shall demonstrate the availability of financial and material resources to effectively and thoroughly conduct regular and ongoing evaluations on an international basis.

(iii) If the health care field is one for which a majority of the States require a predictor test, the organization shall demonstrate the ability to conduct examinations in those countries with educational and evaluation systems comparable to the majority of States.

(iv) The organization shall have the resources to publish and make available general descriptive materials on the procedures used to evaluate and validate credentials, including eligibility requirements, determination procedures, examination schedules, locations, fees, reporting of results, and disciplinary and grievance procedures.

(3) Candidate evaluation and testing mechanisms.

(i) The organization shall publish and make available a comprehensive outline of the information, knowledge, or functions covered by the evaluation/examination process, including information regarding testing for English language competency.

(ii) The organization shall use reliable evaluation/examination mechanisms to evaluate individual credentials and competence that is objective, fair to all candidates, job related, and based on knowledge and skills need in the discipline.

(iii) The organization shall conduct ongoing studies to substantiate the reliability and validity of the evaluation/examination mechanisms.

(iv) The organization shall implement a formal policy of periodic review of the evaluation/examination mechanism to ensure ongoing relevance of the mechanism with the respect to knowledge and skills needed in the discipline.

(v) The organization shall use policies and procedures to ensure that all aspects of the evaluation/examination procedures, as well as the development and administration of any tests, are secure.

(vi) The organization shall institute procedures to protect against falsification of documents and misrepresentation, including a policy to request each applicant's transcript(s) and degree(s) directly from the educational licensing authorities.

(vii) The organization shall establish policies and procedures that govern the length of time the applicant's records must be kept in their original format.

(viii) The organization shall publish and make available, at least annually, a summary of all screening activities for each discipline including, at least, the number of applications received, the number of applicants evaluated, the number receiving certificates, the number who failed, and the number receiving renewals.

(4) Responsibilities to applicants applying for an initial certificate or renewal.

- (i) The organization shall not discriminate among applicants as to age, sex, race, religion, national origin, disability, or marital status and shall include a statement of nondiscrimination in announcements of the evaluation/examination procedures and renewal certification process.
- (ii) The organization shall provide all applicants with copies of formalized application procedures for evaluation/examination and shall uniformly follow and enforce such procedures for all applicants. Instructions shall include standards regarding English language requirements.
- (iii) The organization shall implement a formal policy for the periodic review of eligibility criteria and application procedures to ensure that they are fair and equitable.
- (iv) Where examinations are used, the organization shall provide competently proctored examination sites at least once annually.
- (v) The organization shall report examination results to applicants in a uniform and timely fashion.
- (vi) The organization shall provide applicants who failed either the evaluation or examination with information on general areas of deficiency.
- (vii) The organization shall implement policies and procedures to ensure that each applicant's examination results are held confidential and delineate the circumstances under which the applicant's certification status may be made public.
- (viii) The organization shall have a formal policy for renewing the certification if an individual's original certification has expired before the individual first seeks admission to the United States or applies for adjustment of status. Such procedures shall be restricted to updating information on licensure to determine the existence of any adverse action and the need to re-establish English competency.
- (ix) The organization shall publish due process policies and procedures for applicants to question eligibility determinations, examination or evaluation results, and eligibility status.
- (x) The organization shall provide all qualified applicants with a certificate in a timely manner.

(5) Maintenance of comprehensive and current information.

- (i) The organization shall maintain comprehensive and current information of the type necessary to evaluate foreign educational institutions and accrediting bodies for purposes of ensuring that the quality of foreign educational programs is equivalent to those training the same occupation in the United States. The organization shall

examine, evaluate, and validate the academic and clinical requirements applied to each country's accrediting body or bodies, or in countries not having such bodies, of the educational institution itself.

- (ii) The organization shall also evaluate the licensing and credentialing system(s) of each country or licensing jurisdiction to determine which systems are equivalent to that of the majority of the licensing jurisdictions in the United States.

(6) Ability to conduct examinations fairly and impartially.

An organization undertaking the administration of a predictor examination, or a licensing or certification examination shall demonstrate the ability to conduct such examination fairly and impartially.

(7) Criteria for awarding and governing certificate holders.

- (i) The organization shall issue a certificate after the education, experience, license, and English language competency have been evaluated and determined to be equivalent to their United States counterparts. In situations where a United States nationally recognized licensure or certification examination, or a test predicting the success on the licensure or certification examination, is offered overseas, the applicant must pass the examination or predictor test prior to receiving certification. Passage of a test predicting the success on the licensure or certification examination may be accepted only if a majority of the states (and Washington, DC) licensing the profession in which the alien intends to work recognize such a test.
- (ii) The organization shall have policies and procedures for the revocation of certificates at any time if it is determined that the certificate holder was not eligible to receive the certificate at the time it was issued. If the organization revokes an individual's certificate, it must notify the DHS, via the Nebraska Service Center, and the appropriate state regulatory authority with jurisdiction over the individual's health care profession. The organization may not re-issue a certificate to an individual whose certificate has been revoked.

(8) Criteria for maintaining accreditation.

- (i) The organization shall advise the DHS of any changes in purpose, structure, or activities of the organization or its program(s).
- (ii) The organization shall advise the DHS of any major changes in the evaluation of credentials and examination techniques, if any, or in the scope or objectives of such examinations.
- (iii) The organization shall, upon the request of the DHS, submit to the DHS, or any organization designated by the DHS, information requested of the organization and its programs for use in investigating allegations of non-compliance with standards and for general purposes of determining continued approval as an independent credentialing organization.

(iv) The organization shall establish performance outcome measures that track the ability of the certificate holders to pass United States licensure or certification examinations. The purpose of the process is to ensure that certificate holders pass United States licensure or certification examinations at the same pass rate as graduates of the United States programs. Failure to establish such measures, or having a record showing an inability of persons granted certificates to pass United States licensure examinations at the same rate as graduates of United States programs, may result in a ground for termination of approval. Information regarding the passage rates of certificate holders shall be maintained by the organization and provided to HHS on an annual basis, to the DHS as part of the 5 year reauthorization application, and at any other time upon request by HHS or the DHS.

(v) The organization shall be in ongoing compliance with other policies specified by the DHS.

9. Are there any limitations if this application is approved?

If your application is approved, it will be approved for a period of five years. The DHS will conduct a review of your organization every five years to ensure continued compliance with the standards described. The review will occur concurrent with the adjudication of your request for reauthorization to issue health care worker certificates. If the DHS determines that you are not complying with term of authorization, or if other adverse information is brought to the DHS's attention, the DHS may proceed to terminate your authorization to issue health care worker certificates.

10. What are the penalties for submitting false information?

If the organization or if the individuals on behalf of the organization knowingly and willfully falsify or conceal a material fact or submit a false document with this petition, we will deny the benefit they are filing for and may deny any other immigration benefit. In addition, the organization or individuals will face severe penalties provided by law and may be subject to criminal prosecution.

11. What is our authority for collecting this information?

We request the information on this form to carry out the immigration laws contained in Title 8, United States Code, Section 1186. We need this information to determine whether a person is eligible for immigration benefits. The information the organization or individuals on behalf of the organization provides may also be disclosed to other federal, state, local and foreign law enforcement and regulatory agencies. The organization, or individuals on behalf of the organization, do not have to give this information. However, refusal to give some or all of it may result in denial of the application.

The DHS recommends that you retain photocopies of all submissions for your records. If you have carefully read all the instructions and still have questions, please contact your nearest DHS office.

12. Paperwork Reduction Act Notice.

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can easily be understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimate average time to complete and file this application is as follows: (1) 30 minutes to learn about the law and form; (2) 180 minutes to complete the form; and (3) 30 minutes to assemble and file the petition; for a total estimate average of 4 hours per petition. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to Bureau of Citizenship and Immigration Services, Regulations and Forms Services Division, HQRFS, 425 I Street, N.W., Room 4034, Washington, D.C. 20536; OMB No. 1615-0086. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

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START HERE - Please Type or Print

FOR BCIS USE ONLY

Part 1. Information about the applicant filing this application.

Company or Organization			
Address			
Street Number and Name			Room #
City	State	Zip/Postal Code	
IRS Tax #		Name of Point of Contact	
Phone # of Point of Contact	Title of Point of Contact		

Date organization was created.

Description of your organization.

Occupations for which you are seeking authorization.

Describe the process you will use to issue certificates (If more space is required, use a separate sheet of paper).

Explain your organization's expertise, knowledge, and experience in the health care occupations for which you are seeking authorization.

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	

- Approved for all requested occupations.
- Partial approval (BCIS must list approved occupations.)

Action Block

**To Be Completed by
Attorney or Representative, if any**

- Fill in box if G-28 is attached to represent the petitioner

VOLAG#

ATTY State License #

Explain how your organization meets the standards described in the instructions sheet (If more space is required, attach a separate sheet of paper).

Describe the procedure you will establish for the Department of Homeland Security to use to verify the validity of your certificates.

Part 2. Signature. *Read the information on penalties in the instructions before completing this section.*

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it are all true and correct. If filing this on behalf of an organization, I certify that I am empowered to do so by that organization. I authorize the release of any information from my records, or from the applicant's organization's records, which the Department of Homeland Security's bureau of Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. If this application is approved, I also agree to provide the Bureau of Citizenship and Immigration Services with any information that it requests to determine the organization's eligibility to continue to issue certificates to health care workers.

Signature and Title	Print Name	Date
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Please Note: *If you do not completely fill out this form or fail to submit required documents listed in the instructions, this application may be denied.*

Part 3. Signature of person preparing form if other than above. (Sign below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	Print Name	Date
Firm Name and Address	Daytime Telephone Number (Area Code and Number)	
	Fax Number (Area Code and Number)	