



Visas for post-graduate Medical Training in the United States

- ▶ **4/2/2016**
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OBJECTIVES:

- ✓ To provide a broad overview of commonly used visas, J-1 and H1-B, for the non-immigrant post medical trainee.
- ✓ To review the visa application process and time line.

What is a J1-Visa ?

And who needs one ?



- ▶ A J-1 visa is issued to individuals who have been accepted to participate in exchange visitor programs, designated by the United States Information Agency (USIA).
- ▶ All foreign national physicians need appropriate visas to participate in U.S. graduate medical education (GME)

Further information at <http://j1visa.state.gov/>

J1-Visa



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▶ 3 important Visa fundamentals:

- ECFMG Certification
- TPL
- EVNet

ECFMG : Educational Commission for Foreign Medical Graduates.



- ▶ ECFMG certification:
 - A prerequisite to applying for a J1 Visa
 - All IMG applicants required to hold one
 - Confirms applicants' qualifications for entry to the US GME and health care systems.

TPL: Training Program Liaison



- TPL (Program Coordinator)
 - Acts as an intermediary between ECFMG and program
 - Communicates with ECFMG on all matters pertaining to J-1 visa sponsorship

The screenshot shows the ECFMG website with the URL www.ecfmg.org/evsp/roles.html in the browser address bar. The page header includes the ECFMG logo and the text 'EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL GRADUATES'. Below the header are three navigation buttons: 'About ECFMG', 'Programs', and 'On-line Services'. The main content area has a breadcrumb trail: 'Home > Programs > Exchange Visitor Sponsorship Program (EVSP): Roles and Responsibilities'. A section titled 'Exchange Visitor Sponsorship Program (EVSP)' contains a list of links: 'About EVSP', 'Roles and Responsibilities', 'Basic Requirements of the J-1 Exchange Visitor Program', 'Selected Federal Regulations for J-1 Physicians', 'Maintaining J-1 Visa Status', 'J-1 Visa Sponsorship Applications', 'Non-Standard Training', 'J-1 Research Scholar', 'J-1 Visa Processing Instructions', 'Travel', 'Frequently Asked Questions', and 'Mandatory Medical Insurance Requirements'. Below this is a section titled 'Roles and Responsibilities' which contains a paragraph explaining ECFMG's role as the only visa sponsor for J-1 physicians and a bulleted list of responsibilities for the TPL. The list includes: 'The U.S. teaching hospital or residency program designates a Training Program Liaison, or TPL, to serve as the official institutional representative to manage communication with ECFMG on behalf of all J-1 physicians enrolled in its programs. A designated TPL streamlines communication between the training program, J-1 physician, and ECFMG. This communication ensures regulatory compliance and provides required administrative oversight.' and 'Specifically, the TPL is required to: initiate and manage the sponsorship application process to ensure timely submission of accurate and complete documentation, including primary-source verification of the graduate medical education contract.'

<http://www.ecfmg.org/evsp/roles.html>

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For International Medical Graduates

- ▶ [IWA—Interactive Web Applications](#)
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- For International Medical Schools**
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For Residency Programs/Licensing Authorities

- ▶ [CVS ON-LINE—Certification Verification Service On-line](#)
- ▶ [EVNet—Exchange Visitor Network](#)
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For All Users

- ▶ [World Directory—World Directory of Medical Schools](#)
- ▶ [Employment Application](#)
- ▶ [On-line](#)

Getting to...

USMLE?
USMLE scheduling permit?
USMLE Step 1/Step 2 CK
period?
Step 2 CS visa letter?

our contact information?
Key to your ECFMG financial

For Residency Programs/Licensing Authorities

- ▶ [CVS ON-LINE—Certification Verification Service On-line](#)
- ▶ [EVNet—Exchange Visitor Network](#)
- ▶ [EPIC™—Electronic Portfolio of International Credentials Report Portal](#)

...make or change a Step 2 CS testing
appointment?

Use [Step 2 CS Calendar
and Scheduling](#).

(IAN); and complete the physician portion of an on-line application for J-1 visa

World Directory of Medical Schools (World Directory)

The *World Directory* is a free, web-based resource, and its mission is to list all world, with accurate, up-to-date, and comprehensive information on each school. Students and graduates who wish to apply to ECFMG for ECFMG Certification must consult the *World Directory* to determine if their school meets ECFMG eligibility

The *World Directory* has been developed through a partnership between the World Federation for Medical Education (WFME) and ECFMG's foundation, FAIMER, in collaboration with the World Health Organization and the University of Copenhagen.

Step 2 CS Calendar and Scheduling

Referencing J1

BEST PRACTICES FOR J-1 SPONSORSHIP APPLICATION SUBMISSION

	RESPONSIBLE PARTY	PORTAL	ACTION
STEP 1	TPL	EVNet	Create an appointment profile
STEP 2	TPL	EVNet	Add applicant(s) to the appointment profile
STEP 3	TPL	EVNet	Upload supporting documentation to an individual applicant's EVNet record per the applicant's checklist
STEP 4	TPL	EVNet	Submit the on-line appointment profile by clicking the "submit" button (applicants can continue to be added to an appointment profile after it has been submitted)
STEP 5	APPLICANT	OASIS	Accept the on-line appointment profile in OASIS and complete the on-line portion of the application as prompted; upload any outstanding supporting documentation as instructed by the TPL

- **Remember to "submit" an appointment profile by clicking the "submit" button; an appointment profile will only be launched to an applicant once the TPL clicks on the "submit" button.**
- **Upload all required supporting documentation to ensure a quick turnaround time.**

Necessary Forms:

IMG's Responsibility:

- OASIS – On line application status and Information system
- Statement of Need Letter
- I-94 Form
- I-644 Form

TPL Responsibility:

- Start up EVNet application for incoming applicant
- Program Curriculum
- Signed Contract

J1–Visa Submission to Completion Process

- ▶ May take up to 3 months
- ▶ ECFMG will communicate any documentation deficiencies
- ▶ Once you receive your DS–2019 form you have completed the process.
- ▶ Process needs to be repeated annually at least 3 months prior to July .



What is a H1-B Visa ?



- The H1B visa is a non-immigrant visa that allows US companies to employ foreign workers in specialty occupations that require theoretical or technical expertise in specialized fields.
- Is a 'dual intent' visa
 - The bearer of this visa can apply for a Green Card and become a legal permanent resident

Further information at: www.h1base.com/content/h1bvisa

H1-B Pre-requisites:

- At least Bachelor's degree or equivalent
- Position must be a specialty occupation
- Employee must be paid at least the higher of either actual or prevailing wage for the occupation
- Individuals CANNOT sponsor or apply for their own H1 B visa
 - ❖ Only a US Employer can provide Sponsorship



Institutional process for filing a petition

- ▶ Notice of Filing must be posted internally for a minimum of 10 business days
- ▶ Labor Condition Application (LCA) with the U.S. Department of Labor (DOL)
 - Processing time up to seven (7) days
- ▶ Petition can only be submitted to USCIS once the LCA is certified and signed

NOTICE OF FILING OF LABOR CONDITION APPLICATION FOR H-1B NONIMMIGRANT WORKER

Occupational Classification: Medical Fellow

Number of Workers Sought: One

Wage Offered: \$100000 / Year

Period of Employment: July 1, 2016 to June 30, 2019

Location(s) of Employment:

Contact:

Posting Dates: From: To:

Signature of Designated Official:

A Labor Condition Application will be available for public inspection at XXXXXXXX

Complaints alleging misrepresentation of material facts in the Labor Condition Application and/or failure to comply with the terms of the Labor Condition Application may be filed with any office of the Wage and Hour Division of the United States Department of Labor.



U.S. Citizenship
and Immigration
Services

Referencing
H1-B

IMG's Necessary Documents for Submission :

- Signed “Certificate of Accuracy of Documents.”
 - Enables programs to submit copies, rather than the originals, of applicants’ documents to USCIS
- State medical license
- ECFMG Certificate and FLEX or USMLE (Steps 1, 2 & 3) scores
- Copy of Medical Diploma (with translation)
- Copy of Visa stamped with approval & Status
- Institutional Letter in support of the Petition, confirming the Hospitals intent to Employ the applicant for the entire period training.

More information at:

<http://www.uscis.gov/eir/visa-guide/h-1b-specialty-occupation/h-1b-visa>

FLEX: Federation Licensing Examination
USMLE: US Medical Licensing Examination

Referencing
H1-B

Submission To Completion:

- H1 petition takes approximately 4 months and can be filed up to 6 months prior to the start date of the residency or fellowship.
- An applicant already working in the US can work while waiting for their H1 B visa to derive.
- IF in the United States: Proof that prospective H-1B employee and each family member has been in continuous legal status.
- IF H-1B transfer or extension: 2 most recent paystubs

■ <https://www.uscis.gov/>



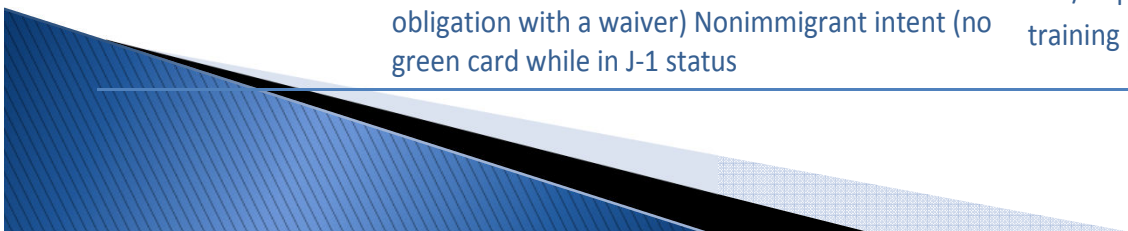
Impact of License on Duration of H-1 B Approval

- Common practice is to request for license approval for the full duration of the residency/fellowship program (up to 3 years).
- However, it is possible the Petition will be approved by USCIS for only 1 year or length of temporary graduate trainee license.

U.S. Department of Justice Immigration and Naturalization Service		Notice of Action	
RECEIPT NUMBER MAC-03-231-23456		CASE TYPE 1129 PETITION FOR A NONIMMIGRANT WORKER NUMBER [REDACTED]	
RECEIPT DATE August 8, 1998	PRIORITY DATE [REDACTED]	Notice Type: Approval Notice Class: H1B1 Valid from 01/01/1997 to 12/05/1999	
WORKER DATE August 15, 1998	Page 1 of 1	<h2 style="text-align: center;">Sample H1B Approval Notice - 1797</h2> <p>The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this classification is "in" as indicated above. The foreign worker(s) may now work for the petitioner(s) and only as detailed in the petition and for the period authorized. Any change of employment requires a new petition. Since this employment authorization stems from the filing of this petition, no separate employment authorization documentation is not required. Please contact the IRO with any questions about tax matters.</p> <p>The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, <i>Arrival/Departure Record</i>. This should be turned in with the I-94 when departing the U.S. The left part can be used in applying for a new visa. A person granted an extension of stay who leaves the U.S. must normally obtain a new visa before reentering. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for Form I-94. <i>Application for Action on an Approved Application or Extension</i>, with this office to request that we notify a consulate, port of entry, or pre-flight inspection station of this approval.</p> <p>THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA WHILE APPROVED.</p>	
<h2 style="text-align: center;">Sample H1B Approval Notice - 1797</h2>			
<p>Please see the additional information on the back. You will be notified separately about any other cases you filed.</p> <p>IMMIGRATION & NATURALIZATION SERVICE CALIFORNIA SERVICE CENTER P. O. BOX 301111 LOS ANGELES, CA 90067-0111 Customer Service Telephone: (800) 375-5283 From TDD: (213) 680-0793</p>			

J-1 vs H1-B Comparison Chart

	J-1	H1-B
Purpose of visit	<ul style="list-style-type: none"> ➤ Educational or cultural exchange ➤ Short Term 	<ul style="list-style-type: none"> ➤ Employment ➤ Long-term or permanent
Maximum Duration	Varies depending on J-1 Category Maximum 5 years	Increments up to 3 years Maximum 6 years
Advantages	<ul style="list-style-type: none"> ➤ Relatively simple process ➤ J-2 spouse can apply for work authorization 	Dual intent (Can apply for U.S. Permanent Residency)
Funding Source	Government, personal, or other source	Competitive salary must be paid by H-1B employer Visa status will be terminated if hospital salary cannot be maintained -
Processing Time	Processing time on the average 3 to 4 months Much less required	Processing time on the average 9 months
Grace Period	Can remain 30 days after program completion	No grace period
Family	J-2 can obtain work authorization	H-4 cannot work
Future Planning	May be subject to 2 year home residency (the U.S. government usually easily releases the J1 from this obligation with a waiver) Nonimmigrant intent (no green card while in J-1 status)	Eligible for green card only if job has advanced beyond training and/or permanent job has been offered (Research Fellow is a training position)



Conclusion:

- ✓ J-1 and H1-B are two commonly used visas for the non-immigrant post medical trainee
- ✓ Each visa has specific requirements for eligibility and explicit application processes
- ✓ A timely and well scheduled approach can expedite the process and prevents delays in obtaining desired legal status



In Appreciation:

