Misguided J-1 visa proposal is a “solution in search of a problem”

NOV 23, 2020

Andis Robeznieks
Senior News Writer

What’s the news: The AMA, leading medical education organizations, and a bipartisan group of 36 members of Congress are urging the U.S. Department of Homeland Security (DHS) to withdraw its proposal to end the practice of admitting J-1 physicians for duration of status (D/S) as residents or fellows.

Under D/S, visitors are sponsored by the Educational Commission for Foreign Medical Graduates (ECFMG) and the physician’s J-1 visa is automatically extended each year for the duration of their residency or fellowship after an annual vetting process by the ECFMG.

If implemented, the DHS plan would replace D/S with a process that will disrupt the training of international medical graduates (IMGs), threaten patients’ access to care during a global pandemic and make U.S. medical schools and residency training programs less desirable and less competitive.

“This proposal is a solution in search of a problem that doesn’t exist,” states a letter to Sharon Hageman, acting regulatory chief of the U.S. Immigration and Customs Enforcement (ICE) office of policy and planning.

The letter is signed by the AMA, American Hospital Association and leading medical education organizations. The organizations take issue with the proposal and its stated purpose of creating a process to directly assess whether nonimmigrants are complying with the terms of their visa classification and to obtain timely and accurate information about the activities in which nonimmigrants have engaged in and plan to engage in during their temporary stay in the U.S.
“The J-1 physicians who would be affected by the proposed change have been thoroughly vetted, are already here providing supervised patient care, and are being carefully monitored,” wrote AMA Executive Vice President and CEO James L. Madara, MD, wrote in a letter to former acting DHS Secretary Chad Wolf.

“In short, elimination of duration of status will create an untenable situation for J-1 physicians, teaching hospitals, and the patients they serve,” Dr. Madara’s letter adds.

The AMA also worked in conjunction with Reps. Brad Schneider, D-Ill., Abby Finkenauer, D-Iowa, David McKinley, R-W.V., and Don Bacon, R-Neb., to spearhead a letter to DHS and secure 32 bipartisan cosigners.

The representatives’ letter notes that “these unnecessary changes overcomplicate the process” during an ongoing global pandemic and restrict the training of doctors who “serve in the areas of highest need.”

The representatives also explain in the letter that, due to the “dynamic timelines” of medical training programs, the D/S physicians do not have end dates on their visas “to avoid cutting short their training based on an arbitrary timeline.”

However, since this proposed rule is still going through the rule making process, it is possible that the Biden administration could withdraw the proposal if the rule has not been finalized by January.

Learn how the AMA is fighting for IMG physicians on several fronts with many allies.

**Why it’s important:** The proposal would prevent foreign medical graduates from timely completion of their residency and severely disrupt the pipeline of physicians into the highly successful Conrad 30 program.

The proposal would complicate the annual visa renewal by requiring IMG physicians to apply separately for an annual visa extension through the U.S. Customs and Immigration Services (USCIS) via the completion of Form I-539 Application to Extend/Change Nonimmigrant Status.

The processing time for the I-539, however, can last anywhere from five to 19 months, a completely unworkable timeline due to the fact that residents typically receive their contract renewals only three to five months prior to the July 1 start date for each additional academic year.
The changes to the duration of status system will also prevent a seamless transition for select J-1 physicians into the Conrad 30 program. J-1 physicians are currently required to return to their country of origin for two years immediately after completing their residency before they can apply for another US visa or green card.

Under the Conrad 30 program, every state receives a select number of waivers that allow J-1 physicians to remain in the U.S. without having to return to their home country if they agree to practice in an underserved area for three years.

Since changes to the duration of status system will prevent J-1 physicians from completing their residency, the seamless transition for international medical graduates to the Conrad 30 program will be severed.

To learn more: The AMA’s pandemic-related advocacy efforts have been summarized in an IMG COVID-19 FAQ. Also included in the guide is information on visa processing, license examinations, and family visa matters.