

Immigration Options For Physicians

Immigration Services for International Medical Graduates

The immigration attorneys at Meyner and Landis LLP provide dedicated legal counsel to foreign nationals seeking admission to the United States to practice medicine as general practitioners or medical specialists. Our physician immigration services include examining options for temporary work visas or visitor visas (nonimmigrant visas), developing employment plans, obtaining applicable waivers, and pursuing U.S. permanent residence (green card).

Requirements for Physician Immigration to the United States

All International Medical Graduates (IMG) must comply with federal immigration laws and medical licensure laws before providing patient care in the United States:

- **ECFMG Certification:** International medical graduates must obtain certification by the Educational Commission for Foreign Medical Graduates (ECFMG) prior to entering accredited medical residency or fellowship programs in the U.S. (Residency or fellowship programs accredited by the Accreditation Council for Graduate Medical Education - ACGME). ECFMG certification involves passing several exams (medical science, clinical skills and English proficiency) and providing documentation of your medical education credentials. ECFMG certification is also required for international medical graduates seeking an unrestricted medical license.
- **United States Medical Licensing Examination:** Foreign nationals seeking employment as a physician in the U.S. must pass the United States Medical Licensing Examination (USMLE). ECFMG certification is required prior to taking the third step of the three-step medical exam.
- **Comply with U.S. Immigration Laws:** Prior to entering a medical residency in the U.S., foreign nationals must obtain a temporary visa (typically a J-1 exchange visitor visa or an H-1B temporary worker visa). After the completion of a two-year accredited medical residency or fellowship program, physician residents must comply with the terms of their immigration status and eventually pursue lawful permanent residence in the United States (a green card).

Immigration for Physicians - Temporary (Nonimmigrant Visas)

Physician immigration to the United States is achieved through a J-1 exchange visitor visa or an H-1B temporary worker visa.

J-1 Exchange Visitor Visa: International Medical Graduates may petition for J-1 visitor status for the duration of their medical residency. The ECFMG sponsors foreign medical graduates for J-1 visitor visas. The J-1 visa allows the foreign national to lawfully enter the United States and complete the term of their residency. However, upon completion of the residency program, the J-1 visa requires the foreign nationals to return to their country of origin for a duration of two years prior to returning to the U.S. to practice medicine.

Foreign nationals can surpass this two-year home residence requirement by obtaining a J waiver, such as:

- **No objections statement:** Obtain a 'no objections' statement from your home country government.

- Conrad waiver: Obtain a J Waiver under a specific state's Conrad J waiver allotment. The Conrad program provides each state's Public Health Department with 30 J waivers to disburse each year.
- Hardship waiver or persecution waiver: Demonstrate that returning home would present exceptional hardship for your spouse and children (who are U.S. citizens or permanent residents) or would expose you to undue persecution.
- IGA waiver: Obtain employment by an Interested Government Agency (IGA) to work in a Health Professional Shortage Area (HPSA) or Medically Underserved Area. The Interested Government Agency sponsors the physician for the IGA waiver.
- National interest waiver: The physician must agree to work for a total of five years in a federally underserved area and either a federal agency or a state department of health agrees that the work is in the public interest.

Once foreign visitors have been approved for a waiver of the two-year foreign residence requirement, the J-1 visa applicant may apply for an H-1B temporary worker visa.

H-1B Temporary worker visa: International medical graduates may pursue H-1B temporary worker status in order to gain admission to the United States for their medical residency. Although H-1B visas require sponsorship by a U.S. employer, residents can fulfill this requirement by having the medical facility sponsor them. At the completion of the residency, a physician's new employer would sponsor the physician for H-1B status in a new petition. Physicians with an H-1B nonimmigrant visa classification has fewer restrictions in employment opportunities because such physicians are not required to seek employment in a Health Professional Shortage Area (HPSA) or Medically Underserved Area (MUA).

H-1B work visas are beneficial for foreign medical students or graduates because there is no requirement to return home at the completion of his/her residency and obtaining a waiver is unnecessary. In addition, because H-1B is a dual intent visa classification, the foreign national can initiate the process of obtaining a green card through PERM regulations or through a National interest waiver immigrant visa immediately.

Please note that there is an annual cap on the number of H-1B visas distributed. This restriction often motivates many international medical graduates to petition for a J-1 visitor visa.

Discuss physician immigration options with the experienced immigration lawyers at Meyner and Landis LLP, in Newark, New Jersey.

With offices in Newark, New Jersey, the Immigration Law Group of Meyner and Landis LLP conveniently provides immigration services for businesses and individuals throughout the state of New Jersey. The firm's immigration practice, however, is national in scope, encompassing the representation of multinational Fortune 500 employers, businesses and individuals throughout the United States.

Contact our office to speak with a member of our Immigration Group.