MISSOURI HEALTH PROFESSIONAL PLACEMENT SERVICES

Demystifying the Immigration Process

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Focus of Program

- Some new developments/initiatives
- J-1 waiver practice (mainly: clinical physicians)
- Immigration and recruitment
- Post-waiver considerations
Learning Objectives

New legal and congressional developments impacting IMG immigration

Brief review of the J-1 Exchange Visitor program and its relevance to IMG’s

Best practices in developing J-1 waiver applications

What happens if a waiver case is denied – that is, what are the alternative visa options

H-1B status, J-1 waivers and changes in employment

Integrating immigration with recruitment
Benefits of Physician Immigration

- Expand Pool of Physicians
- Incentives for Rural & Medically Underserved Placements
- Retention Dimension
- Elevated Professional Practice
- Diversity & Culture Considerations
- Competitive Recruitment
Detriments to Physician Immigration

- Unfamiliarity with Process
- Complexity of Process
- Timing & Complexity of Recruitment Process
- Expense
- Concerns with Retention
- Community Receptivity
- Spousal Issues & Isolation
Emerging Physician Immigration Reforms

- Increase in Waiver Numbers
- Expansion of USG Waiver Sponsors
- Streamlining Process
- Lifting Per Country Immigrant Quotas
- Nonimmigrant Quota Exemptions
- Physicians as Essential Workers
Update on New or Ongoing Developments

• H-1B Flexibility for Physicians
• J-1 Waivers Through Department of Health and Human Services
• International Travel Restrictions (Covid or National Security or Employment)
• Expanded Immigration Visa Numbers
• Expedited Path to Green Card for PNIW Physicians
• Increase in Conrad Numbers
• Spousal Reforms
Immigration and Physician Recruitment: Getting a Competitive Edge

- Dual objectives of IMG: job + immigration status
- Involvement of attorney during recruitment process
- J-1 waiver prospects
- Green card policies
- Spousal concerns
- Culture of organization
- Culture of community
Exchange Visitor Program: A Brief Primer

DEFINITION:
J-1 EXCHANGE VISITOR

WHY PHYSICIANS?

ECFMG & DEPARTMENT OF STATE

TIME & ACTIVITY LIMITATIONS
Two-Year Home Residence Obligation

- Blanket coverage to ALL J-1 clinical trainees
- Requires residence and physical presence in HOME COUNTRY
- Implications:
  - Ineligibility for an H-1B visa
  - Ineligibility for permanent residence
- Conversely: does not disqualify eligibility for other nonimmigrant visas
What are Options for J-1 Physician on Completing GME?

• Return home for two years
• Obtain a waiver of two-year home residence obligation
• Qualify for alternative visa status other than H-1B
Bases for J-1 Waivers

• Exceptional hardship to anchor relative
• Persecution
• Government Agency sponsorship
  – Conrad State 30 Program/Missouri Department of Health
  – Delta Regional Authority
  – Department of Health and Human Services
• What’s missing: release/no-objection statement from home country
Conrad State 30 Waiver Program: What Is It?

- Allows state DOH to recommend up to 30 physicians/year who will serve the public interest
- Public policy focus: expanding the safety net
- Federal-State partnership
  - Federal: create basic structure
  - State:
    - Fill in the blanks
    - Administer the program to meet needs of Missouri
What are the Federal Requirements?

• Limit of 30 waivers/fiscal year
  – Medically underserved placements: up to 30
  – FLEX waivers: 10

• 3-year H-1B employment obligation

• Need to agree to work in position within 90 days of waiver issuance
The Peggy Lee Syndrome: Is That All There Is?
Missouri Conrad Waiver Program

- Application Period: October 1\textsuperscript{st} – 31\textsuperscript{st}
- Must be located in a Healthcare Professional Shortage Area (HPSA)
  - No Flex
- Primary & Specialty Care Physicians
  - Primary Care Defined: Family Medicine, General Internal Medicine (Outpatient), General Pediatrics, General Obstetrics and Gynecology, and General Psychiatry
Missouri Conrad Waiver Program

- Priority given to Primary Care Physicians, then based on HPSA score and congressional district

- Contract must include:
  - Employment for 3 years
  - Full time schedule of at least 40 hours/week
  - ALL practice sites must be in a HPSA

- No recruitment required

- No sliding fee scale required
Delta Regional Authority (DRA)
DRA Counties – Gold / Counties Served by Physicians - Blue
Main Points of DRA Waiver Program

• SE Missouri / 19 Waivers in 2019
• Limited to HPSA / MUA within DRA Region
• No Quota
• 45 Day Mandatory Recruitment
• $3000 Application Fee
• Specialty & Primary Care Physicians
DEPARTMENT OF HEALTH AND HUMAN SERVICES

- Primary Care Only
- HPSA Score of 7 or Higher
- Endorsement from State Department of Health
- Sliding Fee Scale
10 Keys to Successful J-1 Waiver Case

1. Revise recruitment timeline
2. Target early filing date
3. Understand state’s historical utilization patterns
4. Dialogue with state J-1 waiver officer
5. Immigration attorney in recruitment stage
10 Keys to Successful J-1 Waiver Case

6. Immigration Attorney in Case Formulation Stage
7. Importance of Metrics
8. Role as Safety-Net Provider
9. Compliance History
10. Special Considerations
If Waiver Recommended by State

• Requires subsequent clearance by DOS and USCIS
• Timelines vary
• Can file H-1B petition on DOS recommendation (preferable: USCIS receipt notice)
• 3-year H-1B employment obligation
If Waiver Denied: Canadians and All Others

- Option for HHS Waiver
- O-1 Visa as “alien of extraordinary ability”
- Other nonimmigrant visa options (F-1)
- Extend J-1, if possible
- Spousal Option
- Asylum/TPS
H-1B Process

- Nonimmigrant Visa Status
- 6 Year Limit
- Mandatory 3-Year H-1B Obligation
- Two-Step Process
  - Labor Condition Application
  - H-1B Petition
Permanent Resident Options

- PERM labor certification
- Physician National Interest Waiver (PNIW)
- When and under what conditions to start process
Conclusion
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