Resource Manual on the Licensure of International Nurses for Boards of Nursing
BACKGROUND

In FY2002, the PR&E Committee recommended the formation of a special subcommittee to study the effect of nurses educated outside of the United States in relation to US Nursing regulation. The Foreign Nurse Issues Subcommittee was formed in February 2002 and in FY2003 developed this resource manual to meet the needs of member boards. The International Nurse Issues Subcommittee (formerly known as the Foreign Nurse Issues Subcommittee) reviewed the manual for currency in FY2007.

NCSBN would appreciate your feedback regarding the usefulness of this document and the identification of other information that should be included. Please direct your comments to Nancy Chornick, PhD, RN, CAE, Director of Credentialing at NCSBN by email – nchornick@ncsbn.org; or phone: (312) 525-3646.
# Table of Contents

- **PREFACE** ............................................................................................................................... 4
- **Purpose** ................................................................................................................................. 4
- **How to use the Manual** ........................................................................................................ 4
- **ACRONYMS** .......................................................................................................................... 5

## CHAPTER ONE: EDUCATION OF INTERNATIONAL NURSES ............................................ 6
- **Overview** ............................................................................................................................... 6

### SECTION 1. DEFINITIONS .................................................................................................... 6

### SECTION 2. ELEMENTS OF EDUCATION OF INTERNATIONAL NURSES .......... 7
- Commission on Graduates of Foreign Nursing Schools (CGFNS) ........................................ 7
- Evaluation Credentialing Agencies .......................................................................................... 7

### SECTION 3. EDUCATION ISSUES of INTERNATIONAL NURSES ............................ 8
- In-House Evaluation of Credentials for International Nurses .............................................. 8
- Outsourcing the Evaluation of Credentials for International Nurses: Criteria for the Service of Credentialing Agencies .................................................................................................................. 10
- Remediation of Gaps ............................................................................................................ 11
- Current Nursing Practice ....................................................................................................... 11
- Facilitating Education Experiences For International Nurses Without Requiring Full Licensure .............................................................................................................................................. 11
- NCLEX International Testing .............................................................................................. 11

### SECTION 4. RESOURCES ................................................................................................. 12

## CHAPTER TWO: ENGLISH PROFICIENCY ........................................................................... 13
- **Overview** ............................................................................................................................... 13

### SECTION 1. DEFINITIONS .................................................................................................... 13

### SECTION 2. ELEMENTS OF ENGLISH PROFICIENCY ................................................... 13
- English Language Equivalency Exams ................................................................................. 13
- Federal Guidelines for the Health Care Worker Certificate .................................................. 15

### SECTION 3. ENGLISH PROFICIENCY ISSUES ................................................................ 15
- Public Safety .......................................................................................................................... 15
- Concerns Regarding English Proficiency Examinations ....................................................... 16

### SECTION 4. RESOURCES ................................................................................................. 16

## CHAPTER THREE: IMMIGRATION ....................................................................................... 17
- **Overview** ............................................................................................................................... 17

### SECTION 1. DEFINITIONS .................................................................................................... 17

### SECTION 2. ELEMENTS ......................................................................................................... 19
- Immigration ............................................................................................................................. 19
- Health Care Certification for Visa Purposes ......................................................................... 19
- Visas ........................................................................................................................................ 19
- Refugees ................................................................................................................................. 19
- Naturalization .......................................................................................................................... 19
Identification

Social Security Number (SSN)

International Tax Identification Numbers (ITINs)

SECTION 3. IMMIGRATION ISSUES

Varying Requirements for Nursing Licensure

Social Security ‘Catch 22’

SECTION 4. RESOURCES
Preface

The influx of nurses educated outside of the United States has great implications to the missions of boards of nursing. Boards of nursing must carry out their mission of public safety without putting up unnecessary barriers to those individuals who desire to work in the United States. It is the charge of boards of nursing that nurses educated outside of the United States must be held to the same standards as domestic nurses including educational qualifications, English proficiency skills and holding a valid and unencumbered nursing license. The NCSBN Position Paper reflects this charge.

Purpose
This manual was developed as a user-friendly resource for boards of nursing. It is provided online in order to facilitate easy access and currency. Users of the manual are encouraged to provide feedback.

How to use the Manual
This manual focuses on three main topics related to international nurses: (1) Education, (2) English proficiency, and (3) Immigration. A chapter is devoted to each topic.

For each chapter, there are four sections:
- Definitions
- Elements
- Issues
- Resources

The section on Definitions lists and defines terms not only discussed in the sections, but also related to the topic. The Element Section describes and discusses the main elements of each topic, such as visas and Visascreen™ in the Immigration chapter. The Issues Section describes issues related to the topic and the Resource Section lists sources for additional information. Where possible, web links are provided.
### Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AICE</td>
<td>Association of International Credential Evaluators</td>
</tr>
<tr>
<td>ATT</td>
<td>Authorization to Test</td>
</tr>
<tr>
<td>CES</td>
<td>Credential Evaluation Service</td>
</tr>
<tr>
<td>CGFNS</td>
<td>Commission on Graduates of Foreign Nursing Schools</td>
</tr>
<tr>
<td>DOL</td>
<td>Department of Labor</td>
</tr>
<tr>
<td>HHS</td>
<td>Health and Human Services</td>
</tr>
<tr>
<td>ICHP</td>
<td>International Commission on Healthcare Professions</td>
</tr>
<tr>
<td>ICN</td>
<td>International Council of Nurses</td>
</tr>
<tr>
<td>IELTS</td>
<td>International English Language Testing System</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>ITIN</td>
<td>International Tax Identification Number</td>
</tr>
<tr>
<td>LCA</td>
<td>Labor Condition Application</td>
</tr>
<tr>
<td>MELAB</td>
<td>Michigan English Language Assessment Battery</td>
</tr>
<tr>
<td>NACES</td>
<td>National Association of Credential Evaluations Services</td>
</tr>
<tr>
<td>NAFTA</td>
<td>North America Free Trade Agreement</td>
</tr>
<tr>
<td>NCLEX</td>
<td>National Council Licensure Examination</td>
</tr>
<tr>
<td>NCSBN</td>
<td>National Council of State Boards of Nursing</td>
</tr>
<tr>
<td>ORR</td>
<td>Office of Refugee Resettlement</td>
</tr>
<tr>
<td>SSA</td>
<td>Social Security Administration</td>
</tr>
<tr>
<td>SSN</td>
<td>Social Security Number</td>
</tr>
<tr>
<td>TN</td>
<td>Trade NAFTA Visa</td>
</tr>
<tr>
<td>TOEIC</td>
<td>Test of English for International Communication</td>
</tr>
<tr>
<td>TOEFL</td>
<td>Test of English as a Foreign Language</td>
</tr>
<tr>
<td>TSE</td>
<td>Test of Spoken English</td>
</tr>
<tr>
<td>TWE</td>
<td>Test of Written English</td>
</tr>
<tr>
<td>USCIS</td>
<td>U.S. Citizenship and Immigration Services</td>
</tr>
</tbody>
</table>
Chapter One: Education of International Nurses

Overview

Included in this section is information on how to evaluate the credentials of international nurses for boards of nursing who are using credentialing agencies. Also included are criteria that can be used by boards of nursing to select a credentials evaluation service. A health care worker certificate is now required for those international nurses seeking either temporary or permanent visas. (Information about the health care worker certificate can be found in Chapter 3, Section 2).

SECTION 1. DEFINITIONS

Clinical – educational experience during which direct care of patients/clients is given.

Credential – documentary evidence of the qualifications of an individual. May include a transcript, diploma, marksheet, log book, licensure, etc.

Credentials Evaluation – a determination, through review of transcripts and other relevant material, whether an educational program is comparable to nursing education in the United States.

Educational Profile – list of all educational institutions and years attended.

First Level General Nurse – refers to a nurse who has undergone an educational program with a general focus and is responsible for planning, providing, and evaluating nursing care in all settings. In the United States, this is most closely translated as a registered nurse.

First Level Specialized Nurse – refers to a first level nurse who is not educated with a general nurse foundation but instead with a special focus for specialized clinical practice (e.g., nurse midwife).

International Nurse – any nurse whose basic nursing education occurred outside of the United States including a U.S. citizen.

Second Level General Nurse – refers to a nurse who has undergone an educational program with a general focus and is responsible for giving nursing care in cooperation and under the supervision of a first level general nurse. In the United States, this is most closely translated as a licensed practical or vocational nurse. In the British-based countries, this is known as ‘enrolled’ nurse.

Second Level Specialized Nurse – refers to a second level nurse who is not educated with a general nurse foundation but instead with a special focus for a specialized clinical practice.

Official transcript – a transcript received directly from the school, bearing the official seal or other designation of that school, showing the date of enrollment, graduation and the degree, diploma or certificate awarded.

Transcript – educational record provided and verified by the school. Not all countries send a transcript as we know them in the United States (e.g., Scandinavia), rather a mark sheet and letter is used, or ‘points’ and summaries.
SECTION 2. ELEMENTS OF EDUCATION OF INTERNATIONAL NURSES

Commission on Graduates of Foreign Nursing Schools (CGFNS)
CGFNS, a not-for-profit, immigration-neutral organization, was named in Section 343 of the Illegal Immigration Reform and Immigrant responsibility Act of 1996 as the organization offering a federal health care worker certificate program, the Visascreen™. In addition to the Visascreen™, CGFNS offers several other programs.
- Certification Program
- Credentials Verification Service for New York State (CVS)
- Credentials Evaluation Service (CES)
- International Consulting

Additional information regarding CGFNS programs can be found on their website: www.cgfns.org.

Evaluation Credentialing Agencies
There are numerous evaluation agencies available to assist boards of nursing to evaluate credentials of international nurses. Information regarding the services provided by these agencies can be found at the following link. This information was provided by the agencies.
- Center for Applied Research, Evaluation and Education, Inc.
- Credentials Evaluation Service (CGFNS)
- Education Evaluators International, Inc.
- Educational Credential Evaluators, Inc.
- Educational Perspectives, nfp
- Educational International
- Educational Records Evaluation Service, Inc.
- Evaluation Services, Inc.
- Foundation for International Services, Inc.
- International Consultants of Delaware, Inc.
- International Education Research Foundation (IERF)
- World Education Services, Inc.

Many of these agencies belong to national associations.
- National Association of Credential Evaluation Services (NACES) – is an association of private foreign educational credential evaluations services that was founded in 1987. Members of NACES must meet membership criteria on staff qualifications, references, record keeping and evaluation reports.
- Association of International Credential Evaluators (AICE) – is a membership association of foreign education credentials evaluation entities. It is open to all individual evaluators and independent organizations that satisfy membership criteria.
SECTION 3. EDUCATION ISSUES of INTERNATIONAL NURSES

There are several options for boards of nursing regarding how to evaluate the credentials of international nurses. Boards of nursing may either choose to evaluate the credentials of international nurses in-house or outsource them to a credentialing agency. (See Fig. 1. regarding process)

In-House Evaluation of Credentials for International Nurses
NCSBN has developed guidelines for credentialing agencies when evaluating the credentials of international nurses. Boards of nursing can use this document as a resource when evaluating credentials of international nurses in-house. Categories of information that should be considered are listed below. Click here to access the Minimal Dataset for the Evaluation of International Nurses.

- **Applicant Information** – includes date and country of birth, social security number and mailing address.
  - Supporting documents may be submitted under names other than the one on the application, e.g., Surnames may vary, mothers or fathers name may be included, may be using English and/or foreign country name, etc.
  - Determine if this applicant meets any citizenship requirement of the board of nursing jurisdiction.

- **High School Comparability** – includes purpose of program, dates of completion, and explanation of the school system.
  - Admission requirements should be comparable to those required in the board of nursing jurisdiction (i.e., high school, GED).
The delineation between the different tracks of secondary education needs to be determined. For instance, in Hungary there are three different tracks (academic, vocational and trade) each containing a different level of education.

- **Post Secondary Education** – information for each school attended should be obtained. Course work completed in the humanities, natural sciences, behavioral sciences and mathematics/analytical sciences should be identified.

- **Professional Nursing Education**
  - The level of the nursing educational program, i.e. secondary vs. post secondary should be identified.
  - Completion or graduation from a nursing education program should be determined.
  - The length of the nursing educational program should be equivalent to programs in the board of nursing jurisdiction (i.e., total number of hours, number of contact hours – both theory and clinical, length of program – years/months.)
  - Content of the education program should meet the board of nursing jurisdiction’s requirements.

- **Professional Licensure** – includes elements such as credential obtained, date of issuance and expiration.
  - Determine what authorizes the individuals’ practice in their country (i.e., educational degree, license from governmental agency, title awarded).
  - Determine if the authority to practice is given for life or does it require renewal.
  - If licensure is required as a prerequisite, determine how to process applicants who are unable to obtain documentation of licensure in their country.

**Transcripts**

In addition to the previous categories, transcripts should be closely scrutinized:

- Official transcripts should be sent directly from the nursing school or appropriate agency. In most cases, a stamp, seal or other identifier will be used.
- Transcripts need to be in English.
- Transcripts for each nursing program in which the applicant was enrolled in a nursing program should be obtained.
- Admission and completion dates should be recorded on the transcripts.
- If the applicant is unable to provide an official transcript, other sources from which authorized copies of transcripts might be obtained include:
  - Commission of Graduates of Foreign Nursing Schools,
  - Other board of nursing jurisdictions in which the applicant was licensed, or
  - Nursing Council or Ministry of Education in country where nursing program is located.

**Occurrences that may indicate a need for boards of nursing staff to have the credential documentation reviewed by an outside credentialing agency:**

- Excessive hours for enrollment period (e.g., individual in school for three years and the number of days exceeds the expected days)
- Lack of authentication of documents
- Individuals from same program in the same year have different curricula
- Inconsistencies among documents

**Ways to Clarify Documents** – ask for a grid and breakdown of clinical and course work hours.
Develop Networks
- Local faculty who have taught/consulted in the country in question
- Staff members from other boards
- Faculty or graduates from the country or nursing program in question who may be enrolled in graduate nursing education in the state
- Develop your own on-line resources network

Comparability of Title
- Determine the title or degree on the educational credential awarded to the international nurse applicant.
- Compare the applicant's title from the country of education/licensure to the various types of nurses described by the International Council of Nurses (ICN).
  - ICN defines the following categories of nurses: first level general nurse, second level general nurse, first level specialized nurse, second level specialized nurse (see list of definitions in Section 1.) Some areas of the world have different types of nursing programs, which may or may not include a full basic nursing program as seen in the U.S. Examples include:
    - In the former Communist bloc countries, a "medical technician" was equivalent of an RN.
    - Taiwan uses the terms professional registered nurse for an RN, and the term registered nurse for what the U.S. would term a vocational or practical nurse.
    - Other titles used by various countries include general nurse assistant, comprehensive nurse, enrolled nurse (practical/vocational nurse), community health nurse, and many others.
- Determine the applicant's scope of practice under this title.

Outsourcing the Evaluation of Credentials for International Nurses: Criteria for the Service of Credentialing Agencies

If boards of nursing direct applicants to use a credentialing agency, listed below are expectations for criteria for credentialing agencies that may be considered by the board of nursing:

Evaluation Services
- Maintains qualified staff who have an understanding of nursing education and licensure in the United States to review credentials of international nurses and provide accurate summative statements.
- Accepts only official transcripts sent directly from the nursing school or appropriate agency. In most cases, a stamp, seal or other identifier will be used. If something other than an official transcript is used, the agency alerts the board of nursing.
- Requests a literal translation of the transcripts by an authorized translator.
- Maintains staff who are capable of determining if translations are legitimate.
- Can explain how the agency evaluates an international nurses’ educational system that is not easily compared with our system. For instance,
  - Explains how the agency evaluates 10, 11, 12, and 13 years of education for primary and secondary education that exists in countries such as Canada or Philippines.
  - Explains whether an individual who completed the 13 years of the Canadian primary and secondary education is considered by the agency to have completed high school education or whether the 13 years is considered completion of high school plus 1 year of college?
• Utilizes time appropriate resources/references for both nursing and non-nursing credentials. For instance, a 20 year-old transcript should be reviewed using references which describe the educational system during that period of time instead of references describing the current system.
• Adheres to NCSBN guidelines or other board of nursing to delineate how nursing credentials are evaluated.
• Evaluates documents in a timely manner.
• Identifies and reports questionable and fraudulent documents to boards of nursing.

Repository Services
• Stores documents in a secure area.
• Retrieves and sends documents in a timely manner.
• Retains documents for a stated period of time.
• Notifies clients of document retention time and any associated costs.

Information Services
• Assists boards of nursing with incomplete or unclear credentials of international nurses. For instance, if the only document that is presented is a diploma, will the agency provide suggestions or resources on how to proceed.
• Develops and maintains a system that will enable rapid assistance for boards of nursing and applicants.

Remediation of Gaps
The most common form of remediation for international nurses is for boards of nursing to direct applicants to complete a course in an accredited nursing program. Approved remediation can be done in another country and should include both theoretical and clinical components. The applicant will need to request from the registrar a transcript. Employment can not be used in lieu of a course in an approved nursing program.

Current Nursing Practice
Board of nursing jurisdictions may consider having requirements for currency of nursing practice. This may include practice in the individual’s native country.

Facilitating Education Experiences For International Nurses Without Requiring Full Licensure
International Nurses desiring to enroll for graduate nurse study in the United States often must apply for a full nursing license. Some states do not require full licensure when the graduate program has no clinical component. The board of nursing administrative rules should include language allowing international nurses to enroll in a graduate program in which they have no contact with patients or language indicating a need to follow requirements to obtain full licensure.

NCLEX International Testing
International testing was initiated in order to remove barriers for U.S. nurse licensure. International NCLEX does not change jurisdictional requirements or make it easier to become a nurse in the United States. International testing allows qualified competent nurses to practice sooner than is possible under the previous NCLEX administration model by reducing the time it takes candidates to travel to testing centers. However, candidates still need to be made eligible by a board of nursing before an examination can be administered.

NCSBN began NCLEX testing at selected international Pearson Professional Centers in January 2005.
The centers are located in Sydney, Australia; Toronto, Montreal, and Vancouver, Canada; Frankfurt, Germany; Mumbai, New Delhi, Hyderabad, Bangalore, and Chennai, India; Mexico City, Mexico; Taipei, Taiwan; and Manila, Philippines; London, England; Seoul, South Korea; and Hong Kong. Appointment availability for Pearson Professional Centers in Chiyoda-ku, and Yokohama, Japan will be announced at a later date.

SECTION 4. RESOURCES

- National Association of Credentials Evaluations Services – Provides the organization’s code of ethics, standards of good practice, criteria for membership and a list of current members: www.naces.org.

- Association of International Credential Evaluators – provides information regarding the organizations mission, membership criteria and membership directory: www.aice-eval.org.

- Commission of Graduates of Foreign Nursing Schools (CGFNS) – describes the various programs provided by CGFNS including exam dates and locations. Applications for these programs are available online: www.cgfns.org.

- International Council of Nurses – Represents nurses in more than 128 countries, is the world’s first and widest reaching international organization for health professionals. A list of their members is available at: http://www.icn.ch/addresslist.htm.
Chapter Two: English Proficiency

Overview
This chapter deals with issues of English proficiency of international nurses. Criteria that can be considered by boards of nursing include native language, country of origin, language of instruction and language of textbooks.

SECTION 1. DEFINITIONS

**Benchmarking** – refers to a standard by which something is measured. A product or a service can be compared to a recognized standard that could be a set of criteria or a product of known quality.

**English as a Second Language (ESL)** – refers to an applicant whose native language is not English, but who has some experience with the English language.

**English Language Proficiency** – the ability to use and comprehend spoken and written English at a sufficient level for entry into practice.

**Equivalency** – is the property that implies two or more items are interchangeable. Specifically, if they are equivalent it does not matter which one you use.

**Minimal Competence** – minimal level of knowledge and skills required for licensure.

**Native Language** – language which an individual learned as a child.

**Standard Setting** – the process of defining, along a continuum, the boundary between two adjacent categories, such as proficient and not proficient, competent and not competent. There are a wide variety of methods of standard setting, such as Nedelsky, Angoff, and Ebel with many different processes for conducting a standard setting. However, in general they consist of five basic steps:

1. Select the judges
2. Define borderline knowledge and skills
3. Train the judges in the use of the method chosen
4. Collect judgments
5. Combine the judgments to choose a passing score

SECTION 2. ELEMENTS OF ENGLISH PROFICIENCY

**English Language Equivalency Exams**

1. **TOEIC (Test of English for International Communication)** – Used as an evaluation of general English proficiency in the workplace and for selection of job applicants for professional and technical training. Only English proficiency of listening and reading skills are measured. Speaking and writing skills are not measured directly.
   - TOEIC is used by organizations to assess individual’s English proficiency.
   - Because English proficiency levels vary with different jobs, there are no passing scores per se. Many organizations using the TOEIC examination set their own standards. A minimum TOEIC score is set to the level of English needed for a specific position.
TOEIC is a 2 ½ hour multiple-choice examination consisting of 200 questions and divided into two sections.
- Section I. Listening – consists of 100 questions using a tape recording. Applicants listen to a variety of statements, questions, and short conversations all recorded in English and then answer questions.
- Section II. Reading – consists of 100 written questions. The applicant reads a variety of materials and responds to questions.

2. TOEFL (Test of English as a Foreign Language) – Used as an evaluation of English proficiency and readiness for academic programs, as well as for placement in language programs.
- Paper-based TOEFL is offered six times a year in locations throughout the world. Specific dates and locations can be found on the ETS website (www.toefl.org). The test takes about 2 ½ hours and consists of three sections:
  - Section 1. Listening Comprehension – measures the ability to understand English. Skills tested include vocabulary, idiomatic expressions, and grammatical construction.
  - Section 2. Structure/Writing – measures recognition of selected structural and grammatical points in standard written English. Topics of the material are general in nature.
  - Section 3. Reading Comprehension – measures ability to read and understand short passages. Short passages on academic subjects are read by the applicant who then answers several questions about each passage.
- Computer-based TOEFL is available year round and offered at institutional sites such as universities and at Prometric testing centers in the United States. It consists of four sections:
  - Listening – measures the ability to understand English as it is spoken in North America.
  - Structure – measures the ability to recognize language that is appropriate for standard written English.
  - Reading – measures the ability to understand short passages similar in topic and style to academic texts used in North American universities.
  - Writing – measures ability to write in English on an assigned topic.
- Test of Written English (TWE) – is the essay component of TOEFL designed to measure proficiency in academic writing.
  - The applicant is required to produce an essay in response to a brief essay question.
  - Two raters read each essay.
  - The score of the TWE is separate from the TOEFL score.

3. Test of Spoken English (TSE) – developed by ETS and designed primarily to assess proficiency in oral communications. TSE is administered separately from the TOEFL.
- Consists of nine questions each of which requires applicants to perform a specific type of speech such as narrating, supporting an opinion.
- An interviewer on an audiotape leads the applicant through the test. The applicant responds into a microphone and their responses are recorded.
- There are two separate registration categories within the TSE program:
  - TSE-A, this is for teaching and research assistant applicants who have been requested to take the test by an admissions office or department chair.
  - TSE-P, this is for all other individuals.

4. International English Language Testing System (IELTS) – A test of English language proficiency designed to assess ability of applicants who intend to study or train in English speaking countries. IELTS is administered throughout the world. A list of testing centers is available on the IELTS website (www.ielts.org). The examination consists of six modules:
  - Listening – recommended for all applicants
2. Speaking – recommended for all applicants
3. General Training Reading – recommended for applicants planning to immigrate to Australia, New Zealand or Canada
4. General Training Writing – recommended for applicants planning to immigrate to Australia, New Zealand or Canada
5. Academic Reading – recommended for applicants planning for academic study
6. Academic Writing – recommended for applicants planning for academic study

- A computerized version of IELTS is available at selected centers. Applicants are given the choice of the medium (computer or paper & pencil) in which they wish to take the examination.
- Results are reported in ‘band scores’ from 1 to 9; one represents an individual with no ability to use the language beyond a few isolated words to nine which represents an individual who has fully operational command of the language. The Writing and Speaking modules will be reported in whole or half-bands in the same way as the Reading and Listening modules.

Federal Guidelines for the Health Care Worker Certificate
As part of the requirement of the Health Care Worker Certificate, an English proficiency requirement stipulates that applicants may take TOEFL including the TWE and TSE or TOEIC including TWE and TSE or IELTS.

Registered nurses and other health care workers requiring the attainment of a baccalaureate degree must successfully achieve scores of:

- TOEFL: Paper-Based 540; Computer-Based 207; TWE: 4.0; TSE: 50
- TOEIC: 725; plus TWE: 4.0 and TSE50 or
- IELTS: 6.5 overall with a spoken band score of 7.0. This would require the Academic module.

Applicants in occupations requiring less than a baccalaureate degree must successfully achieve scores of:

- TOEFL: Paper-Based 530; Computer-Based 197; TWE: 4.0; TSE: 50
- TOEIC: 700; plus TWE: 4.0 and TSE 50; or
- IELTS: 6.0 overall with a spoken band score of 7.0. This would allow either the Academic or General module.

SECTION 3. ENGLISH PROFICIENCY ISSUES

Public Safety
Nurses must be fluent in English in order to practice safely in the United States. It is recommended that the same criteria be required for both domestic and international nurses. Nurses educated in the United States meet the English proficiency criteria by graduating from an approved school of nursing. Among the ways English proficiency criteria can be documented for the international nurses are the following:

A. Graduation from a school of nursing outside of the United States in which all classroom instruction and nursing textbooks are in English
B. Demonstration of English proficiency by CGFNS Certificate or Visascreen™
C. English proficiency examination,
D. Graduate from the English speaking countries of Australia, Canada (except Quebec), Ireland, New Zealand, South Africa, the United States, Trinidad and Tobago

15
Concerns Regarding English Proficiency Examinations

1. Passing Scores - The passing scores for English Proficiency exams are only estimates and have not been rigorously tested using established standard setting methodology. For instance, the equivalence between TOEIC and TOEFL has only been estimated.

In 2004, the NCSBN commissioned a study to determine a recommended passing score on the computer-based TOEFL that represented the level of English language proficiency believed necessary to perform important entry-level nursing tasks safely and effectively. Twenty-five experts were selected by NCSBN to participate in the two-day standard-setting (passing-score) study. The recommended passing score based on the mean judgments of the full-group of panelists was 221. Test score information was provided for more than 750,000 examinees who took the computer-based TOEFL in 2001-2002.

2. Lack of Focus On Spoken Communication – The focus of the English proficiency examinations is on reading and listening skills. Although spoken English is necessary for clinical practice, not many examinations on spoken English are available. The TSE and IELTS are two programs that test for spoken English.

3. Health-Related Vocabulary - Vocabulary related to health related terminology needed for the health care work environment is not currently assessed. There are currently no English proficiency examinations that measure an individual’s knowledge and understanding of medical terminology.

SECTION 4. RESOURCES

- TOEIC is developed by Educational Testing Service (ETS). Information regarding the TOEIC examination can be found at: www.ets.org.

- Additional information regarding IELTS can be found through www.ielts.org.

- TOEFL was developed by the Educational Testing Service (ETS). Information regarding the TOEFL examination can be found at: www.ets.org.
Chapter Three: Immigration

Overview

Although immigration issues are of concern to international nurses, these issues are not within the purview of the board of nursing. Applicants should be directed to appropriate resources such as federal agencies, immigration lawyers, etc. when boards of nursing are approached with these types of issues. This section is being included as reference materials only.

SECTION 1. DEFINITIONS

Alien – any person not a citizen of the United States.

Asylees – individuals who, on their own, travel to the United States, apply for and receive a grant of asylum. They do not enter the United States as refugees, but rather enter as students, tourists, businessmen, etc. Once in the United States, they apply to the U.S. Citizenship and Immigration Services (USCIS) for asylum.

Asylum – a status that acknowledges that an individual meets the definition of a refugee and is allowed to remain in the United States. Asylum cannot be granted until the applicant’s identity has been checked against all appropriate records maintained by the Attorney General and Secretary of State to determine if there are any grounds that would make the alien inadmissible to or deportable from the United States or ineligible for asylum.

Citizen – a person, who, either through birth or naturalization, has full rights, privileges and protection of living in the United States.

Diversity Visa Program (Green Card Lottery) – a free annual lottery held by the United States government which attempts to increase diversity in the United States population by randomly selecting people from those countries which have the fewest immigrants to admission to the United States relative to their population.

Dual Citizenship – having citizenship in two countries; allowed in the United States as long as United States citizenship is not renounced or activities in second country are beyond that of an ordinary citizen.

Foreign National – an individual who is a citizen or a national of a country other than the United States.

Green Card – a slang term for the identity document or alien registration receipt card issued to permanent resident (immigrant) aliens. Officially, it is called the Permanent Resident Card. The card allows the holder to live and work legally inside the U.S. The card also lets the holder travel outside the U.S. and return as long as the primary residence in the U.S. is maintained. It incorporates a myriad of security features including digital images, holograms, micro-printing and an optical memory stripe to decrease the incidence of counterfeiting and tampering. It includes a digital photograph and fingerprint images that are tamper-resistant. The card is renewable after ten years.

Immigrant – a person who was not born in the United States but who has been authorized to permanently live and work in the United States.
Immigrant Visa – visas issued to individuals wishing and qualified to live permanently in the United States.

Naturalization – conferring of nationality of a state upon a person after birth.

Nonimmigrant – individual who enters the United States temporarily for purposes such as temporary work, pleasure, to study or work and must depart the United States when their maximum period of stay has been reached.

Nonimmigrant Visa – visas issued to individuals with a permanent residence outside of the United States but who wish to be in the United States on a temporary basis such as business, tourism, study, etc.

Refugee – defined by the USCIS as any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. (In other words, a refugee is an individual from another country who seeks ‘refuge’ or asylum in the U.S. because of the fear of personal danger if they return to their own country).

Undocumented Population – refers to the foreign-born population that resides in the United States in unlawful status.

U.S. Citizenship and Immigration Services (USCIS) – a branch of the U.S. Department of Homeland Security. The USCIS is responsible for admitting foreign nationals into the U.S. and processing all immigration and naturalization-related applications made by or on behalf of foreign nationals.

Visa – document needed for travel to the U.S. An individual planning to travel to the U.S. from any country as a nonimmigrant must apply for entry permission at an American Consulate outside the U.S. A stamp (visa) placed in the passport permits the individual to enter the U.S.

Visascreen™ – a screening program offered by CGFNS which serves to complete the federal government requirement required of most healthcare professionals in order to qualify for certain occupational visas.
SECTION 2. ELEMENTS

Immigration

Health Care Certification for Visa Purposes
A program designed to meet requirements of section 343 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
1. Requires non-U.S. nurses, as well as other health care workers, to successfully complete a screening program prior to receiving either a temporary and permanent occupational visa.
2. Includes:
   - Assessment of applicant’s education to ensure it is comparable to a U.S. education
   - Verification that all licenses are valid and unencumbered
   - English language proficiency (waived for English speaking countries) [for further discussion, see Chapter 2]
   - Verification that a nurse has passed a qualifying (NCLEX-RN®) or predictor (Commission on Graduates of Foreign Nursing Schools (CGFNS) examination

Visas
1. Temporary Visas: The temporary visas most commonly used by nurses educated outside of the United States are TN, H-1B, and H-1C.
2. Permanent Visas: The permanent visa, also known as a Green Card, can be obtained through the employment category of professional nursing.

Refugees
- A refugee differs from an immigrant in that a refugee is fleeing persecution in their homeland.
- Under U.S. law, a person who has committed acts of persecution, or has assisted in the commission of persecution in any way, on account of race, religion, nationality, membership in a particular social group, or political opinion, is not eligible for classification as a refugee.
- The USCIS conducts interviews overseas of individuals who have fled persecution. Once determination of refugee status is made, the International Organization for Migration (IOM) and the refugee sign a promissory note, promising repayment of the cost of airfare.
- Once the refugee is in the United States, joint voluntary agencies and the IOM initiate programs to assist with resettlement.
- After one year of residency, refugees are eligible to apply for U.S. citizenship.
- Some states are not as stringent with refugees regarding retrieval of documents due to their inabilities to obtain documents from their home country.

Naturalization
- Process by which U.S. Citizenship is conferred upon a foreign citizen.
- Criteria are:
  - Age
  - Period of continuous residence in the United States
  - Residence in a particular USCIS District prior to filing
  - Ability to read, write, and speak English
  - Knowledge and understanding of U.S. history and government
  - Good moral character
  - Adherence to the principles of the U.S. constitution
• The process includes completing an application, being photographed, fingerprinted, and interviewed, and swearing an oath of alliance.

Identification

Social Security Number (SSN)
The process used by the SSA for non-citizens to apply for Social Security Number (SSN) cards as part of the immigration process.

  First: US Embassies and US Consulates collect information needed for an SSN on Form DS-230, as part of the immigrant visa process.
  Second: The information is sent to Department of Homeland Security.
  Third: The Department of Homeland Security admits the individual into the U.S. and sends the information to the Social Security Administration.
  Fourth: The Social Security Administration will mail the SSN card to the U.S. mailing address.

• To apply for a SSN, individuals need to complete Form SS-5 that is available for download at http://www.ssa.gov/online/ss-5.html. The form can also be obtained by visiting the local social security office or by calling 1-800-772-1213.
• SSNs are never issued outside of the United States.

International Tax Identification Numbers (ITINs)

• The Internal Revenue Service (IRS) issues ITINs to individuals required to file an income tax return but who are not eligible for a SSN.
• An ITIN is a nine-digit number similar to a SSN, beginning with the number “9” formatted like a SSN (NNN-NN-NNN).
• Individuals must have an ITIN if they file a U.S. tax return or if they are listed on a tax return as a spouse or a dependent and cannot obtain a valid SSN.
• To get an ITIN, immigrant workers need to complete the IRS Revised Form W-7, which is available on-line at www.irs.gov. Documents that provide identity and foreign status such as passports, driver’s license and birth certificates must be provided.
• ITINs are not valid for employment purposes. They are used only for federal income tax purposes.
SECTION 3. IMMIGRATION ISSUES

Varying Requirements for Nursing Licensure

States differ in their licensure criteria. Some states require the CGFNS certification, a social security number and or English proficiency examinations. Some states do not have these requirements. These variations have resulted in international nurse tending to apply to those jurisdictions perceived to be easier to gain access into the United States nursing work force. It is recommended that states do not set their sights on a level of entry that is too difficult or too easy. An entry level that is too difficult could decrease the number of nurses educated outside of the United States entering the state. An entry level that is too easy could result in the state becoming simply a portal for entry and being overwhelmed with the number of candidates to process.

Social Security 'Catch 22'
The USCIS requires a nursing license to obtain a green card and the SSA requires a green card to obtain a SSN. For Boards of Nursing requiring a SSN to issue a nursing license, this presents a catch-22 dilemma for nurses educated outside of the United States desiring licensure in these jurisdictions. This presents a dilemma as indicated in the figure below:

Several approaches to resolve this dilemma have been used by boards of nursing. Legal counsel in some states requiring a social security number for licensure have interpreted that an ITIN can be used for initial licensure. In some states, a letter is issued to the applicant to be taken to the social security office which states that the nurse has completed all requirements and that the state statutes require a social security number for licensure.
States may also have the nurse sign an affidavit promising to supply a social security number within one year of licensure. In December 2002, USCIS issued a memorandum to the field offices indicating that it will now also accept for approval for a visa, a certified copy of a letter from the state of intended employment confirming that the nurse has passed the NCLEX. States not requiring social security numbers for initial licensure might consider a requirement for social security number for licensure renewal and/or verification for license.

SECTION 4. RESOURCES

- Understanding Your IRS Individual Taxpayer Identification Number: http://www.irs.gov/individuals/article/0,,id=96287,00.html
- U.S. Department of State – travel information and advisories, policies, services and listing of U.S. consulates abroad: http://www.state.gov/
- U.S. Citizenship and Immigration Services – information about regulations, policies, fees, newsletter and download immigration forms: http://www.uscis.gov/
- U.S. Department of State Visa Bulletin - summarizes the availability of visa numbers: http://travel.state.gov/