

April 22, 2009

Ms. Alice Ramey, Economist
Bureau of Labor Statistics
Occupational Statistics and Employment Projections
2 Massachusetts Ave., NE 2135
Washington, DC 20212-0001

Re: U.S. Department of Labor
Occupational Outlook Handbook, 2008-09 Edition
Language Misinterpretation Results in Visa Denials

Dear Ms. Ramey:

I am writing to inform the U.S. Department of Labor of our concerns with the misinterpretation, by immigration officials, of the occupational therapy academic/education requirements cited in the Occupational Outlook Handbook. Immigration officials are misinterpreting the academic/education requirements of an occupational therapist for the certification examination eligibility requirements for OCCUPATIONAL THERAPIST REGISTERED OTR®.

As a result, internationally educated occupational therapists who hold a baccalaureate degree in occupational therapy and who have passed the NBCOT certification examination are being denied their visas. Regardless of whether these individuals are new applicants or those who have already been working in the United States, visas are being denied because of this misinterpretation. Individuals certified prior to January 1, 2008, as occupational therapists (both US and internationally educated) are not affected by this policy change. The policy is not retroactive.

The Handbook speaks to the education and training of occupational therapists as having a *master's degree or higher*. As of January 1, 2008, NBCOT began requiring all *new* candidates taking the NBCOT Certification Examination for OCCUPATIONAL THERAPIST REGISTERED OTR® meet the current requirement of having a post-baccalaureate degree or "comparable to a post-baccalaureate degree".

In an effort to rectify this misunderstanding, we have sent two separate letters to Ms. Paola Rodriguez Hale, Esq., Adjudications Officer, U.S. Citizen and Immigration Services, Department of Homeland Security as related to our concerns with the language interpretation by immigration officials. As a supplement, we respectfully request that the Department of Labor consider the following recommendations which we hope are clear and constructive:

1. The 2008-09 Edition of the Occupational Outlook Handbook under "Training, Other Qualifications, and Advancement" needs to be revised. The first sentence in this section references occupational therapists being licensed and "*requiring a master's degree*" which should be clarified or deleted. All previously certified occupational therapists with baccalaureate degrees are not required to go back and obtain a post-baccalaureate (or comparable) degree in occupational therapy in order to obtain and/or maintain a license to practice. The vast majority of individuals certified as OTR (U.S. and internationally educated) have baccalaureate degrees in occupational therapy.
2. Please disseminate an E-blast, web site revision or other form of mass communication to officials who are responsible for drafting and interpreting language for the Occupational Outlook Handbook. The purpose of such a communication would be to clarify the NBCOT certification examination eligibility requirements that became effective January 1, 2008. The new examination eligibility standard requires a post-baccalaureate degree or ("comparable to a post-baccalaureate degree"). Only new occupational therapy exam candidates are required to meet this eligibility requirement. Again, the policy is not retroactive.

It is important to emphasize that this language misinterpretation is having a real and devastating impact on internationally educated occupational therapists and on the occupational therapy workforce. Ultimately, it is the consumers of services who will be impacted if qualified practitioners are being denied their visas.

Further, this is not only a significant problem for internationally educated occupational therapists. This misinterpretation is also affecting internationally educated physical therapists, immigration attorneys and the clients they serve.

In closing, I hope you recognize the language misinterpretation that is occurring and that you will rectify language in the Handbook. The requested clarification is urgently needed to further alleviate qualified internationally educated occupational therapists from being denied their visas or ultimately deported. If you have questions or need additional information, please contact me at (301) 990-7979 ext. 3130 or paul.grace@nbcot.org.

Thank you for your attention to this important matter. We look forward to your response.

Sincerely,



Paul Grace, MS, CAE
President and Chief Executive Officer

Cc: Paola Rodriguez Hale, U.S. Citizenship and Immigration Services, Department of Homeland Security
Emily DeCoster, Health Resources and Services Administration
Lyman Van Nostrand, Health Resources and Services Administration
William A. Hatherill, Federation of State Boards of Physical Therapy