Adults who were brought to the U.S. legally as children by their physician parents could be forced to leave the country after turning 21. The AMA House of Delegates has adopted policy that says they should be allowed to stay.

Many physicians with H-1B visas—including some who have been here for decades—have been actively practicing in the U.S. as they wait to receive their green card due to a massive backlog caused by legislatively mandated per-county limitations.

Their children and spouses can reside in the U.S. with them after obtaining an H-4 visa. Children, however, lose their H-4 status when they turn 21 years old. Supporting permanent legal status for these people to remain in the U.S. could help reduce the impact of expected doctor shortages and help support physicians with H-1B visas, according to an AMA Board of Trustees report whose recommendations were adopted at the 2019 AMA Interim Meeting in San Diego.

Previously adopted AMA policy supports permanent residence status for students who were brought into the country illegally by their parents and have been allowed to stay in the U.S. under the Deferred Action for Childhood Arrival (DACA) program under review by the U.S. Supreme Court.

To distinguish the children who were brought here legally by their H-1B visa-holding parents from the DACA students, a new term was coined: Deferred Action for Legal Childhood Arrival (DALCA).

“Many DALCA children have matched in residency programs but are unable to attend due to their lack of proper legal status,” says the report.

According to the modified policy adopted by delegates, the AMA will work with all relevant stakeholders to:

- Clear the backlog for conversion from H1-B visas for physicians to permanent resident status.
Allow the children of H-1B visa holders, who have aged out of the H-4 nonimmigrant classification, to remain in the U.S. legally while their parents’ green card applications are pending.