

MATTER OF PANGANIBAN

In Visa Petition Proceedings

A-17235606

*Decided by Deputy Associate Commissioner July 10, 1970*

A medical technologist who has a baccalaureate degree with major study in medical technology from an accredited college or university in the United States or such degree from a foreign college or university which is evaluated as its equivalent by the United States Office of Education; or who has completed successfully at an accredited college or university 3 years of academic study which meets the requirements for entering a school of medical technology approved by the American Medical Association, plus a year of clinical training at such approved school of medical technology, is a member of the professions within the meaning of section 101(a)(32) of the Immigration and Nationality Act, as amended, and is eligible for preference classification under section 203(a)(3) of the Act, as a medical technologist. [*Matter of Asuncion*, 11 I. & N. Dec. 660, overruled.]

IN BEHALF OF PETITIONER: Richard K. Quan, Esquire  
840 N. Broadway, Suite 200  
Los Angeles, California 90012

The Regional Commissioner on March 20, 1970, approved this petition filed to accord the petitioner-beneficiary preference classification as a medical technologist under section 203(a)(3) of the Immigration and Nationality Act and he has certified the case for decision by the Deputy Associate Commissioner, Travel Control, because of a contrary finding regarding this occupation in *Matter of Asuncion*, 11 I. & N. Dec. 660 (1966).

The petitioner, a twenty-six-year-old native and citizen of the Philippines, graduated on July 18, 1967 from the Centro Escolar University, Manila, Philippines, with the degree of Bachelor of Science in Medical Technology. Included in his successful completion of eight semesters of study was an internship from June 1966 to July 1967 in his field of specialization at two hospitals and a public health laboratory in the Philippines. He has been licensed after State examination in California as a Clinical Laboratory Technologist (Medical Technologist), and he has been em-

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ployed as such in a California hospital since 1968. He filed his visa petition on April 26, 1968, and it was denied on the basis of the holding in *Matter of Asuncion, supra*, that the occupation of medical technologist is not a profession within the meaning of the Act. The District Director thereafter reconsidered the petition but on November 24, 1969 denied it again on the same grounds. It was approved upon appeal to the Regional Commissioner.

The holding in *Asuncion* was influenced by a statement of the training requirements prescribed in 1962 by the Registry of Medical Technologists of the American Society of Clinical Pathologists, which is nationally recognized as the qualifying body in his medical field; and by a discussion on medical technology in the 1966-1967 edition of the *Occupational Outlook Handbook* of the U.S. Department of Labor. There is much in the present record, however, to indicate that the regard in which medical technology is held has been much enhanced in recent years. The Registry of Medical Technologists, for instance, has now set the actual attainment of a bachelor's degree as the minimum qualification for taking the Registry examination in 1971; and the new (1970-971) edition of the *Occupational Outlook Handbook, supra*, contains these observations:

Medical technologists, who require 4 years of post-secondary training, perform the more complicated chemical, microscopic, and bacteriological tests and procedures.

Most medical technologists conduct tests related to the examination and treatment of patients. However, some do research on new drugs or on the improvement of laboratory techniques. Others teach or perform administrative duties.

The usual minimum educational requirement for beginning medical technologists is 3 years of college plus completion of a specialized training program in medical technology approved by the American Medical Association. Undergraduate work must include courses in chemistry, biological science, and mathematics. Such studies give the technologist a broad understanding of scientific principles underlying laboratory work. The specialized training usually requires 12 months of study and includes extensive laboratory work. In 1968 such training was given in nearly 800 hospitals and schools, most of which were affiliated with colleges and universities. A bachelor's degree is often awarded upon completion of the college affiliated program. A few schools require a bachelor's degree for entry into the program."

Thus, it is apparent that requirements are changing and have changed: registration by the authoritative qualifying body in the field of medical technology will require a bachelor's degree; and three years of college work including prescribed scientific subjects plus another year of specialized study approved by the American Medical Association has been found by the Department of Labor to be currently the usual minimum.

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A medical technologist works closely with the pathologist, and professionalism is implicit in his many responsible duties as set out in the *Occupational Outlook Handbook, supra*. It is noted, too, that the present record contains evidence that the U.S. Civil Service Commission has made a thorough study of federal clinical laboratory functions which has resulted in the establishment "of two separate classifications: medical technician (nonprofessional) and medical technologist (professional)."

It is concluded, therefore, that a medical technologist who has a baccalaureate degree with major study in medical technology from an accredited college or university in the United States or such degree from a foreign college or university which is evaluated as its equivalent by the United States Office of Education; or who has successfully completed at an accredited college or university three years of academic study which meets the requirements for entering a school of medical technology approved by the American Medical Association plus a year of clinical training at such approved school of medical technology, may be regarded as a member of the professions as that term is used in section 203(a)(3) of the Immigration and Nationality Act. *Matter of Asuncion, supra*, is overruled.

The petitioner here has a baccalaureate in medical technology from the Centro Escolar University, whose degree in that field has been appraised by the U.S. Office of Education as the equivalent of that awarded by accredited American universities. The petitioner, therefore, meets the educational requirements for professional classification as a medical technologist, and his petition was properly approved.

**ORDER:** The decision and order of the Regional Commissioner dated March 20, 1970, directing the approval of the visa petition to classify the status of Augusto E. Panganiban under section 203(a)(3) of the Immigration and Nationality Act, is hereby affirmed.