

MISSOURI HEALTH PROFESSIONAL PLACEMENT SERVICES

Demystifying the Immigration Process

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Robert D. Aronson
Kayla C. Hoel
Fredrikson & Byron, P.A.
Minneapolis, MN



Fredrikson
& BYRON, P.A.

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



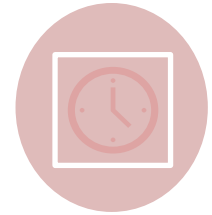
DEFINITION:
J-1
EXCHANGE
VISITOR



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 1st – 31st
- 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

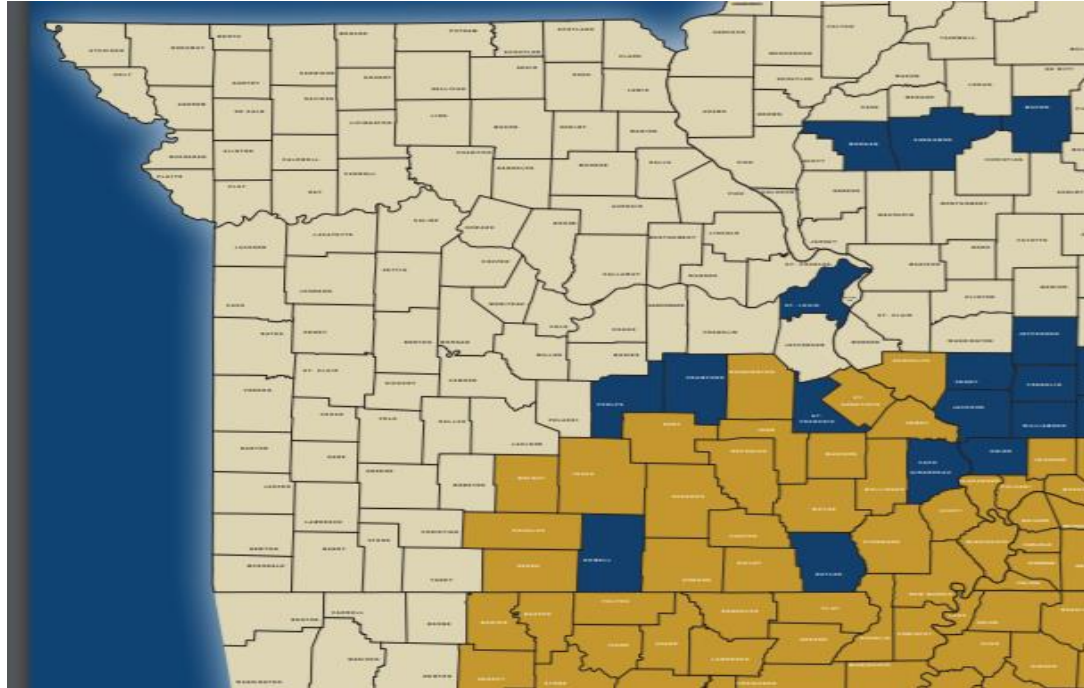
Missouri Conrad Waiver Program

- 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

Contact Information:



Robert D. Aronson
Fredrikson & Byron, P.A.
612.492.7260
raronson@fredlaw.com



Kayla C. Hoel
Fredrikson & Byron, P.A.
612.492.7450
khoel@fredlaw.com