Nonimmigrant Visa Sponsorship of International Medical Graduates
Outline of Presentation

- Introductions
- International Medical Graduates (IMGs)
- Agencies involved in the visa process
- ECFMG & ECFMG certification
- Visa options
  - J-1
  - H1B
  - F-1/OPT
- Acquiring a visa and travel
International Student & Scholar Services

- Consolidated unit responsible for all immigration-related work on behalf of the University of Colorado Denver | Anschutz Medical Campus.
- Michelle Larson-Krieg, Director ISSS, michelle.Larson-krieg@ucdenver.edu, (303) 315-2235
- Amy Bello, Senior International Services Specialist (303) 315-2242 / (303) 724-0795
Who is an “International Medical Graduate” (IMG)?

- U.S. citizen who graduated from a foreign medical school.
- Foreign national who graduated from a foreign medical school.
- Graduate of a Canadian medical school.
- Foreign national who graduated from a U.S. medical school.
An “IMG” is a physician who received his/her basic medical degree from a medical school outside of the U.S. or Canada, regardless of citizenship.

“IMG” includes any U.S. citizen who received a medical degree from a school outside the U.S. or Canada.

Only foreign nationals who are not U.S. Permanent Residents or Refugees/Asylees - need visa sponsorship.
IMGs and Visa Type

International Medical Graduate Enrollment

- J-1 Visa
- E-3 Visa
- H1B Visa
- U.S. Citizen/LPR
Agencies/Organizations Involved in the Visa Sponsorship Process

**J-1**
- Educational Commission for Foreign Medical Graduates (ECFMG)
- U.S. Department of State
- *U.S. Citizenship & Immigration Services*
- U.S. Customs & Border Protection

**H-1B**
- U.S. Department of Labor
- U.S. Citizenship & Immigration Services
- U.S. Department of State (at consulates)
- U.S. Customs & Border Protection
Educational Commission for Foreign Medical Graduates
Established in 1956
Private, nonprofit organization
Headquartered in Philadelphia, Pennsylvania
Web site: www.ecfmg.org
Role of ECFMG

Dual Role

- Assess the readiness of international medical graduates, through a certification process, to enter U.S. residency or fellowship programs accredited by the ACGME.

- Sponsor J-1 visas for physicians engaged in clinical training.
Medical Education Credentials

- Completion of a medical school curriculum of at least 4 years
- School and graduation year listed in the World Directory of Medical Schools (replaced the IMED as the definitive list of medical schools in 2015)
- Primary-source verification of medical diploma and transcripts by ECFMG

USMLE Exams
- Step 1 Basic Science
- Step 2 Clinical Knowledge (CK)
- Step 2 Clinical Skills (CS)

GME Requires Step 3 for all PGY 2 and above.
Educational Commission for Foreign Medical Graduates

The ECFMG® certifies that

David Maynoldi

has successfully passed the required examinations, satisfied all the requirements of the Commission, and has been awarded this Certificate.

Certificate Number: 0-747-705-0

Medical Science
USMLE Step 1: December 11, 2008
USMLE Step 2 CK: July 27, 2009
Clinical Skills
USMLE Step 2 CS: June 10, 2010

Chair, Board of Trustees

Emmanuel Caramaghis, M.D.
President and Chief Executive Officer

Date Issued: August 27, 2010
Timing of ECFMG Certification

- IMGs participating in the NRMP Main Residency Match must pass all exams required for certification and results must be available by Rank Order List deadline.

- Required before commencement of training in an ACGME training program.

- Required before seeking visa sponsorship.
ECFMG J-1 Visa Sponsorship
Training Program Liaison (TPL)

- Representative who serves as the official link between the ECFMG, host institution, and J-1 physician
- Initiates J-1 application
- Reviews all J-1 application documentation, resolves issues regarding sponsorship
- Nancy McKay is the TPL for the University of Colorado Denver | Anschutz Medical Campus.
J-1 Visa Sponsorship Roles and Responsibilities*

U.S. Department of State
U.S. Department of Homeland Security
Student & Exchange Visitor Information System

ECFMG
Exchange Visitor Sponsorship Program
Regional Advisor

Host Institution
Training Program Liaison (TPL)

Program Director  J-1 Physician

*Chart from ECFMG’s “Introduction to ECFMG”
Characteristics of J-1 Visa

- J-1 “Exchange Visitor” in the “alien physician” category.
- Duration = 7 years max for progressive clinical training for alien physicians
- Requires evidence of non-immigrant intent
- Imposes 2 year home residency requirement
- SEVIS reporting requirements and J-1 regulations apply
- Emphasis on cultural exchange component
Steps in Application to ECFMG

- Online submission
  - EVNet: TPL interface
  - OASIS: Exchange Visitor interface
- Step-by-step application process
  - TPL submits online appointment profile via EVNet - requires copy of training agreement or letter of offer.
  - Exchange Visitor accepts appointment profile, completes electronic application
  - Exchange Visitor pays application fee via OASIS
  - TPL submits supporting documentation via EVNet.
J-1 Sponsorship Application

- J-1 Physician and TPL complete ECFMG Sponsorship Application
- ECFMG takes 4-6 weeks to review application
- Regional Advisor evaluates for eligibility
- If approved, SEVIS record is created
- ECFMG issues Form DS-2019 (J-1 eligibility document) via SEVIS
- ECFMG provides applicant instructions for obtaining J-1 visa status
DS-2019
Certificate of Eligibility for J-1 Visa

U.S. Department of State
CERTIFICATE OF ELIGIBILITY FOR EXCHANGE VISITOR (J-1) STATUS

1. Name(s):
   U.S. Home Address:
   City:
   State:
   Country:
   Zip Code:
   Phone:
   Email:

2. Program:
   University:
   Program:
   Exchange Visitor Program:
   Program Number:
   Program Sponsor:
   J-1 Classification:
   Field of Study:
   Approved Date:
   Duration:

3. Exchange Visitor's Home Address:
   City:
   State:
   Country:
   Zip Code:

4. Exchange Visitor's Personal Information:
   Date of Birth:
   Gender:
   Citizenship:
   Social Security Number:

5. Program Information:
   Program Sponsor:
   Program Type:
   Program Duration:
   Program Start Date:
   Program End Date:
   Program Location:
   Program Sponsor:

6. Responsible Officer:
   Name:
   Title:
   Signature:
   Date:

7. Additional Information:
   Program Sponsor:
   Program Type:
   Program Duration:
   Program Start Date:
   Program End Date:
   Program Location:
   Program Sponsor:

8. Travel Validation by Responsible Officer:
   Certification Code:
   Date:
   Signature:
   Date:

9. U.S. Department of State Reserves the Right to Make Final Determination Regarding Eligibility

Exchange Visitor Certification:
I have read and agree with the information on this page of this document.

Signature: __________________________
Date: __________

Visa

Issuing Post Name
COPENHAGEN
Surname
Mouse
Given Name
Mickey
Passport Number
G023456
Entries
M
Annotation
N0001234568
BRANDEIS UNIVERSITY
BEARER IS SUBJECT TO 212(E)
THREE-YEAR RULE DOES APPLY.

Control Number
00001111122233344

Visa Type / Class
R J1

Birth Date
18NOV1928
Nationality
DEN

Issue Date
09AUG2007
Expiration Date
30DEC2007

85668720

2022390329DKN8409241M0712305J1CPN00YCD842102
Change of Status to J-1 Alien Physician

- Go through all steps to obtain DS-2019 from ECFMG
- Submit Form I-539 to USCIS
- Be aware of lengthy processing times
- Change of status applicants CANNOT begin their residency/fellowship until change of status application is approved
Change of Category to J-1 Alien Physician

- An individual who is currently in the U.S. as a Research Scholar or Professor may request a change of category to Alien Physician.
- Such a request will be considered on a case-by-case basis by ECFMG and the U.S. Dept. of State.
- A foreign national who seeks a “change of category” by using a new DS-2019 and applying for a new J-1 visa stamp outside the U.S. will be evaluated in the same way.
Current J-1 Requesting Change of Category to Clinical J-1

- Requires Appeal to U.S. Department of State
- Completed application
- Letter of exceptional need from home country Ambassador or Minister of Health
- Personal statement from applicant
- Current program director letter of support
- Proposed program director letter of support
- Additional Application Fees Paid by Exchange Visitor
  - ECFMG-Change of Category Review ($160)
  - DOS ($367)
  - SEVIS ($180)
- Travel outside US prohibited during review process
- Processing Time: 6-8 weeks
Extension of J-1 Beyond 7 Years

- Requires Appeal to U.S. Department of State
- Completed application
- Letter of exceptional need from home country Ambassador or Minister of Health
- Personal statement from applicant
- Current program director letter of support
- Proposed program director letter of support
- Additional Application Fees Paid by Exchange Visitor
  - ECFMG-Change of Category Review ($160)
  - DOS ($367)
  - SEVIS ($180)
- Travel outside US prohibited during review process
- Processing Time: 6-8 weeks
H1B Visa Sponsorship
H1B Visa Characteristics

- Specialty Occupation Worker
- Petition is specific to employer, position, and training location(s)
- Approved in increments of up to 3 years
- Sponsorship limited to 6 years total
- Completion of USMLE Steps 1-3 required to apply*
  
  *unless graduate of a US medical school
Checklist of Required Documents for H1B Processing

From H1B Beneficiary Who Is In the U.S. and in H1B Status

- Copies of current and all previous H-1B approval notices (Forms I-797).
- Copies of passport identity and validity page(s) and all US visas.
- Copy of passport page with initial date of entry to the U.S. in H-1B status.
- Copy of current I-94 record printed from https://i94.cbp.dhs.gov/I94/request.html
- **If ever in J status**, list of all dates scholar maintained status as J-1 or J-2 in the US and copies of all DS-2019s or IAP-66s.
- **If ever in J status**, evidence that the scholar is not subject to the 2-year home residency requirement:
  - Annotation on J visa in passport and annotation on DS-2019/IAP-66;
  - Evidence that scholar spent two years in home country after J time in US; or
  - Waiver approval notice.
- Copies of diploma(s) and transcript(s) of courses taken.
- Translation(s) if documents are not in English
- Evaluation of foreign credentials, if available
- Updated Curriculum Vitae or resume, including list of publications.
- Copies of three most recent pay advices or check stub from current employer.
Checklist of Required Documents for H-1B Processing

From H1B Beneficiary who will be involved in patient care
- Colorado medical license (training license)
- Documentation of graduation from medical school in the US or a foreign state OR full and unrestricted license to practice medicine in a foreign state
- Evidence of passage of Steps 1, 2, and 3 of the USMLE. (Step 3 not required if Beneficiary completed med school in U.S.)
- ECFMG Certificate (Canadian citizens exempt).
Checklist of Required Documents for H-1B Processing

**From Department:** Templates, Forms, and instructions can be found on the ISSS website at [http://www.ucdenver.edu/academics/InternationalPrograms/oia/isss/HRIImmigrationAdministrator/Pages/H-1BScholar.aspx](http://www.ucdenver.edu/academics/InternationalPrograms/oia/isss/HRIImmigrationAdministrator/Pages/H-1BScholar.aspx)

- Departmental memo for Residents/Fellows
- Copy of Offer Letter/Training Agreement
- Actual Wage Form for Residents/Fellows
- Completed H1B Questionnaire
- Copy of the position description
- Enter and upload information about the H1B Beneficiary using the “Deemed and Hand Carried” module component of Visual Compliance.
- FedEx account number and/or speed type for Fed Ex airbill to send petition to USCIS. If premium processing is used, ISSS will generate 2nd another FedEx air bill for USCIS to return approval notice to ISSS.
H-1B Scholar

An H-1B visa is one of several types of working visas available to international scholars working at the...
# Checklist of Required Documents for H-1B Processing

## From Department: Filing Fees

<table>
<thead>
<tr>
<th>Item</th>
<th>Fee Amounts for petitions/applications filed on or after 12/23/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>H-1B (Form I-129 filing fee)</td>
<td>$460 (May be combined with premium processing fee)</td>
</tr>
<tr>
<td>H-1B (anti-fraud fee for initial petition, this means anyone new to the university or changing from another non-immigrant status.)</td>
<td>$500 (must be separate voucher and check)</td>
</tr>
<tr>
<td>Premium processing (Form I-907, this optional fee guarantees H1B petition will be adjudicated within 15 calendar days of receipt by USCIS.)</td>
<td>$1,225 (can be combined with $325 I-129 fee)</td>
</tr>
<tr>
<td>H-4 (Form I-539 filing fee) Only if dependents are in the U.S. and requesting change of status. May be paid using personal check or money order.</td>
<td>$370 (must be separate check or voucher)</td>
</tr>
</tbody>
</table>
H-1B Conditions of Sponsorship

- Program payment of all petition fees
  - USCIS I-129 filing fee: $460
  - USCIS Anti-Fraud fee: $500 (for all H1Bs who are “new” to us)
  - Optional USCIS Premium Processing fee: $1,225 (sometimes required to enable a candidate to start on time)
- Ability to meet prevailing wage requirements
- Payment of the required wage for participation in orientation
- Accurate identification of all work/training sites, which must be referenced in both Labor Condition Application (LCA) and H-1B petition
- Compliance with Export Control Review process
- Posting the LCA at all applicable training sites
- Notifications in advance to ISSS of any change in worksite(s)
In 15 days to 5 months, USCIS approves the petition and sends an “approval notice” to ISSS. ISSS then sends the H-1B petition and LCA to USCIS. ISSS files the LCA with DOL and waits for 7 calendar days for certification. ISSS reviews and forwards the LCA to the program for posting. ISSS sends the H-1B Approval Notice to IMG. Beneficiary applies for a visa, enters the U.S.
## J-1 vs. H-1B Visas

<table>
<thead>
<tr>
<th></th>
<th>J-1 Clinical</th>
<th>H-1B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regulatory Oversight</strong></td>
<td>Depts of State (DOS) &amp; Homeland Security (DHS); ECFMG</td>
<td>Depts of Labor (DOL) &amp; Homeland Security (DHS)</td>
</tr>
<tr>
<td><strong>Sponsor</strong></td>
<td>ECFMG</td>
<td>Employer</td>
</tr>
<tr>
<td><strong>Exams</strong></td>
<td>USMLE Step 1, Step 2 (CK) and Step 2 (CS) <strong>GME requires Step 3 for all PGY 2 and above</strong></td>
<td>USMLE Step 1, Step 2 (CK) and Step 2 (CS), and Step 3</td>
</tr>
<tr>
<td><strong>Time Limit</strong></td>
<td>7 years</td>
<td>6 years</td>
</tr>
<tr>
<td><strong>Funding</strong></td>
<td>Multiple sources allowed</td>
<td>Limited to H-1B sponsor</td>
</tr>
<tr>
<td><strong>Moonlighting/any activities outside the approved program</strong></td>
<td>Not permitted by ECFMG.</td>
<td>OK with H1B approved for work with specific employer. May be prohibited by individual programs.</td>
</tr>
<tr>
<td><strong>INA 212(e) Requirements</strong></td>
<td>Yes: 2 year residence requirement or waiver</td>
<td>No</td>
</tr>
</tbody>
</table>
| **Spouse**            | Eligible for J-2 status  
- Can apply for work authorization | Eligible for H-4 status  
- Work generally not permitted |
F-1 Optional Practical Training

- F-1--Visa for foreign nationals pursuing a full-time program of study in the U.S. (i.e., medical school)
- Optional Practical Training (OPT)
  - Provides F-1 students with opportunity for hands-on work experience in field of study
  - Limited to 12 months of employment authorization
  - Employment Authorization Document (EAD) issued
  - Fees: $410 filing fee paid by applicant
  - Processing time: 3-4 months
Acquiring a Visa, Travel, and Completion
Visa Issuance

- Visa stamp in passport granted to permit entry into the US in a particular visa status
- Forms DS-2019 and I-797 indicate visa eligibility, but do not guarantee issuance of a visa
- Only a U.S. Embassy or Consulate abroad can issue a visa
- "Visa Status" reflects a person’s current nonimmigrant classification, authorized activity, and allowable duration of stay
- Canadians must have a valid DS-2019 or I-797 to enter in J-1 or H-1B “status” but are not required to have a visa stamp
Visa Delays

- Impact to Trainee
  - Delayed start of training program
  - Delays in credentialing (SSN, license, access, etc.)
  - Impact on future training dates
- Impact to Program
  - Adjustment to rotation schedules
  - Revisions to training agreement
  - Request for temporary increase to ACGME
- Impact to Institution
  - Tracking off-cycle visa sponsorship; ensuring timely renewals
  - Additional staff time needed
International Travel and Re-entry to U.S. in J-1 Status

- Original travel-validateDS-2019
  - Signed by ECFMG advisor
  - Signature is valid for up to one year
- Passport valid for 6 months beyond duration of stay
- Valid J-1 visa
- Request Duplicate Form DS-2019 for Travel if necessary
  - At least 3 weeks prior to departure!
- Schedule visa interview at US consulate
International Travel and Re-entry to U.S. in H-1B Status

- Original I-797
- Passport valid for 6 months beyond duration of stay
- Valid H-1B visa stamp
- Copy of Offer Letter (initial entry) or employment confirmation letter (continuing residents/fellows)
- Photocopies of I-129 Petition including certified LCA
Program Completion & Departure

J-1

- USCIS grants a **30 day grace period** of lawful status in the US from the expiration of the Form DS-2019 or leaving the program ...*whichever comes first*

- Training and/or employment is not allowed during this grace period
Please notify ISSS when an H-1B’s employment ends using the Departure Form on the ISSS website.

If the scholar leaves before the end of the H-1B petition’s validity, we are required to withdraw the LCA and the H-1B petition.

If the scholar is terminated by the University before the end date specified by the petition, either for cause or due to lack of funding, the employing unit is required to pay for the scholar’s return transportation to his or her home country. If the employee ends the employment relationship voluntarily, the University is not under this obligation.
“Skilled Worker” Rule, effective January 17, 2017, creates a Grace Period of up to 60 days.

“An alien admitted or otherwise provided status in E-1, E-2, E-3, H-1B, L-1, O-1 or TN classification and his or her dependents shall not be considered to have failed to maintain status solely on the basis of a cessation of the employment on which the alien’s classification was based, for up to 60 consecutive days or until the end of the authorized validity period, whichever is shorter, once during each validity period. DHS may eliminate or shorten this 60-day period as a matter of discretion. Unless otherwise authorized ..., the alien may not work during such a period.”
Thank You! Any Questions?