AMA
AMERICAN MEDICAL ASSOCIATION

Supporting physicians, residents, fellows and medical students facing immigration, visa, employment authorization or removal concerns

A RESOURCE FOR MEDICAL ASSOCIATIONS

This document contains information on:

- When to obtain legal counsel
- Identifying credible legal information
- Practical support
- Protecting confidentiality
- Do's and don'ts

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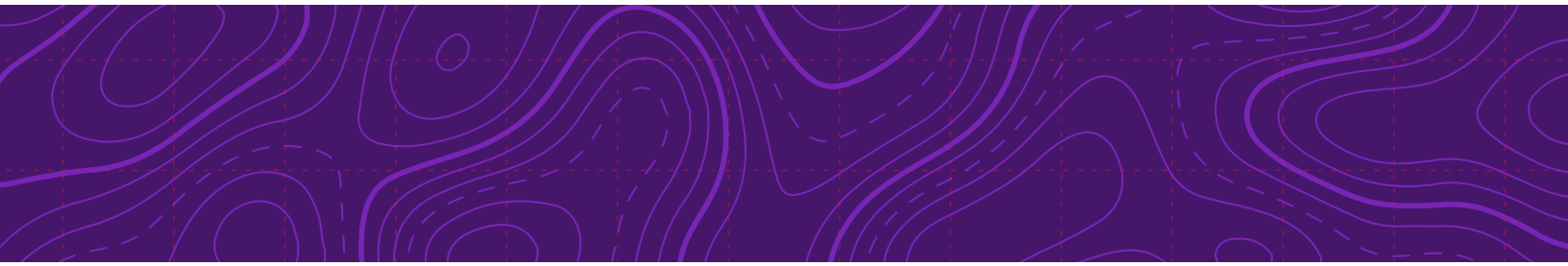
Physicians, residents, and medical students with temporary or changing immigration status may face complex and time-sensitive legal issues that affect their ability to remain in the United States, continue their medical training or maintain employment.

Because immigration law is highly specialized and each person's circumstances are different, medical associations should not attempt to evaluate an individual's immigration options or provide legal advice. However, if a physician or physician-in-training contacts a medical association about an immigration enforcement action, threatened removal, loss of immigration status or another urgent immigration matter, the association can play an important role by **connecting the individual quickly with qualified legal and institutional resources.**



When a physician contacts you: Five steps to take

1. Encourage the physician to obtain qualified immigration counsel immediately.

Immigration matters can be extremely time sensitive. Encourage the physician to speak with a qualified immigration attorney as soon as possible and, when appropriate, before taking further action in response to an immigration notice or enforcement matter.

Whenever possible, physicians should seek an attorney with experience relevant to their circumstances. Physicians and residents may have immigration issues involving J-1, H-1B, O-1 or other employment- or training-related status in addition to any removal or enforcement issue. This makes it particularly important for affected physicians to consult an immigration attorney familiar with physician and healthcare immigration issues and to involve their sponsoring institution when applicable.

Attorney referral resource: American Immigration Lawyers Association (AILA)

AILA provides a searchable "Find an Immigration Lawyer" resource to help individuals identify immigration attorneys.

https://ailalawyer.com

2. For residents and fellows, involve the sponsoring institution promptly.

Residents and fellows should contact their **GME office, international medical education/international scholar office, program leadership or other designated institutional office** as appropriate.

The sponsoring institution may:

- Have immigration counsel or established relationships with outside immigration attorneys
- Be able to provide information about the individual's sponsorship or employment
- Need to address employment, credentialing, or training implications
- Help coordinate communications and institutional support

ECFMG Exchange Visitor Sponsorship Program (EVSP)

For physicians participating in J-1 training programs, the EVSP is an additional important resource. Current J-1 physicians and training-program liaisons can contact EVSP directly for assistance related to J-1 sponsorship and should do so promptly if issues with J-1 physician visas arise.

https://ecfmg.org/evsp/resources-contact.html

3. Help the physician identify credible legal information and support.

Medical associations can connect physicians with established organizations with immigration law expertise. Depending on the individual physician's circumstances, useful resources may include:

- **American Immigration Lawyers Association (AILA)**
  Attorney referral directory searchable by location and specialty, immigration law resources
  https://www.aila.org/
- **National Immigration Law Center (NILC)**
  National immigration policy resources, legal information and "Know Your Rights" resources, including multilingual materials
  https://www.nilc.org/
- **American Immigration Council**
  Immigration law, policy and due process resources
  https://www.americanimmigrationcouncil.org/
- **National Immigrant Justice Center (NIJC)**
  Immigration legal services, legal information and resources
  https://immigrantjustice.org/
- **Catholic Legal Immigration Network, Inc. (CLINIC)**
  National network of nonprofit immigration legal-service providers and immigration law resources
  https://www.cliniclegal.org/

4. Consider what practical support your medical association can provide.

While medical associations should not provide immigration legal advice, there may be other ways to assist an affected physician and the physician's attorney.

Depending on the circumstances, a state medical association might be able to:

- Help connect the physician with appropriate legal or institutional resources
- Help identify relevant contacts at the physician's employer, health system or training institution
- Provide factual information regarding the physician's role in the community or local physician workforce, this includes, but is not limited to, any firsthand knowledge the association has concerning the physician's practice setting or service in the community
  - » Please note that this should only be undertaken if legally appropriate as determined by relevant legal counsel
- Identify relevant state physician-workforce data or information regarding medically underserved communities
- Coordinate, when appropriate, with the AMA or other medical organizations on broader policy or advocacy issues
- Identify whether the matter reflects a broader issue affecting physicians or the state's healthcare workforce that may warrant additional advocacy

Any support related to an individual's legal proceeding should be coordinated with the physician and the physician's legal counsel. Medical associations can reach out to the AMA with immigration issues if they are seeking policy guidance, have noticed systemic immigration issues across their physician membership, or would like to discuss pending legislation or regulations.

5. Protect confidentiality and avoid offering individualized legal guidance.

Immigration matters may involve sensitive personal, employment and legal information. Medical associations should limit the information they collect to what is necessary to provide appropriate assistance and should be thoughtful about how information is shared internally and externally.

When in doubt, connect rather than counsel.

Association staff should avoid interpreting immigration documents, assessing an individual's legal status, recommending a particular legal strategy, or predicting the outcome of an immigration matter.

Simple rules for medical associations

DO: Connect the physician quickly with qualified immigration counsel, appropriate institutional contacts and credible immigration resources.

DO: Consider whether the association can provide appropriate factual, workforce, or advocacy support in coordination with the physician and counsel.

DON'T: Attempt to determine the physician's immigration status, eligibility for relief, or appropriate legal strategy.

DON'T: Assume two physicians facing similar circumstances have the same legal options.

General resources

For general information on immigration issues impacting physicians please see the websites below.

Deferred Action for Childhood Arrivals (DACA)

- Information on requesting consideration for DACA status, renewing DACA status, and more
  https://www.uscis.gov/DACA
- Forms for DACA renewal requests
  https://www.uscis.gov/i-821d
- Frequently asked questions concerning DACA
  https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca/frequently-asked-questions
- Steps to take if your DACA renewal is delayed
  https://www.ilrc.org/community-resources/steps-take-if-your-daca-renewal-delayed
- Frequently asked questions: DACA and your workplace rights
  https://www.nilc.org/resources/about-daca-and-employment/
- Resources and information for attorneys, legal advocates and community members concerning DACA
  https://www.ilrc.org/areas-expertise/daca

H-1B visas

- Compilation of information about H-1B specialty occupations
  https://www.uscis.gov/working-in-the-united-states/h-1b-specialty-occupations
- Information about H-1B visas from the Department of Labor including employment requirements
  https://www.dol.gov/agencies/whd/immigration/h1b
- Information about temporary worker visas
  https://travel.state.gov/content/travel/en/us-visas/employment/temporary-worker-visas.html
- Information about Labor Condition Applications
  https://www.dol.gov/agencies/eta/foreign-labor/programs/h-1b
- General information about the H-1B visa program and its impact on the U.S. economy
  https://www.americanimmigrationcouncil.org/fact-sheet/h1b-visa-program-fact-sheet/

J-1 visa

- Information about exchange visitor visas from the Department of State
  https://travel.state.gov/content/travel/en/us-visas/study/exchange.html
- General information about BridgeUSA, the program that facilitates the J-1 visa
  https://j1visa.state.gov/
- High level information about the J-1 visa from USCIS
  https://www.uscis.gov/working-in-the-united-states/students-and-exchange-visitors/exchange-visitors
- Information about the regulations governing the J-1 visa program
  https://www.ice.gov/sevis/schools
- Information about ECFMG certification, verification, support and more
  https://www.ecfmg.org/programs/

AMA advocacy

- Immigration issues: Visas and green cards
  https://www.ama-assn.org/education/international-medical-education/immigration-issues-visas-and-green-cards
- Find the latest tips and advice from the AMA on topics like observership programs, the Match, international medical schools and more
  https://www.ama-assn.org/education/international-medical-education
- Immigration information for international medical graduates
  https://www.ama-assn.org/education/international-medical-education/immigration-information-international-medical-graduates
- Statements on DACA
  https://www.ama-assn.org/public-health/population-health/deferred-action-childhood-arrivals-daca
- Advocating for the health and safety of all immigrants
  https://www.ama-assn.org/public-health/population-health/advocating-health-and-safety-all-immigrants
- Immigrant issues: Health and safety
  https://www.ama-assn.org/public-health/population-health/immigrant-issues-health-and-safety
- Southern border: Extension of family detention
  https://www.ama-assn.org/public-health/population-health/southern-border-extension-family-detention

ABOUT THIS RESOURCE

This resource is intended to help medical associations identify potential sources of information and assistance when physicians, residents or medical students raise immigration-related concerns. It is provided for informational purposes only and does not constitute legal advice. Immigration laws, policies and procedures can change rapidly, and individual circumstances vary. Individuals should consult qualified immigration counsel regarding their particular circumstances. Furthermore, do not forward immigration documents, notices, work authorization cards, passports or personal identifying information to the AMA, employers, media, outside organizations, government offices or any other entity. Any personally identifying information should only be shared by the individual's legal counsel.

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