

Immigration issues: Visas and green cards

Non-U.S. citizen international medical graduate (IMG) physicians, residents and fellows help play a critical role in alleviating the physician shortage by providing health care to many Americans, especially in communities in need as they tend to choose primary care specialties and work in areas of the country with higher rates of poverty.

Nearly 21 million people live in areas of the U.S. where foreign-trained physicians account for at least half of all physicians.

Statements on review of pending H-1B visas

- On June 5, 2018, the AMA sent a letter to the U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS), urging the agency to expedite review of pending H-1B visa applications by non-U.S. IMGs who have accepted positions in U.S. Graduate Medical Education programs which begin on or before July 1.
- On Aug. 9, 2018, the AMA sent a letter to USCIS imploring them to clear the backlog for conversion from H-1B visas so that foreign-trained physicians already practicing in the U.S. can obtain permanent resident status.
- On Dec. 3, 2018, USCIS released a proposed rule to amend its regulations governing petitions filed on behalf of H-1B beneficiaries who may be counted toward the 65,000 visa cap established under the Immigration and Nationality Act (“H-1B regular cap”) or beneficiaries with advanced degrees from U.S. institutions of higher education who are eligible for an exemption from the regular cap (“advanced degree exemption”). The AMA submitted a comment letter urging the Administration to evaluate the possible unintended consequences the proposed rule may have on all non-U.S. citizen IMGs and ensure that these changes in policy would not disadvantage any of our foreign physicians from receiving H-1B visas. On Jan. 31, the DHS issued the final rule.

Statement on H-4 visa revocation

- The Trump Administration is considering revoking a 2015 Obama Administration rule that provides H-4 dependent spouses of H-1B nonimmigrants eligibility to work while in the U.S.,

a move that could impact approximately 70,000 H-4 visa holders.

The Department of Homeland Security (DHS) in its 2019 Unified Spring Agenda said it believed that abandoning the current practice of granting employment authorization to H-4 dependent spouses would benefit some U.S. workers.

Statement on J-1 visas

On Sept. 27, 2020, the U.S. Immigration and Customs Enforcement (ICE) released a proposed rule that if implemented, would eliminate "duration of status" as an authorized period of stay for certain nonimmigrant visas (F, I and J), many of which are utilized by International Medical Graduates (IMG) to train and practice medicine within the United States. In response, the AMA joined the Educational Commission for Foreign Medical Graduates (ECFMG) and several other organizations urging Acting DHS Secretary Wolf and members of Congress to consider the severe consequences facing IMGs, hospitals, patients, and the U.S. healthcare infrastructure if the proposed rule is implemented. Additionally, the AMA drafted a formal comment regarding the prospective regulation, requesting that DHS withdraw the proposed rule as it relates to J-1 International Medical Graduates. Moreover, we partnered with leading organizations in academic medicine and health care to draft a joint letter in opposition to the U.S. Department of Homeland Security's (DHS') proposed rule as it pertains to IMG physicians.

- | Proposed rule
- | Oct. 9, 2020 letter to the Honorable Chad F. Wolf Acting Secretary of Homeland Security
- | Oct. 23, 2020 letter to Chad Wolf Acting Secretary Office of Information and Regulatory Affairs
- | Oct. 26, 2020 letter to Sharon Hageman Acting Regulatory Chief Office of Policy and Planning U.S. Immigration and Customs Enforcement

Currently, resident physicians from other countries working in the U.S. on J-1 visas are required to return to their home country after their residency has ended for two years before they can apply for another visa or green card. The Conrad 30 Waiver program allows J-1 physicians to apply for a waiver for the 2-year residence requirement upon completion of the J-1 exchange visitor program.

The AMA supported and helped draft the Bipartisan (H.R.2895/S.948) Conrad State 30 and Physician Access Reauthorization Act in accordance with current AMA policy. This bill would reauthorize the J-1 visa waiver program for an additional three years and make improvements to the program by requiring more transparency in employment contract terms. The legislation would also address the current physician green card backlog

exacerbated by the statutory per-country cap for employment-based green cards. Physicians who practice in underserved areas for five years would be eligible to receive priority access within the green card system.

The AMA has a long history of advocating for J-1 visa physicians and the Conrad 30 program. AMA advocacy correspondence:

- | 2017 letter to the Honorable Heidi Heitkamp, U.S. Senate

- | 2015 letter to the Honorable Susan Collins, U.S. Senate

- | 2013 letter to the Honorable Amy Klobuchar, U.S. Senate

- | 2012 letter to the Honorable Kent Conrad, U.S. Senate

Additional advocacy activities

Learn about the AMA's advocacy efforts related to:

- | Health and safety conditions at the southern border

- | Extension of family detention

- | The public charge and the presidential proclamation

- | Nonmilitary deferred action

- | Deferred Action for Childhood Arrivals (DACA)

- | COVID-19 FAQs: Guidance for international medical graduates