

AMERICAN MEDICAL ASSOCIATION INTERNATIONAL MEDICAL GRADUATES SECTION

Resolution: 1  
(I-09)

**REVISED 9-15-09**

Introduced by: International Medical Graduates Section

Subject: Lawful Permanent Resident Status for IMGs

Referred to: Reference Committee \_\_\_\_\_  
(\_\_\_\_\_, Chair)

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1 Whereas, In 2007, there were a total of 28,824 international medical graduates (IMGs)  
2 in graduate medical education programs, which represents 27.2% of the physicians-in -  
3 training workforce in the U.S., many of whom train in underserved communities;<sup>1</sup> and  
4

5 Whereas, IMGs on H1-B temporary employment and training visas have six years to  
6 complete their training or change their immigration status; and  
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8 Whereas, Some IMGs take more than six years to complete their residency training,  
9 specialty, subspecialty, research, MPH or PhD., fellowship and chief resident year; and  
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11 Whereas, For over 30 years, medical residency programs have sponsored permanent  
12 resident statuses for promising IMGs on H1-B Visas in order for the physician to  
13 complete his/her training, accept a chief resident position and subsequently accept a  
14 position at the institution after training has been completed; and  
15

16 Whereas, Recently, IMGs and their residency programs have had their employer-  
17 sponsored permanent resident status petitions denied by the U.S. Department of  
18 Labor's Education and Training Agency due to a recent interpretation that medical  
19 residents and fellows are not in permanent positions; and  
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21 Whereas, The U.S. Department of Labor defines a permanent position as "one that is  
22 not seasonal or temporary but rather a service or function that can be provided 365  
23 days a year";  
24

25 Whereas, Another related immigration "catch 22" is that there are state licensure boards  
26 that will not allow a non-permanent resident to apply for an unrestricted medical license  
27 in their state and the USCIS (United States Citizenship and Immigration Services) just  
28 recently changed their policy to no longer approve permanent resident status petitions  
29 from IMGs who do not have an unrestricted/permanent medical license at the time of  
30 their petition; and  
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32 Whereas, It has been proven by case law and 30 years of precedent approvals that  
33 medical residents serve in a permanent capacity as defined by the U.S. Department of  
34 Labor; and  
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1 Whereas, Many residency programs are willing to sponsor permanent residency status  
2 petitions in order for IMGs to complete their training and research as well as retain  
3 talented physicians in their underserved communities; therefore be it  
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5 RESOLVED, That our American Medical Association advocate for international medical  
6 graduates and/or their training institutions when they are applying for lawful permanent  
7 resident status. (New HOD Policy); and be it further  
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9 RESOLVED, That our AMA lobby Congress to enact legislative and regulatory remedies  
10 with the United States Citizenship and Immigration Services (USCIS) in order for  
11 international medical graduates, who hold an unrestricted or medical training license,  
12 are deemed eligible for lawful permanent resident status and no longer be considered  
13 as working in a temporary or seasonal position. (Directive to Take Action); and be it  
14 further  
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16 RESOLVED, That our AMA support the fact that international medical graduates who  
17 have restricted or medical training licenses are eligible to apply for lawful permanent  
18 resident status. (New HOD Policy)

Attachment:

Appendix A – Letter from Dr. Maves to the U.S. Department of Labor

*This document does not represent official policy of the American Medical Association (AMA). Refer to AMA PolicyFinder at [www.ama-assn.org/go/policyfinder](http://www.ama-assn.org/go/policyfinder) for official policy of the Association.*

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<sup>1</sup>Journal of American Medical Association, Sept. 10, 2008, Appendix II, Table 2