

Dec. 4, 2020: Judicial Advocacy Update

U.S. district court vacates recent Trump Administration H-1B visa regulations

On Dec. 1, U.S. District Judge Jeffery White of California vacated two interim final rules issued by the Trump Administration that would have restricted H-1B eligibility and drastically impacted prevailing wage levels for H-1B applicants. The federal court found that the unemployment changes precipitated by COVID-19 did not meet the "good cause" threshold, and therefore, DHS and DOL improperly bypassed the regulatory protocol dictated by the Administrative Procedure Act.

The AMA strongly opposed the DOL and DHS rules and submitted a comment letter asking for rescission of the DOL rule due to the immediate and lasting harm that it would have on our H-1B physicians and residents. Moreover, the AMA noted in our comments that the IFRs violated the APA, and as such, the AMA strongly supports the court's decision.

More articles in this issue

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- Dec. 4, 2020: National Advocacy Update
- Dec. 4, 2020: State Advocacy Update