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
  - H-1B
  - F-1/OPT
- Acquiring a visa and travel
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 of the U.S. or Canada.

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

International Medical Graduate Enrollment

<table>
<thead>
<tr>
<th>Year</th>
<th>J1 Visa</th>
<th>H1B Visa</th>
<th>US Citizen</th>
</tr>
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<tbody>
<tr>
<td>2011-12</td>
<td>9</td>
<td>8</td>
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<tr>
<td>2012-13</td>
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<td>17</td>
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<tr>
<td>2013-14</td>
<td>13</td>
<td>9</td>
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<td>2014-15</td>
<td>12</td>
<td>6</td>
<td>16</td>
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<tr>
<td>2015-16</td>
<td>11</td>
<td>16</td>
<td>17</td>
</tr>
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</table>
Agencies/Organizations Involved in the Visa Sponsorship Process

J-1
- Educational Commission for Foreign Medical Graduates (ECFMG)
- U.S. Department of State
- 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
Who is ECFMG?

- Educational Commission for Foreign Medical Graduates
- Established in 1956
- Private, nonprofit organization
- Headquartered in Philadelphia, Pennsylvania
- Web site: www.ecfmg.org
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 undergoing 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)
- Step 3 GME requirement for all PGY 2’s and above
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

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)

- CU Denver 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 GME’s TPL.
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

- Temporary, non-immigrant visa
- J-1 “Exchange Visitor” in one of many different categories, e.g., student, research scholar, professor, specialist, or “alien physician”
- Duration = 7 years max for progressive clinical training for alien physicians
- Requires evidence of non-immigrant intent
- Imposes 2 year home residency requirement
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
H-1B Visa Sponsorship
H-1B Visa Characteristics

- Specialty Occupation Worker
- Petition is specific to employer, position, and training location
- 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 H-1B Processing

From Employee:
- Copies of passport identity and validity pages.
- Copies of all pages in current and previous passports with visa and entry/exit stamps.
- If ever in J-1 or J-2 status:
  - List of the dates scholar spent in J status;
  - Copies of all DS-2019/IAP-66 Forms;
  - If subject to 212(e), evidence that scholar spent two years in home country after J time in US; or Waiver approval notice.
- Photocopies of diplomas and transcripts
- Translation(s) if not in English.
- Evaluation of foreign credentials, if available.
- Curriculum Vitae or Resume, including list of publications
- Colorado medical or dental license (if involved in any patient care)
- Valid foreign medical license (if involved in any patient care)
- Evidence of passage of Steps 1, 2, and 3 of the U.S. MLE. (if involved in any patient care)
- ECFMG Certificate (if involved in any patient care).
Checklist of Required Documents for H-1B Processing

From Department:
- Departmental memo.
- H-1B questionnaire.
- Photocopy of letter of offer or FRF in School of Medicine, as appropriate.
- Actual Wage Form.
- A copy of the official position description for this position, including the minimum and preferred requirements or a copy of the position as listed in Jobs at CU.
- Completed Export License Review Worksheet and response from Office of Regulatory Compliance.
- FedEx account number and/or speed type for Fed Ex airbill to send petition to USCIS. If premium processing used, ISSS will generate 2nd FedEx air bil for USCIS to return approval notice to ISSS.
- Vouchers for filing fees completed in CU Marketplace.
Program forwards required documentation to ISSS

ISSS sends H-1B petition and LCA to USCIS

ISSS files LCA with DOL and wait 7 calendar days for certification

In 15 days to 5 months USCIS approves petition and sends “approval notice” to ISSS.

ISSS reviews and forwards LCA to program for posting

ISSS sends H-1B Approval Notice to IMG

Beneficiary applies for visa, enters U.S.
I-797A, Notice of Action

Receipt Number: 716491665-08

I-794

Receipt Date: 06/21/2009

Petitioner: UNIV OF WASHINGTON
BOX 355852
SEATTLE WA 98195-5832

Class: H5A

Effective Date: 06/01/2009

Approval Notice

Date of Approval: December 13, 2007

Duration: 10 Years

Employment Authorization:

The above petition and substantive thereof have been approved. The petition of the nonimmigrant worker or other classification is valid as indicated above. The foreign national, a work for the petitioner, but only as detailed in the petition. For the period indicated, any change of employment requires a new petition. Since the employment authorization was not for a finite term, the nonimmigrant worker or other classification is not required to report, but must maintain a presence in the United States.

The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker, or it should keep the copy with his or her Form I-797, Notice of Action. This should be turned over to him or her when departing the U.S. The last page is for the Licenses Section. A person in need of extension of stay will require a Form I-797. Please retain it in a safe place for future reference.

U.S. Citizenship and Immigration Services

Department of Homeland Security

3101 Adas St NW

Washington, DC 20526-2204

Phone: 800-375-5263

Form 1-797A (Rev. 09/07/09)

The approval of this nonimmigrant status does not in itself grant a nonimmigrant status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa and admission to the United States, or for an extension, change, or adjustment of status.

This form is not a visa. It is valid in place of a visa.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SERVICES
CALIFORNIA SERVICE CENTER
P.O. BOX 3111
LADEN ROLLING, CA 92640-0111
Customer Service Telephone: (800) 375-5263

Form 1-797A (Rev. 09/07/09)
H-1B Conditions of Sponsorship

- Program payment of all petition fees
  - USCIS I-129 filing fee: $325
  - 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)
## J-1 vs. H-1B Visas

<table>
<thead>
<tr>
<th></th>
<th><strong>J-1 Clinical</strong></th>
<th><strong>H-1B</strong></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), and Step 3 (GME PGY 2 and above)</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>
<tr>
<td><strong>Spouse</strong></td>
<td>Eligible for J-2 status - Can apply for work authorization</td>
<td>Eligible for H-4 status - Work generally not permitted</td>
</tr>
</tbody>
</table>
International Student and Scholar Services (ISSS)

- Consolidated unit responsible for all immigration-related work on behalf of the University of Colorado Denver | Anschutz Medical Campus.
- Website: [www.international.ucdenver.edu](http://www.international.ucdenver.edu)
- Prepares H-1B petitions on behalf of hiring units
- H-1B checklists, forms, template letters, and instructions found on ISSS web site
- All university H-1Bs must be routed through ISSS (you may NOT use an outside attorney)
H-1B Scholar

An H-1B visa is one of several types of working visas available to international scholars working at the...
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: $380 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
International Travel and Re-entry to U.S. in J-1 Status

- Original travel-validated DS-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
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
Program Completion & Departure
H-1B

- Employee must leave US immediately following completion of training/termination or employment, or expiration date of I-94 record, if this date is earlier.

- Upon entry to the U.S., employee may request a 10-day departure ("grace") period. If granted, this will be indicated on the I-94 record.
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
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
Current J-1 Researchers 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
Contact Information

- Graduate Medical Education
  Nancy McKay
  Building 500, Room N4223
  Nancy.McKay@ucdenver.edu

- International Student and Scholar Services
  Michelle Larson-Krieg
  1380 Lawrence St., Suite 932
  Denver, CO  80204
  Michelle.Larson-krieg@ucdenver.edu