

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

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International Medical Graduate (IMG) physicians are a critical part of the U.S. health care workforce. During the COVID-19 pandemic, the AMA is advocating for IMG physicians, whether currently licensed to practice in the U.S. or seeking such licensure, and helping to ensure that visa-related issues do not stop their ability to continue to care for patients during this challenging time.

On June 22, 2020, a Presidential Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak (Proclamation) was issued. View the resource: Presidential proclamation on IMG ban questions answered (PDF, updated Aug. 14, 2020).

### FAQs about the work the AMA is doing to support IMGs

#### How is the AMA working to ensure that I am supported after the COVID-19 pandemic subsides?

Ensuring that underserved and under-resourced communities have ample access to physicians is a chronic challenge in normal times, and the COVID-19 pandemic is expected to exacerbate this issue. Physicians practicing in underserved communities either via an H-1B visa or as part of the Conrad State 30 program play a key role in providing much needed health care to vulnerable populations.

As such, we are supporting and working with U.S. Senator Amy Klobuchar, U.S. Representative Bradley Schneider, and the other bipartisan, bicameral Congressional members to pass legislation that will increase the number of doctors in rural and other medically underserved areas.

Additionally, we are continuing to fight against a proposal by U.S. Immigration and Customs Enforcement (ICE) to modify the period of authorized stay for certain categories of nonimmigrants traveling to the United States by eliminating the availability of "duration of status" and by providing a maximum period of authorized stay with options for extensions for each applicable visa category.

The AMA joined with other leading organizations in medical education and health care, to urge the administration to not change duration of status, or to at the very least, exempt medical residents from such a proposal.

## FAQs about visa processing

### How will COVID-19 impact the processing of my visa?

Originally the U.S. had stopped processing visas. However, the U.S. Department of State (DoS) agreed to begin processing visa applications for foreign-born medical professionals after the AMA urged the DoS to expedite visa processing at U.S. embassies and consulates around the world.

The DoS encourages individuals with an approved U.S. non-immigrant or immigrant visa petition (I-129, I-140 or similar), or a certificate of eligibility in an approved exchange visitor program (DS-2019), to review the website of their nearest embassy or consulate for procedures to request a visa appointment.

For any applicants who had an appointment scheduled with an Application Service Center (ASC) after their closure on March 18 or who have filed a Form I-765, Application for Employment Authorization, they will have their application processed using previously submitted biometrics.

This announcement is consistent with U.S. Citizenship and Immigration Services' (USCIS) existing ability to reuse previously submitted biometrics. This will remain in effect until ASC resumes normal operations.

### Is there premium processing for visas right now?

No. On March 20, 2020, USCIS announced that it will not accept any new requests for premium processing. This temporary suspension includes petitions filed for H-1B visas. The AMA is strongly urging USCIS to reconsider this suspension and to temporarily expand and expediate the premium processing option for H-1B physicians so they can provide health care to U.S. patients during this pandemic.

## FAQs for IMG examinees and students

### How will my medical licensing examination be affected?

The United States Medical Licensing Examination (USMLE) program is extending eligibility periods for all examinees who currently have a scheduling permit. The eligibility period ending in 2020 will be extended to have an end date of December 2020, regardless of the country in which examinees are testing.

Extensions will be processed in order of expiration date, with all extension processing expected to be completed by the week of April 13. Examinees will receive a notification and new scheduling permit when their eligibility extension has been processed. Examinees will need to use the new permit once received. Extending the eligibility period for your Step 1, Step 2 CK, or Step 3 examination will not impact already scheduled appointments.

No fees will be charged for these eligibility extensions. Eligibility periods will be extended automatically, requiring no action from examinees. For more information, visit the USMLE program website which has published a COVID-19 page that includes information and FAQs about its responses to the pandemic.

## **Can special exceptions be made to allow exchange visitors to renew their J-1 visas without traveling back to their home country?**

Exchange visitors currently on an exchange program whose visas have expired and who do not plan to travel outside of the U.S. do not need to renew their visa. If the exchange visitor does travel outside of the United States during their current exchange visitor program and after their J-1 visa has expired, they must apply for a new J-1 visa in their home country in order to re-enter the United States to continue their program.

In addition, in accordance with AMA's letter, the State Department announced that J-1 physicians (medical residents) may consult with their program sponsor, to extend their programs in the United States, and confirmed that J-1 physicians can engage in revised clinical training rotations/assignments in keeping with the ACGME's "Response to Pandemic Crisis."

## **FAQs for IMGs currently practicing in the United States**

### **As a physician on a H-1B visa, can I move to a different location to practice during the COVID-19 pandemic?**

A physician on a H-1B visa must obtain a certified Labor Condition Application (LCA) covering each location where the physician will perform services as required under Department of Labor (DOL) regulations. The term "place of employment" means the worksite or physical location where an H-1B nonimmigrant worker actually performs his or her work.

The LCA will apply to any worksites within this "area of employment" meaning the area within normal commuting distance of the place (address) of employment, or worksite, where the H-1B nonimmigrant is, or will be, employed. However, in certain circumstances, an H-1B visa holder can temporarily work

in a different geographic location without requiring a new LCA for up to 60 days in a one-year period.

Moreover, the AMA is urging the administration to permit H-1B physicians that are currently practicing in the U.S. with an active license and an approved immigrant petition, to apply and quickly receive authorization, to work at multiple locations and facilities with a broader range of medical services for the duration of the COVID-19 pandemic.

### **I am a foreign doctor not licensed in the U.S. but with practice experience in another country. How can I assist with the COVID-19 pandemic in my state?**

The licensure requirements and steps to practice medicine in the U.S. remain the same. The licensure requirements and steps to practice medicine in the U. S. would require you to have additional years of residency training, pass the USMLE exams, become ECFMG certified and apply for licensure within the state that you want to practice medicine.

### **I'm an H-1B visa holder. What happens if I lose my job during the COVID-19 pandemic? How will this affect my H-4 visa family members?**

An H-1B visa holder must remain employed for their visa to continue to be valid. If an H-1B visa holder loses their job they have a 60-day grace period within which they can remain in the U.S. and try to find a new job and sponsoring employer. If they are unsuccessful in finding a new position, then they must leave the country. The AMA understands how difficult losing a job is especially during this time, as such we are advocating to temporarily extend the 60-day grace period to 180 days to try and better accommodate IMGs during this time.

An H-1B visa holder's spouse and unmarried children under 21 years of age may seek admission to the U.S. as H-4 nonimmigrants. However, the H-4 visa is completely dependent on the H-1B visa holder's status. As such, the H-1B visa holder must remain in compliance with all visa requirements, including meeting relevant employment requirements. If the H-1B visa holder loses their job due to COVID-19 and cannot find new employment within the grace period, the H-4 visa is no longer valid and the H-4 visa holder must leave the country.

### **Can I be removed from the United States if I overstay my H-1B visa due to COVID-19?**

Yes. Deportation or removal is the same for H-1B visa holders as it is for all visa holders. In order to stay in status, an H-1B employee must continue working for the H-1B employer while in the United States. Generally, an H-1B employee must be in status in order to change, extend or adjust status. If an H-1B visa holder is terminated before the end of the period of authorized stay, the employer is

liable for reasonable costs of the visa holder's return transportation unless the visa holder voluntarily resigns.

As a matter of prosecutorial discretion, DHS may permit an H-1B visa holder who is present in the United States unlawfully, but who has pending an application that stops the accrual of unlawful presence, to remain in the United States while that application remains pending. In this sense, the H-1B visa holder's remaining can be said to be "authorized."

However, the fact that the H-1B visa holder does not accrue unlawful presence does not mean that their presence in the United States is lawful. If an H-1B visa holder accrues unlawful presence in the United States, they may be barred from reentering the U.S. for three years, ten years, or permanently depending on how long they overstayed the visa.

For example, an H-1B professional who has been legally employed in the U.S. in H-1B status is permitted by federal regulation to continue living in the U.S. and working for the sponsoring employer for up to 240 days while an extension petition is pending – as long as the extension petition is filed prior to the expiration of the prior H-1B petition.

However, due to significant processing backlogs, USCIS very often takes six months or longer to adjudicate H-1B extension petitions. During that time the previous H-1B petition may expire, leaving the H-1B professional solely dependent on the 240 days of work authorization permitted under the regulation – and without any underlying H-1B status unless/until the H-1B extension petition is approved. If the petition is ultimately denied, then such a person would be deemed unlawfully present as of the date of the denial and, a Notice To Appear would be issued.

Petitions for nonimmigrant (temporary) visas may be filed up to six months in advance of the anticipated work start date. Extensions may be filed up to six months in advance of the expiration date of the current petition. Employers should plan to file petitions at the earliest possible moment.

## AMA advocacy efforts supporting IMGs

- AMA July 9 letter: Urging the administration to withdraw its modifications to the temporary exemptions for nonimmigrant students taking online classes due to the pandemic for the Fall 2020 semester, so that medical students seeking to study in the U.S. on an F-1 visa can enter or remain in the country.
- AMA July 8 letter: Coordinated a sign-on letter for our specialty societies urging DOS and DHS to issue clarifying guidance pertaining to the Proclamation by directing Consular Affairs to advise embassies and consulates that H-1B physicians and their dependent family members' entry into the U.S. is in the national interest of the country.

- AMA June 26 letter: Urging the administration to consider J-1 and H-1B IMGs and their families' entry into the U.S. to be in the national interest of the country so that families can remain together and IMG physicians can immediately begin to provide health care to U.S. patients.
- AMA May 8 letter: Supporting the Healthcare Workforce Resilience Act and to urging the Senate and House to quickly pass the legislation so that we could recapture 15,000 unused employment-based physician immigrant visas from prior fiscal years which would help enable our U.S. physicians to have the support they need and our U.S. patients to have the care they deserve.
- AMA May 4 letter: Urging Vice President Michael Pence to allow J-1, H-1B and O-1 IMGs to be exempt from any future immigration bans or limitations so IMGs can maintain their lawful non-immigrant status while responding to the COVID-19 pandemic.
- AMA April 14 letter: Urging U.S. Citizenship and Immigration Services (USCIS) to temporarily extend visas automatically for one year and expedite approvals of extensions and changes of status for IMGs.
- AMA April 3 letter: Asking Vice President Pence and USCIS to address the situation of thousands of IMGs in temporary status.
- AMA March 24 letter: Urging U.S. Department of State to let IMGs either continue, or begin, to serve a vital role in caring for patients during the COVID-19 pandemic.
- AMA March 24 letter: Petitioning USCIS to temporarily expedite extensions and changes of status for foreign national doctors currently in the U.S.

## Additional federal guidance

- USCIS: Special situations
- Department of Homeland Security (COVID-19)
- Department of State:
  - Coronavirus disease 2019 (COVID-19)
  - Update on visas for medical professionals