
INDEX

Alphabetization is word-by-word (e.g., "R visas" precedes "REAL ID Act")

A

AAPPR (Association for Advancing Physician and Provider Recruitment), 249

ABMS (American Board of Medical Specialties), 1, 33

AC21. *See* American Competitiveness in the Twenty-first Century Act of 2000

Academic positions

outstanding professors and researchers, 205–207

special handling of, 188

Accreditation Council on Graduate Medical Education (ACGME), 1, 6

Acquisitions. *See* Mergers and acquisitions

ACWIA. *See* American Competitiveness and Workforce Improvement Act of 1998

***Adjudicator's Field Manual* (USCIS), 150, 176**

Adjustment of status

Application to Register Permanent Residence or Adjust Status (Form I-485), 172–174, 195, 228

backlogged processing, 195–196, 197

change of employers while application pending, 228, 241

concurrent filing for, 178

consular processing vs., 172–173

EB-1 visas, 204–205

EB-2 visas, 195–197, 199–200

filing for, 172–173

H-1B visas, 230

H-4 visas for family members pending applications, 154

interviews, 172–173

medical exam, 173–174

nonimmigrant who falls out of legal status, 226–227

petition to adjust J-1 status to LPR, 16–17, 46, 54

PNIW service and time of filing, 195–196

portability, 228–229

travel while application pending, 174

working while pending, 174

Administrative processing

advantages of PNIW petition in cases of, 199–200

consular processing, 161

visitor visa applications, 22, 25–26

Advertising, PERM process, 179–182

Advisory opinion on home-residency waiver, 50

Agriculture Department, U.S., 71, 72

American Bar Association on unbundling legal services, 262

American Board of Medical Specialties (ABMS), 1, 33

American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), 184

American Competitiveness in the Twenty-first Century Act of 2000 (AC21), 133–134, 136, 143, 152–153, 204, 228, 230

American Immigration Lawyers Association (AILA), 259, 262

American Medical Association (AMA)

"Fifth Pathway" certificate, 2, 7

types of graduate medical training programs, 5–6

***American Medical Association's Graduate Medical Education Directory* ("The Green Book"), 6**

Appalachian Regional Commission (ARC), 63, 69–70, 71, 80–87

Appeals

of hardship or persecution waiver denial, 113

of home-residency waiver denial, 53

of PERM labor certification denial, 190

of researcher waiver applications, 79–80

Application for Alien Employment Certification (Form ETA-750B), 207, 209

Application for Employment Authorization (Form I-765), 119, 153, 154

Application for Naturalization (Form N-400), 221

Application for Permanent Employment Certification (Form ETA 9089), 181, 185, 190, 207, 209

Application for Waiver of the Foreign Residence Requirement (Form I-612), 50–51, 53, 107

Application for Waiver of the Two-Year Foreign Residence Requirement of the Exchange Visitor Program (Form HHS 426), 74, 77, 78–79

Application to Extend/Change Nonimmigrant Status (Form I-539), 27, 116–117, 151, 152

Application to Register Permanent Residence or Adjust Status (Form I-485), 171–174, 195–196, 228

Application to Replace Permanent Resident Card (Form I-90), 215

ARC. *See* Appalachian Regional Commission

Arrival Departure Record (Form I-94)

- Canadian physicians, 253
- Conrad 30 waivers, 64
- creation of electronic, 26
- DRA, 90
- expiration, 21, 27, 150–151
- grace periods, 227
- H-1B status, 134, 150–151
- H-4 status, 150–152, 153
- J-1 visas, 37, 38
- J-2 visas, 37, 38, 115–116, 119
- online, 26–27
- port of entry interview, 26–27

Association for Advancing Physician and Provider Recruitment (AAPPR), 249

Association of American Medical Colleges, Electronic Residency Application Service, 6–7

Asylum process, 111–113, 146, 165, 166

Attorneys, hiring of, 257–264

- acquiring company's immigration attorney, employee meetings, 242
- AILA membership, 252, 259
- attorney's fees, 259
- bar complaints, 264
- board certification in immigration law, 261
- caseload issues, 260

- client references, 260
- communication with and availability of attorney, 261
- conflicts of interest, 223–224, 262
- determining when to hire, 257–258
- disciplinary action against attorney, 259
- educational background, 261
- engagement letters, 262
- ethical conduct, 263
- factors to consider when hiring, 259–263
- focus of practice, 260
- IMG Taskforce membership, 259, 262
- immigration consultants vs. attorneys, 258
- immigration-exclusive practice, 260
- in J-1 waiver process, 104
- lack of funds or indigent clients, 263
- language skills, 262–263
- local vs. national, 262
- malpractice actions, 264
- mismanagement of case, 263–264
- over-promising, 262
- paralegal-attorney ratio in law firms, 260
- PERM labor certification, 178, 181
- personality compatibility, 262
- pro bono organizations, 263
- promotional materials and marketing, 261–262
- publishing and authorship, 261
- rankings, 261
- recruiters, role of, 249, 251–252
- reputation of attorney, 260
- technology skills, 260–261
- terminated and laid off employees, 233
- unbundling of services, 263
- years in practice, 260

Attorney's fees

- factor in choosing attorney, 259
- H-1B visas, 13, 14, 126, 251
- O-1 visas, 251
- PERM labor certification, 251
- VA J-1 waiver process, 104

Australian nationals, E-3 visas for, 144

Automatic visa revalidation, 155

B

B-1 visas. *See* Visitor visas

B-2 visas. *See* Visitor visas

Backlogged processing

- EB-1, 204
- EB-2, 169, 178, 210
- EB-3, 169
- EB-4, 170
- family sponsorship, 168
- green card, 153

H-4, 154
 per-country green card limits, 170
 PERM cases, 178
 PNIW, 200
 status adjustment, 195–196, 197, 199, 200

"Benching" barred, 139, 231, 233

Biometrics, 27

Board certification, 1, 179, 188. *See also* Specialties

Bureau of Human Rights and Humanitarian Affairs, 111

C

"California Letters," 7

Canada

visa revalidation, 37
 visa stamping, 253
 visitors, 19

Canadian physicians, 49, 139, 144, 155, 176, 253–255

Cap-exemption strategies, 141–148

alternatives to H-1B visas, 144–148
 avoiding H-1B cap, 141–148, 247
 concurrent H-1B petitions, 143–144
 E-3 visas, 144
 green-card process, 146–148
 H-1B1 visas, 144
 high-skilled worker regulations, 137
 mergers and acquisitions and, 237
 O-1 visas, 145
 PNIWs, 147–148
 qualifications for exemption, 141–143
 TN visas, 144

CBP (Customs and Border Protection, U.S.), 19, 26–27

Certificate of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019)

application process, 30–31, 117
 Conrad 30 waivers, 64
 consular processing, 156
 country of last residence, 47
 funding for program, 44–45
 J-1 visa requirements, 13, 31–33, 56, 115, 117, 156, 239
 J-1 waiver case number, obtaining, 52
 lost forms, 53
 physician's review after issuance, 33
 skills, 43–44
 spouses and minor children, 32, 33, 115, 117
 status in U.S., 38
 termination of employment, effect on, 224

Change of citizenship after coming to United States, 49

Change of employer

adjustment of status application pending, 228, 241
 before contract is finished, 251
 during green-card processing, 228–230, 241
 H-1B visas, 135, 137–138, 150–151
 H-4 visas for family members, when H-1B makes change, 150–151
 PERM labor certification, 190
 PNIWs, 196

Change of status to work visa, 54, 254

Children. *See also* H-4 visas for family members; J-2 visas for family members

adopted children, 168
 Certificate of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019), 32, 117
 citizenship of, 221–222
 definition of, 167–168
 Form DS-2019 (Certificate of Eligibility for Exchange Visitor (J-1) Status), 32, 117
 green card based on parental status, 167–168
 home-residency requirement (J-1 visa), 45–46.
See also J-2 visas for family members
 orphans, 168
 out-of-wedlock, 167
 special immigrant juveniles, 169–170
 State Children's Health Insurance Program, 74
 stepchildren, 167–168
 termination of employment implications, 226

Chilean nationals, H-1B1 visas for, 144

China

backlogged in EB-1 category, 201
 backlogged in EB-2 category, 147, 169, 178, 196, 210
 backlogged in EB-3 category, 169
 backlogged in EB-5 category, 210
 EVUS, 26
 green card limits, 170
 nationals from, 16, 26, 49, 127, 147

Citizenship, 215–222

absence for six months to a year in five years prior to application, 218
 benefits of naturalization, 215–216
 change of citizenship after coming to United States, 49
 children's applications, 221–222
 comparison to lawful permanent residence, 166
 costs of naturalization, 217
 ease of travel, 217
 exceptions to requirements, 219, 221
 family member immigration, 216
 good moral character, 221
 loss of home-country citizenship, 216–217
 LPR, residence after, 215–216

Communicable diseases. See also COVID-19 pandemic

naturalization petition, 221
negatives of, 216–217
patriotism, 215, 217
process for, 221
residence, definition of, 217
spouse of U.S. citizen applying for, 15–16, 220
U.S. citizen employed abroad, spouse of, 220
U.S. residence requirements, 215–216, 217–220
waiver of residence requirements, 219

Communicable diseases. See also COVID-19 pandemic

denial of green card due to, 175

Composition-of-the-family hardship, 108–109

Conrad 30 waivers, 55–67

availability of, 67
competitive states for, 67
contract provisions, 62, 309–345
costs, 61
credentials and résumé, 64
elderly patients, 62
employer support letters, 61
fees, 61
filing of multiple applications, 66
flex slots, 15, 55, 60, 194, 309–345
Form DS-2019, 64
Form I-94, 64
Form I-797, 64
funding for application from home country, 65
H-1B cap, 65
HHS-designated shortage area, 57–58
indigent patients, 62
interested government agency waivers vs., 70
languages, 63
letters from individuals in community, 61–62
limits on number of applications, 64
liquidated damages clauses, 62
locum tenens positions, 245
Medically Underserved Areas, 55
noncompetition clauses, 62
primary-care physicians, 57–58, 59–60, 309–345
recruiting, 63, 309–345
requirements for, 55–56
scoring system to prioritize applicants, 58
self-petition by physician, 65
state license, 67
state programs, differences between, 58–64
states with federal programs, 63, 309–345
subspecialties, 60, 309–345
telemedicine positions, 65–66
third-party employer sponsors, 64–65
timing, 59
types of facilities and locations eligible, 61
types of physicians, 59–60
USMLE requirements, 3
wages, 62

Consolidations. See Mergers and acquisitions

Consular processing of nonimmigrant visas, 155–163

adjustment of status vs., 172–173
administrative processing, 161
Certificate of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019), 156
certified translation, 159
E-2 visas, 163
E-3 visas, 163
electronic filing, 156, 158
expedited appointments, 160
family member processing, 159
H-1B visas, 163
H-1B1 visas, 163
H-4 visas, 151
interview waiver policy, 160
J-1 visas, 35–36
O-1 visas, 163
online filing, 156
Online Nonimmigrant Visa Application (Form DS-160), 22–23, 35, 151, 156–159, 161
photo requirement, 158–159
processing application at consulate different than one on DS-160 form, 158
processing time, 160
social media presence, questions relating to, 157
variations in, 155–156
website information, 155, 156

Contracts

ARC waivers, 84–86
attorney input, importance of, 250
change of employer before contract is finished, 251
Conrad program waivers, 62, 309–345
DRA waivers, 89
H-1B visas, 251
HHS clinical waivers, 75
J-1 visas, 17, 251
mergers and acquisitions, sample transaction contract language, 243–244
PNIWs, 197–198
primary-care physicians, contract requirements, 75, 84–86
recruiters and, 250–251
for SCRC waivers, 94

Corporate name changes. See Mergers and acquisitions

Correctional facilities, HPSA designation, 57

Costs. See also Attorney's fees

ARC waivers, 87
Conrad program waivers, 61
DRA waivers, 90
H-1B visas, 14, 125, 126
J-1 visas, 14
of naturalization, 217

NBRC, 98
 payment of fees when hiring foreign worker, 251
 PERM process, 178
 SCRC waivers, 95

COVID-19 pandemic

clinical skill assessment of ECFMG during, 3
 Conrad 30 waiver requirements excused, 66
 DOS interview waiver, 160
 furloughs, 233
 HHS clinical waivers and, 72
 telemedicine positions as qualifying for J-1 waiver, 66

Customs and Border Protection, U.S. (CBP), 19, 26–27

D

Defense Department, U.S., 105

Delta Regional Authority (DRA), 63, 69–70, 71, 87–91

Departments. *See name of specific department*
Deportation, 216

DHS (Homeland Security Department, U.S.), 26, 31, 42, 116, 143, 243

Dialysis centers, 129

Disciplinary actions against attorneys, 259

Displacement of U.S. workers, 232

Diversity Visa Lottery, 166

Divorce

J-2 spouse, 45, 105, 117–118
 stepparent relationship and immigration benefits after, 168

Downsizing, 223. *See also* Termination of employment

Driver's license of J-2 visa holders, 120

Dual intent visas, 17, 127, 149

Due-diligence checklist, immigration documents for, 242–243

E

E-1 visas, 138, 177, 225, 227

E-2 treaty investor visas

as alternative to H-1B visa, 145
 documents to present at U.S. consulate, 163
 grace period, 138–139, 225, 227
 layoffs, 225

E-3 visas

as alternative to H-1B visa, 144
 cap-exemption strategies, 144
 documents to present at U.S. consulate, 163
 grace period, 138–139, 225, 227
 layoffs, 225
 termination of employment, 231

EAD. *See* Employment Authorization Document

Ease of travel, 217. *See also* Travel in and out of United States

EB-1 visas

adjustment portability, 228–229
 credentialing examinations, 175–176
 extraordinary ability, 145, 176, 177
 as green-card category, 147, 169
 mergers and acquisitions, effect of, 240
 outstanding professors and researchers, 205–207
 who is included, 201–202

EB-1A visas, 201, 202–205

EB-1B visas, 201, 205–207

EB-1C visas, 201

EB-2 visas, 207–210

adjustment of status for physicians from EB-2
 backlogged countries, 196–197
 adjustment portability, 228–229
 backlogged processing, 147, 169, 210
 credentialing examinations and, 176
 evidence, 208–209
 green-cards and, 147, 169
 Immigrant Petition for Alien Worker (Form I-140), 207, 209–210
 labor certification, 207
 LPR status, 169, 176
 new employer moved to, 209
 PERM cases, 177–178
 PNW cases, 193
 premium processing, 210

EB-3 visas, 169

EB-4 visas, 169–170

EB-5 visas, 210–213

amount of investment, 210, 212
 application process, 211
 eligible investments, 211
 evidence required, 212
 full-time vs. part-time jobs, 210, 213
 as green-card category, 170
 investor involvement, 213
 LPR status, 170
 methods of investment, 212
 multiple investors, 213
 Pilot Program for EB-5 regional centers, 210
 qualifying businesses, 212
 requirements, 211

ECGMF Credentials Up-load Tool, transition to MyIntealth, 29

Economic hardships, 109

Educational Commission on Foreign Medical Graduates (ECFMG)

applying for ECFMG J-1 sponsorship, 30–32
certification, 1–5
change in application process, 29
educational requirements for certification, 5
electronic credentials evaluation pilot program, 5
Exchange Visitor Network, 29, 30
health insurance for J-2 applicants, 115
identification number provided by, 2, 6
INA §214(b) denials, 25
J-1 visas, 11, 13, 29. *See also* J-1 visas
J-2 visas for family members, ECFMG J-1 sponsorship, 31
Medical Education Credentials Submission Form (344), 8
Medical School Release Request (Form 345), 8
MyIntealth, transition to new online portal, 29
notification of hospital merger or acquisition, 239
Online Applicant Status and Information System, 6, 29, 30–32, 37
passports and J-2 applicants, 115
program transfer requests, 32
repeat graduate medical training, 34
state requirements, 269–301
termination of employment with teaching hospital, 224
training program liaison, institution's, 30
travel in and out of United States approval, 36–38
types of medical degrees recognized, 189

Elderly patients, 62

Elected positions, eligibility for, 216

Elective clerkship, 21–22

Electronic Residency Application Service (ERAS), 6–7

Electronic System for Travel Authorization (ESTA), 20, 26, 27

Electronic Visa Update System (EVUS), 26

Employer document retention requirement for H-1B visas, 13

Employment Authorization Document (EAD)

H-4 spouses, 147, 152–154
J-2 spouse, 15, 46, 119–120
locum tenens positions, 247

Employment contracts. *See* Contracts

Employment Eligibility Verification (Form I-9), 136, 154, 243–244

EMSWP, change in ECFMG portal to MyIntealth, 29

Energy Department, U.S., 105

EPIC, change in ECFMG portal to MyIntealth, 29

ERAS (Electronic Residency Application Service), 6–7

ESTA (Electronic System for Travel Authorization), 20, 26, 27

Ethics, attorneys, hiring of, 263

European countries, return to home country vs. another EU country, 47

Evidence standards for EB-1A visas, 202–204

EVUS (Electronic Visa Update System), 26

Exceptional hardship, defined, 108

Exchange Visitor Network (EVNet), 29, 30

Exchange Visitor Waiver Review Board (EVWRB), 79

Extension of status

H-1B visas, 15, 133–134
H-4 visas, 152
J-1 visas, 54
J-2 visas, 120
visitor visas, 27

Extenuating circumstances requirement, 224

Extraordinary ability, 145, 201, 202–205. *See also* O-1 visas

F

F-1 students visas, 149–150

Falling out of legal status, 226–227

Family members. *See also* H-4 visas for family members; J-2 visas for family members
preference categories for, 167
quotas applied to, 168–169
termination of employment implications, 226
unused employment-based green card numbers, 169

Federal grants, 216

Federal jobs, 216

Federal Register

HPSA, MHPSA, MUA, or MUP, determining, 57
Skills List, 43–44

Federation of State Medical Boards (FSMB), 2

Fees. *See* Attorney's fees; Costs

"Fifth Pathway" certificate, 2, 7

Flex slots. *See* Conrad 30 waivers

Foreign Affairs Manual (FAM)

B-1 and B-2 status, 21–22, 116

on extension of stay if waiver granted, 54

medical residency programs not mentioned in, 21–22

Foreign Medical Graduate Examination in Medical Sciences, 29

Foreign residence requirement. *See* Home-residency requirement

Form 344 (Medical Education Credentials Submission Form), 8

Form 345 (Medical School Release Request), 8

Form AR-11 (Change of Address), 215

Form DS-156E (Investor Visa, Treaty Trader Application), 163

Form DS-160 (Online Nonimmigrant Visa Application), 22–23, 35, 151, 156–159, 161

Form DS-260 (Visa Electronic Application), social media identifier, 172

Form DS-2019 (Certificate of Eligibility for Exchange Visitor (J-1) Status)

application process, 30–31, 117

Conrad 30 waivers, 64

consular processing, 156

country of last residence, 47

Form IAP-66, 31, 50, 52–53, 56, 70, 78, 90

funding for program, 44–45

J-1 visa requirements, 13, 31–33, 56, 115, 117, 156, 239

J-1 waiver case number, obtaining, 52

lost forms, 53

physician's review after issuance, 33

skills, 43–44

spouses and minor children, 32, 33, 115, 117

status in U.S., 38

termination of employment, effect on, 224

Form DS-3035 (J-1 Visa Waiver Recommendation Application), 50, 51–52, 56, 90, 107, 117–118

Form ETA-750B (Application for Alien Employment Certification), 207, 209

Form ETA-9035. *See* Labor Condition Application

Form ETA-9089 (Application for Permanent Employment Certification), 181, 185, 190, 207, 209

Form G-28 (Notice of Entry of Appearance as Attorney or Accredited Representative), 74, 90, 104

Form HHS 426 (Application for Waiver of the Two-Year Foreign Residence Requirement of the Exchange Visitor Program), 74, 77, 78–79

Form I-9 (Employment Eligibility Verification), 136, 154, 243–244

Form I-90 (Application to Replace Permanent Resident Card), 215

Form I-94 (Arrival Departure Record)

Canadian physicians, 253

Conrad 30 waivers, 64

creation of electronic, 26

DRA, 90

expiration, 21, 27, 150–151

grace periods, 227

H-1B status, 134, 150–151

H-4 status, 150–152, 153

J-1 visas, 37, 38

J-2 visas, 37, 38, 115–116, 119

online, 26–27

port of entry interview, 26–27

Form I-129 (Petition for a Nonimmigrant Worker), 156, 159, 163, 237

Form I-130 (Petition for Alien Relative), 170, 171

Form I-140 (Immigrant Petition for Alien Worker), 171–172

adjustment portability, 228–229

EB-1A petitions, 204–205

EB-1B petitions, 207

EB-2 petitions, 207, 209–210

green-card process, 170–172, 176

H-1B extensions, 15, 16, 134

H-4 visas, 15, 147, 153

home-residency requirement, 46

J-1 visas, 15

layoffs, 228–230

LPR status, 170, 171–172, 176

PERM process, 178, 183, 184, 190

PNIW cases, 195–200

Form I-485 (Application to Register Permanent Residence or Adjust Status), 171–174, 195–196, 228–229

spouses and children, 15, 152, 153
successor employers, 239–241

Form I-485 (Application to Register Permanent Residence or Adjust Status), 171–174, 195–196, 228–229

Form I-485 Supplement J, 228

Form I-526 (Immigrant Petition by Alien Entrepreneur), 211

Form I-539 (Application to Extend/Change Nonimmigrant Status), 27, 116–117, 151, 152

Form I-612 (Application for Waiver of the Foreign Residence Requirement), 50–51, 53, 107

Form I-693 (Report of Medical Examination and Vaccination Record), 173

Form I-765 (Application for Employment Authorization), 119, 153, 154

Form I-766. *See* Employment Authorization Document

Form I-797 (Notice of Action), 51, 64, 153, 253, 254

Form IAP-66. *See* Form DS-2019 (Certificate of Eligibility for Exchange Visitor (J-1) Status)

Form N-400 (Application for Naturalization), 221

Form VAF 10-0422b (Network Review and Certification of Facility Waiver Request), 102

Former Soviet republics, return to home country vs. another former Soviet republic, 47

Fraud, 175, 229

Fringe benefits, 129–130, 231

FSMB (Federation of State Medical Boards), 2

Full-time vs. part-time jobs

EB-5 requirement to create, 210, 211, 213
H-1B visas, 138
PERM labor certification, 188
PNIWs, 194

Furloughs, 233

G

Glossary, 347–354

Governor's role in ACR waivers, 83

Grace period

discretionary, 225, 227

E-1 visas, 138–139, 225, 227
E-2 treaty investor visas, 138–139, 225, 227
E-3 visas, 138–139, 225, 227
following termination of employment, 225
Form I-94 (Arrival Departure Record), 227
H-1B visas, 18, 138–139, 225, 227
H-1B1 visas, 138–139, 225
J-1 visas, 38, 224, 225, 227
J-2 visas, 38
L-1 visas, 138–139, 225, 227
O-1 visas, 138–139, 227
TN visas, 138–139, 225, 227

Graduate medical training in United States, 1–9

accreditation of programs, 1
Educational Commission on Foreign Medical Graduates role, 1–5
"Fifth Pathway" certificate, 2, 7
PERM labor certification and, 187
repeating graduate medical training, 34
USMLE, 2–5
visas for. *See specific types of visas*

Grant-funding, 79

"The Green Book," 6

Green-card process. *See* Lawful permanent residence

H

H-1B visas, 123–140

2025 regulations, 123, 125–126, 131, 134–135, 139, 142, 246
adjustment of status, 230
advantages and disadvantages, 13–18
alternatives to, 145–148
amendment petition, 246–247
Arrival Departure Record (Form I-94), 134
attorney's fees, 13, 14, 126, 251
"benching" barred, 139, 231, 233
Canadian physicians, 253–255
cap/quota, 13–16, 113, 124–126, 136–137, 141–148, 225, 237, 247. *See also* Cap-exemption strategies
change from J-1 status to, 45
change in nature of employment, 137–138
change of employers, 135, 137–138, 150–151
change of status, 27, 38
Conrad 30–based waivers, 65
contracts, 251
conversion to J-1 status, 145–146
costs, 14, 125, 126
documents to present at U.S. consulate, 163
dual intent visas, 17, 127

ease of administration, 15
 employer document retention requirement, 13
 employer penalties, 232
 employment flexibility, 17–18
 exam requirements, 13, 14
 for-profit training programs, 14
 full-time vs. part-time jobs, 134
 grace period, 18, 138–139, 225, 227
 green card eligibility, 16–17
 "H-1B dependency," 231–232, 234
 hardship or persecution waiver, 111–113
 Immigrant Petition for Alien Worker (Form I-140), 15, 16, 134
 important factors to consider in seeking, 124–127
 independent contractors, 135, 246
 international renown, 131–132
 J-1 visas compared, 11–18
 J-2 spouses, 117
 Labor Condition Application, 128–130, 231, 233
 layoffs, 225, 230–232
 licenses, 133
 locum tenens positions, 135, 246–247
 mergers and acquisitions, effect of, 236–238
 moonlighting, 18, 247
 national renown, 131–132
 O-1 visa transfer to, 101
 petition. *See* Form I-129
 petitioner (institution as), 11
 planning for six years, 126–127
 portability, 136–137, 224, 225
 positions typically used for, 123
 premium processing, 139, 226
 prevailing wages, 126, 127–129
 process, 127–140
 qualifying for, 130–131
 quotas. *See* cap/quota, *this heading*
 recruiters, 250–251
 renown of applicant, 131–132
 return transportation upon termination of employment, 231
 secondary employers and, 232
 self-employed individuals, 65, 246
 severance benefits, 231
 60-day grace period, 18
 specialty occupation, defined, 130–131
 sponsorship requirements, 13, 104
 stateside visa renewal, 161
 at teaching hospitals, 128, 237
 temporary employment inactivity, 138–139
 termination of employment implications, 224–225, 231
 third-party employers, 134–135
 timing issues, 16–17
 training periods, 13–14
 travel outside of United States, 139

U.S. employer, defined, 134
 USMLE requirements, 3, 131–132
 validity duration, 133–134
 visitor visas, change of status to, 225
 wages paid, 13

H-1B1 spouses, 154**H-1B1 visas, 138–139, 144, 163, 225****H-2 spouses, 154****H-3 visas, 154****H-4 visas for family members, 149–154**

AC21, 152–153
 Arrival Departure Record (Form I-94), 150–151, 152, 153
 backlogged processing of green cards, 153
 change of employer by H-1B, effect of, 150–151
 change of status to H-1B, 118–119, 152
 definition of H-4 visa, 149
 dual intent visas, 149
 educational studies of, 149–150
 employment authorization, 152–154
 extension of employment authorization, 154
 extension of status, 150–151, 152
 F-1 student visas, 149–150
 Form I-140 (Immigrant Petition for Alien Worker), 15, 147, 153
 green card, waiting for, 153, 154
 H-1B cap and, 147, 149
 H-1B1 spouses, 154
 H-2 spouses, 154
 H-3 spouses, 154
 I-9 requirements for employment, 154
 pending adjustment applications, 154
 process for obtaining, 151
 processing time for EAD, 153
 spousal relationship, proving, 153
 spouses, 15–16, 147, 149–154
 status when H-1B traveling outside United States, 150
 validity duration, 149

Hardship and persecution waivers, 107–113

appeal of denial, 113
 composition-of-the-family hardship, 108–109
 economic hardships, 109
 exceptional hardship, defined, 108
 hardship factor examples, 108–111
 J-1 hardship waiver, 108, 111–113
 medical hardships, 108, 109
 persecution vs. asylum process, 111–113
 persecution waiver, 111–113
 political and security-related hardships, 110
 process of seeking, 107–108
 psychological hardships, 110
 public policy, 110–111
 separation for two years, 111
 sociocultural hardships, 110

Health and Human Services Department (HHS)

source of funds, 110

Health and Human Services Department (HHS)

clinical waivers, 71–75, 79
designation of medically underserved areas, 57–58, 193–194
Exchange Visitor Waiver Review Board, 79
grant-funding, 79
HPSA facilities, 72
Medically Underserved Areas, 57–58, 72
one-year fellowship, waiver eligibility, 73
primary-care physicians, HHS waivers, 72–73
processing time for waivers, 75, 80
public interest waivers, 69–70
researcher waivers, 75–80
specialties, clinical waivers, 72–73
waiver application requirements, 73–75

Healthcare Integrity and Protection Data Bank reports, 102

Health Professional Shortage Areas (HPSAs).

See also Conrad 30 waivers

defined, 57–58
Delta Regional Authority physicians, 89
HHS clinical waivers and, 72
NBRC waivers, 96
PNIW and, 193–194
prisons and jails, 57
SCRC waivers, 93
shortage areas, 193–194
state programs, 269–301

HHS. *See* Health and Human Services Department

High-skilled worker regulation, caps, 143, 147–148

Homeland Security Department, U.S. (DHS), 26, 31, 42, 116, 143, 243

Home-residency requirement (J-1 visa), 41–54

advisory opinion, 50
appeal of waiver denial, 53
asylum, 112
Canadian physicians, 253, 254
change of citizenship after coming to United States, 49
change of status to work visa, 54
commuting to work in United States, 49
consequences of failing to meet, 12
defined, 41–43
extension of stay if waiver granted, 54
failure to satisfy, 47
Form DS-3035 (J-1 Visa Waiver Recommendation Application), 50, 51–52, 56, 90, 107, 117–118
funding for program, 44–45
green card denial due to failure to satisfy, 174–175

Immigrant Petition for Alien Worker (Form I-140), 46
J-2 visas for family members, 15–16, 45–46, 118
lawful permanent residence, 174–175
leaving United States and re-entering in another nonimmigrant category, 46–47
location to satisfy requirement, 47
petition to adjust status to LPR, 17, 46, 54
physicians subject to, 12, 43
processing time for waiver, 53
proving requirement has been satisfied, 48
restrictions if requirement not met or waived, 46
return to home country, 47
Skills List, 43–44, 47
spouse and children, 16, 45–46. *See also* J-2 visas for family members
substantial compliance, 49
time spent in home country during J-1 program not counted, 48
unclear whether requirement applies, 50
waiver case number, 51–52
waiver process, 15, 16, 50–51
working for home country in place other than home country, 47

Hospitals

for-profit hospitals, 14, 123
teaching hospitals. *See* Teaching hospitals
types eligible for state J-1 waivers, 61

Housing and Urban Development Department (HUD), 71

HPSAs. *See* Health Professional Shortage Areas

I

IGA waivers, 50–51, 69–71, 105

IMED (International Medical Education Directory), 5

IMGs. *See* International Medical Graduates

Immigrant investors, 210–213. *See also* EB-5 visas

Immigrant Petition by Alien Entrepreneur (Form I-526), 211

Immigrant Petition for Alien Worker (Form I-140), 171–172

adjustment portability, 228–229
EB-1A petitions, 204–205
EB-1B petitions, 207
EB-2 petitions, 207, 209–210
green-card process, 170, 171–172, 176
H-1B extensions, 15, 16, 134
H-4 petitions, 15, 147, 153

- home-residency requirement, 46
- J-1 visas, 15
- layoffs, 228–230
- LPR status, 170, 171–172, 176
- PERM process, 178, 183, 184, 190
- PNIW cases, 190, 195–200
- spouses and children, 15, 152, 153
- successor employers, 239–241

Immigration and Nationality Act of 1952 (INA)

- §203(b)(2), 208
- §212(e), 12, 16–17, 21, 41–49, 52, 69, 101, 117–118, 253
- §214(b), 25, 33, 47
- §214(l), 55–56
- §248, 101
- §248(a), 42–43
- §319(b), 220

Immigration consultants, 258

Independent contractors, 135, 246–247

India

- E-2 exclusion, 145
- EB-1 category backlog, 201
- EB-2 category backlog, 147, 169, 178, 196
- EB-3 category backlog, 169
- EB-5 category backlog, 210
- nationals from, 16, 127, 147
- per-country green card limits, 170

Indian Self-Determination and Education Assistance Act (1975), 72

Indigent patients, 62, 70, 72, 74, 86–87, 89, 94, 97

Institution's training program liaison (TPL), 30

Insurance requirements for J-1 visas, 35

Intent to return home

- J-1 visas, 33
- J-2 visas, 33

Interested government agency (IGA) waivers, 50–51, 69–71, 105. *See also* Appalachian Regional Commission; Delta Regional Authority; Public interest waivers; Southeast Crescent Regional Commission

Interior Department, U.S., 105

Internal medicine, 6

International Medical Education Directory (IMED), 5

International Medical Graduates (IMGs). *See also* Graduate medical training in United States; H-1B visas; J-1 visas

- employment resources, 265
- government resources, 265–266
- IMG Taskforce, 259, 262

- locum tenens positions, 245–247
- organizations involved in processing, 265
- qualifying for graduate medical training, 1
- websites applicable, 266–267

Interview waiver policy, 160

Investors. *See* E-2 treaty investor visas; EB-5 visas

Investor Visa, Treaty Trader Application (Form DS-156E), 163

IWA, change in ECFMG portal, 29

J

J-1 visas, 29–39

- adjustment of status, 16–17
- advantages and disadvantages, 13–18
- applying for ECFMG J-1 sponsorship, 30–31
- ARC sponsorship, 82
- Arrival Departure Record (Form I-94), 37, 38
- Canadian physicians, 253–254
- Certificate of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019), 13, 31–33, 56, 156, 239
- change of specialties after arrival, 34
- change of status, 27, 38
- consulate filing for, 35–36
- contracts, 17, 251
- conversion to J-2 status, 118
- costs, 14
- dependents. *See* J-2 visas for family members
- documentation needed, 29–30, 31–32, 36
- documents to present at U.S. consulate, 36, 163
- ease of administration, 15
- ECFMG, 2, 11, 29–30
- employment flexibility, 17–18
- examinations, 29–30
- exam requirements, 14
- Exchange Visitor Network, 29, 30
- extension of status, 54
- extension to sit for specialty board examination, 39
- extenuating circumstances after termination, 224
- extra requirements, 14
- foreign residence requirement upon program conclusion, 12
- Form I-94 (Arrival Departure Record), 37, 38
- for-profit training programs, 14
- grace period at end of stay, 38, 224, 225, 227
- green card process, 16–17
- H-1B visa compared, 11–18
- H-1B visa converted to J-1 status, 145–146
- hardship or persecution waiver and, 108, 111–113. *See also* Hardship and persecution waivers

home-residency requirement, 12, 41–54. *See also* Home-residency requirement
institution's preference for, 11
institution's training program liaison, 30
intent to return home, 33
language skills, 12
locum tenens positions, 245, 247
LPR requirements, 113
maintaining status in United States, 38
mergers and acquisitions, effect of, 237, 238
moonlighting, 17, 35
PERM process, 16, 178
Physician National Interest Waivers, 16–17
qualifications, 29–30
recruiters, 251
repeat graduate medical training, 34
requirements and restrictions, 12–13
research positions, 34
service period, 16–17
spouses and children, 15–16
Statement of Need, 12, 30
taxation, 120
termination of employment implications, 224
timing issues, 16–17, 33
training periods, 13–14
travel in and out of United States, 36–38
underserved areas, 15, 17
USMLE requirements, 3, 12, 29, 131–132
validity duration, 33
visa revalidation for certain trips outside of United States, 37–38
waivers, 3, 12, 15, 16–17, 46, 50–51, 105

J-1 Visa Waiver Recommendation Application (Form DS-3035), 50, 51–52, 56, 90, 107, 117–118

J-2 visas for family members, 115–121

advantages and disadvantages of H-1B and J-1 status, 15–16
application process, 116–117
Arrival Departure Record (Form I-94), 37, 38, 115–116, 119
B-2 visas, 115–116
consular processing, 32, 35–36
conversion to H-1B status, 118–119
conversion to J-1 status, 119
death of J-1 spouse, effect of, 117–118
divorce, effect of, 45, 105, 117–118
driver's license, 120
ECFMG J-1 sponsorship and, 31, 32, 33
eligible persons, 115
employment authorization, 119–120
extension of status, 120
family member other than spouse or minor child, 115–116
Form I-94 (Arrival Departure Record), 37, 38, 115–116, 119
grace period at end of stay, 38

health insurance, 115
home-residency requirement, 15–16, 45–46, 118
insurance requirements, 35
intent to return home, 33
procedure for including dependents, 32
remaining in United States while J-1 travels outside of United States, 121
school enrollment of J-2s, 120
Social Security numbers, 120
spouses and children, 15–16
taxation, 120
travel in and out of United States, 36–38, 121
validity duration, 115
waivers, 46

L

L visas

grace period, 138–139, 225, 227
J-1 reentry, 46–47

Labor Certification Application (Form ETA-9089), 181, 185, 190, 207, 209

Labor Condition Application (LCA, Form ETA-9035)

H-1B visa and, 128–130, 231, 233
mergers and acquisitions, effect of, 236–237
purpose of, 129–130

Labor Department, U.S.

Labor Condition Application, filing with. *See* Labor Condition Application
mergers and acquisitions, effect of, 236–237
payment of fees when hiring foreign worker, restrictions on, 104, 126, 251
PERM process. *See* PERM labor certification
prevailing wage determination, 127–129
termination of employment, factors in determining, 231
withdrawal of H-1B petition required to eliminate liability for foreign worker, 137, 229
withdrawal of VA sponsorship for waiver, notice to, 104

Language skills

attorney choice and, 262–263
Conrad 30 waivers, 63
J-1 visas, 12
PERM labor certification, 187–188

Lawful permanent residence (LPR), 165–176

application process, 171–172
asylees and refugees, 166
backlogged processing, 153
cancellation of removal, 166
cap-exemption strategies, 146–148
categories of, 166

change of employer during, 228–230
 child, defined, 167–168
 citizenship compared, 166
 communicable diseases, denial for, 175
 credentialing examinations for physicians to qualify for, 175–176
 defined, 165
 denial of, 174–175
 diversity immigrant visas, 166
 EB (employment-based) categories, 166, 169–170
 EB-1 visas, 146–148, 169, 176
 EB-2 visas, 169, 176
 EB-3 visas, 169
 EB-5 visas, 170
 family sponsorship, 166
 first preference, 167, 168
 Form I-140 (Immigrant Petition for Alien Worker), 170, 171–172, 176
 fourth preference, 167, 169
 green-card categories, 147–148, 167
 H-1B doctors and, 17
 H-4 visas for family members, 153, 154
 home-residency requirement, 174–175
 Immigrant Petition for Alien Worker (Form I-140), 170, 171–172, 176
 J-1 visas, 17
 layoff, effect on already held LPR status, 230
 layoff, effect on pending application, 228
 legalization program, 166
 license requirements, 175–176
 lottery, 166
 married couples, 167
 mergers and acquisitions, effect on, 239–241
 overstay denial, 175
 parent, defined, 167
 per-country limits, 170
 PERM labor certification and, 147, 171–172, 175
 petition to adjust J-1 status to, 46, 54
 PNIWs and, 175
 priority date, job change effect on, 229
 registry, 166
 second preference, 167, 169
 spillovers, 170
 spouse, defined, 167
 stages of process for, 171–172
 termination of employment, 228–230
 third preference, 167, 169
 time for permanent residency following application, 175
 wait time for processing, 170–171

Layoffs, 223. *See also* Termination of employment

LCA. *See* Labor Condition Application

Letters of recommendation

Conrad 30 waivers, 61–62

researcher waivers, 78

Liaison Committee on Medical Education (LCME)–accredited U.S. and Canada medical schools, 30, 255

Licensing requirements by state, 8–9, 254, 269–301

Liquidated damages clauses

ARC waivers, 84–85
 Conrad 30 contracts, 62
 DRA waiver, 89
 employment contracts, 251
 PNIW applications, 198

Locum tenens, 135, 245–247, 249

Lotteries, Diversity Visa, 166

LPR. *See* Lawful permanent residence

M

Married couples. *See also* H-4 visas for family members; J-2 visas for family members

green card based on marriage, 167
 J-2 spouse who previously had J-1 status, 46
 same-sex marriages, 167
 termination of employment implications, 226

"The Match," 4, 7–9

Medicaid, 70, 72, 74, 89, 94, 97

Medical clerkship, 21

Medical Education Credentials Submission Form (Form 344), 8

Medical hardships, 108, 109

Medically Underserved Areas (MUAs). *See also* Conrad 30 waivers

DRA waivers, 89
 HHS designations, 57–58
 HPSA requirement, 72
 J-1 visas, 15, 17
 NBRC waivers, 96
 PNIW, 193–194
 primary-care physicians, 57–58
 SCRC waivers, 93
 state programs, 269–301
 waivers, 17

Medical residency programs, 2, 4, 7–9. *See also* Teaching hospitals

Electronic Residency Application Service, 6–7
Foreign Affairs Manual silent on, 21–22
 July 1 as start date of, 237
 licensing requirements by state, 8–9, 269–301
 "The Match," 2, 4, 7–9, 265

Medical School Release Request (Form 345), 8

Medical Student Performance Evaluations (MSPEs), 7

Medicare

federal IGA waiver, employer required to accept, 70, 72, 74, 89, 94, 97

number of resident positions determined by, 7

Mental Health Professional Shortage Areas (MHPSA), 57–58, 89, 93, 95, 194, 269–301

Mergers and acquisitions, 235–244

cap-exemption strategies, 237

determining effect of deal on immigrant physicians, 235–236

due-diligence checklist, immigration documents for, 242–243

green-card applications, effect on, 239–241

H-1B visa holders, effect on, 236–238

immigration issues to consider, 241–242

J-1 visas, effect on, 239

sample corporate reorganization memo, 238–239

sample transaction contract language, 243–244

successors in interest, 236, 237, 240–241, 242

timing of closing, 236

travel in and out of United States, effect on, 242

types of deals, 236

Mexico

automatic visa revalidation, short trips, to, 37

per-country green card limits, 170

TN visa, 144

MHPSA. *See* Mental Health Professional Shortage Areas

Moonlighting, 17, 18, 35, 135, 143, 247

MSPEs (Medical Student Performance Evaluations), 7

MUAs. *See* Medically Underserved Areas

Multiple employers and H-1B visas, 137–138, 143–144

Multiple locations of employment, 188–189

MyIntealth ECFMG online portal, transition to, 29

N

NAFTA (North American Free Trade Agreement), 144

NALTO (National Association of Locum Tenens Organizations), 249

NAPR (National Association of Physician Recruiters), 249

National Aeronautics and Space Administration (NASA), 105

National Association of Locum Tenens Organizations (NALTO), 249

National Association of Physician Recruiters (NAPR), 249

National Board of Medical Examiners (NBME), 2, 29

National Health Service Corps (NHSC) program, 73

National Institutes of Health (NIH) grant-funding, 79

National Interest Waivers (NIWs). *See* EB-2 visas; Physician National Interest Waivers

National Practitioner Data Bank Reports, 102

National Prevailing Wage Center (NPWC), 183–184

National Resident Matching Program, 2, 4, 7–9

National Science Foundation, 105

Native American tribal facilities, HHS clinical waivers for, 71, 72

Naturalization. *See also* Citizenship

age requirement, 217

benefits and costs of, 215–216

physical requirements for, 218

U.S. residence requirement, 217–220

NBME (National Board of Medical Examiners), 2, 29

NBRC. *See* Northern Border Regional Commission

Network Review and Certification of Facility Waiver Request (Form VAF 10-0422b), 102

NHSC (National Health Service Corps) program, 73

NIH (National Institutes of Health) grant-funding, 79

NIWs (National Interest Waivers). *See* EB-2 visas; Physician National Interest Waivers

Noncompetition clauses, 62, 70, 75, 84, 89, 94, 97, 251

Nonimmigrant visas. *See also* Consular processing of nonimmigrant visas; E-2 treaty investor visas; J-1 visas; Visitor visas
 falling out of legal status, 226–227
 Form DS-160 (Online Nonimmigrant Visa Application), 22–23, 35, 151, 156–159, 161
 Form I-539 (Application to Extend/Change Nonimmigrant Status), 27, 116–117, 151, 152
 leaving United States and re-entering in another nonimmigrant category, 46–47

No objection waivers, 45, 52, 70

North American Free Trade Agreement (NAFTA), 144

Northern Border Regional Commission (NBRC), 69–70, 95–98
 application, 98
 contract, 96–97
 fee, 98
 locations, 96
 notice posting, required, 97
 "out of status" physicians, 98
 primary care physicians, 95
 recruiting, 96
 specialties, 95
 states, 95

Notice of Action (Form I-797), 51, 64, 153, 253, 254

Notice posting, required
 ARC, 86–87
 NBRC, 97

NPWC (National Prevailing Wage Center), 183–184

Nursing homes, 129

O

O-1 visas

aliens of extraordinary ability, 145
 consular processing, 155
 documents to present at U.S. consulate, 163
 EB-1A visas and, 202–203
 furlough, effect of, 233
 grace period, 138–139, 227
 J-1 visas and, 12, 47, 76, 101
 locum tenens positions, 247

Observerships, 19, 21–22, 24, 25, 53, 162

Online Applicant Status and Information System (OASIS), 6, 29, 30–32, 37

Online Nonimmigrant Visa Application (Form DS-160), 22–23, 35, 151, 156–159, 161

Online portal, MyIntealth ECFMG portal, transition to, 29

Outstanding professors and researchers, 202, 205–207

Overstay

denial of green card due to, 175
 VA waiver and, 100

P

Part-time positions. *See* Full-time vs. part-time jobs

Patriotism, 215, 217

Penalties

H-1B violations, 232
 payment of fees when hiring foreign worker, 251

Permanent residence. *See also* Lawful permanent residence

Canadian physicians, 254–255
 less common paths to achieving, 201–213
 PERM labor certification leading to, 177–191.
See also PERM labor certification
 time after application for, 175

PERM (Program Electronic Review Management) labor certification, 177–191

academic positions, special handling of, 188
 adjudication process, 190
 advantages and disadvantages, 177–178
 advertising requirements, 179–182
 appeal of denial, 190
 audits, 190
 backlogged processing, 178
 board certified or board eligible, 179, 188
 change of employer, effect of, 190

Persecution. See Hardship and persecution waivers

contacting applicants and interview process, 186
disadvantages of, 178
EB-2 visas, 177–178
employer's attestations, 184–185
failure to complete training prior to starting position, 188
family relationship of sponsor, 189
full-time vs. part-time jobs, 188
H-1B visas, 16
hiring both qualified candidate and immigrant candidate, 189
Immigrant Petition for Alien Worker (Form I-140), 178, 183, 184, 190
for J-1 visas, 16
language requirements, 187–188
layoffs and termination of employment, 228, 230
license requirements, 175, 179, 188
LPR status and, 147, 171–172, 175
minimum job requirements, 185, 186, 188
multiple worksites, 188–189
notice requirements, 182
permanent residency, leading to, 177–191
PNIW compared to, 177–178, 199–200
prevailing wages, 179, 180, 183–184, 189, 190
protected U.S. workers, 187
relocation of employer during process, 189
for residents and fellows, 187
rural health clinics, 179
self-employed physicians, 189
steps in process, 178–181
type of medical degree, 189
validity duration of PERM approval, 190–191
valid reasons to reject U.S. candidates, 185
wage requirements, 179, 183–184

Persecution. See Hardship and persecution waivers

Petition for Alien Relative (Form I-130), 170, 171

Petition for a Nonimmigrant Worker (Form I-129), 156, 159, 163, 237

Philippines

backlogged in EB-3 category, 169
Skills List, 44

Physician National Interest Waivers (PNIWs), 193–200

adjustment of status before completion of service, 196
administrative processing, advantages of PNIW petition in cases of, 200
approved labor certification, 207
backlogged processing, 200
change of employers, 196
clinical work, 194
continuous service, 195–196

credit for work in shortage area prior to filing application, 195
definition of, 193
EB-2 visas, 193
employment contracts, 197–198
evidence, 208–209
five-year service requirement, 195–196
flex slots, 194
full-time vs. part-time jobs, 194
green-card strategy, 147–148
HPSAs and, 193–194
Immigrant Petition for Alien Worker (Form I-140), 195, 196, 197, 198, 199–200
J-1 three-year service and, 196–197
license requirement, 175
LPR status and, 175
Medically Underserved Areas, 193
mergers and acquisitions, 240–241
new employers, 209
no limits on number allowed, 194
PERM compared with, 177–178, 199–200
premium processing of I-140 petitions, 199–200
primary-care physicians, 197
proving completion of service, 199
same government agency letter for both J-1 waiver and PNIW, 198
self-employment, 198
self-petitions, 198, 240–241
shortage areas qualified for, 147–148, 193–194
specialties, 197
sponsoring government agencies, 195
state programs, 269–301
state restrictions, 198–199

Pilot Program for EB-5 regional centers, 210

PNIW (State Physician National Interest Waiver) programs. See Physician National Interest Waivers; State Physician National Interest Waiver programs

Political and security-related hardships, 110

Political contributions, 216

Portability

adjustment portability, 228–229
of H-1B visas, 136–137, 224, 225

Postgraduate Training Authorization Letters (PTALs), 7

Preliminary or transitional training program, 5

Premium processing, 13, 139, 178, 191, 199–200, 210, 226

Prevailing wages

H-1B visas, 126, 127–129
locum physicians, 246
PERM labor certification, 179, 180, 183–184, 189, 190

Primary-care physicians

ARC sponsorship, 82, 87
 Conrad 30 waivers, 59–60
 definition of primary care (by state Conrad 30 program), 309–345
 definition of primary care (by state NIW program), 269–301
 DRA waivers, 88, 89
 employment contract requirements, 75, 84–86
 graduate medical training programs, 6
 HHS waivers, 72–74
 IGA waivers, 70
 MUAs, 57–58
 NBRC, 95
 one-year fellowship, HHS waiver and, 73
 PNIW, 197
 SCRC waivers, 93

Prisons and jails, HPSA designation, 57**Program Electronic Review Management System. *See* PERM labor certification****Psychological hardships, 110****PTALs (Postgraduate Training Authorization Letters), 7****Public interest waivers, 69–105. *See also* Physician National Interest Waivers**

application contents for IGA waivers, 70–71
 clinical waivers, 71–75
 HHS clinical waivers, 71–75
 interested government agency waivers, rules governing, 50–51, 69–71. *See also* Interested government agency waivers
 research waivers, 75–80
 VA, 102–103

Public policy, hardship waivers, 110–111**Q****Questionnaires**

for physician candidate, 250, 303–305
 for physician employer, 250, 307–308

R**Reciprocity of licensing, state provisions, 269–301****Recruiting**

ARC waivers, 84
 Conrad program waivers, 63, 309–345
 DRA waivers, 89–90
 HHS clinical waivers, 72, 74
 NBRC, 96

PERM process, 177, 179–182
 physician expectations, 251–252
 re-recruitment for VA waivers, 104
 role of recruiter, 249–252
 SCRC waivers, 93–94
 VA waivers, 99–100

Refugees, 166**Religious workers, 169****Report of Medical Examination and Vaccination Record (Form I-693), 173****Reputation of attorney, 260****Researcher waivers, HHS, 75–80****Research scholars**

J-1 visas, 34
 outstanding professors and researchers, 202, 205–207

Resources and websites, 265–267**Return fare, 231****Revalidation of visa for trips to Canada, Mexico, and Caribbean islands, 37–38****Rural health clinics**

HHS clinical waivers, 71, 72
 HPSA designation, 57–58
 PERM qualifications, 179
 state J-1 waivers, 61, 71

S**Same-sex spouses, family green card category, 167****Schooling for family members**

H-4 visas, 149–150
 J-2 visas, 120

SCRC. *See* Southeast Crescent Regional Commission**Secondary employers and H-1B workers, 232****Security clearances for visitor visa applications, 25–26****Self-employed physicians**

H-1B visas, 246
 PERM labor certification, 189
 PNIWs, 198

Self-petitions

Conrad 30 waivers, 65
 PNIWs, 198

Severance benefits, 226, 231

SEVIS (Student and Exchange Visitor Information System), 31, 156

Shortage areas. *See* Health Professional Shortage Areas; Medically Underserved Areas; Mental Health Professional Shortage Areas

Singaporean nationals, H-1B1 visas for, 144

Skills List, home-residency requirement (J-1 visa), 43–44, 47

SOAP (Supplemental Offer and Acceptance Program), 8

Social media presence, questions relating to, 48, 157, 172

Social Security Act, 72

Sociocultural hardships, 110

Southeast Crescent Regional Commission (SCRC), 69–70, 87, 91–95

Special immigrant juveniles, 169–170

Specialties

- American Board of Medical Specialties, 1, 33
- ARC waivers, 82
- board certification, 1, 179, 188
- change of specialties after arrival (J-1), 34
- Conrad program waivers, 60, 309–345
- DRA waivers, 88, 89
- extension of J-1 visa to sit for specialty board examination, 39
- HHS clinical waivers, 72–73
- NBRC, 95
- PNIWs, 197
- requirements for practice in, 6
- SCRC waivers, 93
- transitional or preliminary program, 5–6

Specialty occupation, defined, 130–131

Spillovers, 170

Spin-offs. *See* Mergers and acquisitions

Spouses. *See* Citizenship; H-4 visas for family members; J-2 visas for family members

State Children's Health Insurance Program (S-CHIP), 74

State Department policies

- administrative processing, 22, 25–26
- Foreign Affairs Manual*, 21–22, 54, 116
- hardship or persecution waiver, 113
- IGA waivers, 50–51, 69–71, 105
- interview waiver policy, 160
- medical residency programs, 21–22
- stateside visa renewal pilot program, 161
- VA waivers, 99
- Visa Bulletin* giving wait times by visa categories, 170–171

Statement of Need, J-1 visas, 12, 30, 31

State Physician National Interest Waiver (PNIW) programs, 147, 175, 177–178, 193–200, 207, 269–301

States

- ARC constituents, 80–82
- competitive states for Conrad 30 waivers, 67
- Conrad 30 waivers chart, 309–345
- DRA constituents, 87–88
- licensing requirements, 8–9, 254, 269–301
- SCRC constituents, 92–93
- waiver availability, 67

Stateside visa renewal, 161

Student and Exchange Visitor Information System (SEVIS), 31, 156

Successors in interest, 236, 237, 240–241, 242

Supplemental Offer and Acceptance Program (SOAP), 8

Supplement J, Form I-485, 228–229

Syria, TPS status for physicians from, 146

T

Taxation, 120, 216, 217

Teaching hospitals. *See also* Educational Commission on Foreign Medical Graduates; Medical residency programs

- classification of residents and fellows, 128
- H-1Bs at, 128, 237
- July 1 as start date of residency in, 237
- qualifications for H-1B exemption, 143
- termination of employment with, 224

Telemedicine positions, 65–66

Temporary Protected Status (TPS), 146

Termination of employment, 223–234

- adjustment portability, 228–229
- change of status to visitor status, 225–226
- employers' consequences, 230–232
- extenuating circumstances requirement, 224–225
- factors in determining, 231
- falling out of legal status, 226–227
- Form I-140 (Immigrant Petition for Alien Worker), 228–230
- furloughs vs., 233
- grace period after, 225, 227–228
- H-1B dependency and, 231–232, 234
- J-1 visas, implications for, 224
- LPR status, effect on, 230
- notice, 226, 231, 233
- pending green card applications, 228
- portability of H-1B visas, 136–137, 224, 225

strategies for preventing negative immigration consequences, 233–234
 Supplement J, Form I-485, 228–229
 unemployment compensation, eligibility for, 226
 visitor visas, change of status to, 225–226
 voluntary termination, 232

Third-party employers

H-1B visas, 134–135
 as sponsors, 64–65

TN visas

alternative to H-1B status, 144
 grace period, 138–139, 225, 227

TPL (training program liaison), 30

TPS (Temporary Protected Status), 146

Training program liaison (TPL), 30

Transitional or preliminary training program, 5

Translation of documents, 5, 159

Travel in and out of United States

adjustment of status application pending, 174
 ECFMG and, 36–38
 H-1B visa holders, 139
 J-1 visa holders, 36–38
 J-2 visa holders, 36–38, 121
 J-2 visa holders remaining in United States while J-1 travels outside of United States, 121
 leaving United States and re-entering in another nonimmigrant category, 46–47
 mergers and acquisitions, effect on, 242
 visa revalidation for certain trips outside United States, 37–38

Trump policies on TPS, 146

U

Unemployment compensation, 226, 230

United States Departments. *See name of specific department*

United States Medical Licensing Examination (USMLE)

Bulletin of Information, 2
 Canadian physicians, 254
 fee schedule, 5
 graduate medical training, 2–5
 H-1B visa requirements, 3, 131–132
 J-1 visa requirements, 3, 12, 29, 131–132
 state requirements, 269–301

University professors, 201–202, 205–207

U.S., Mexico and Canada Agreement (USMCA), 144

USCIS M-274 Manual, H-1B portability, 136

USCIS regional service centers, 210

V

VA Form 10-2850, 102

Veterans Administration, 71

Veterans Affairs Department (VA), 69–70, 98–104, 194

Veterans Integrated Service Network, 103

***Visa Bulletin*, 170–171, 178, 181**

Visa Electronic Application (Form DS-260), social media identifier, 172

Visa Qualifying Examination, 29

Visa renewal, stateside, 161

Visa revalidation, 37–38

Visa Waiver Program (VWP), 19–20, 155

Visitor visas (B-1 for business, B-2 for tourism)

administrative processing, 22, 25–26
 after the interview, 25–26
 application process, 22–23
 approval of applications, 25
 change of status, 27
 denial of applications, 25
 documents to present at U.S. consulate or port of entry, 23–24, 161–163
 elective clerkships, 21–22
 Electronic System for Travel Authorization, 20, 26, 27
 entry stamp, 27
 EVUS, 26
 exceptions, 19–20
 extension of stay, 27
 Form DS-160 (Online Nonimmigrant Visa Application), 22–23, 35, 151, 156–159, 161
 Form I-94 (Arrival Departure Record), 26–27
 Form I-539 (Application to Extend/Change Nonimmigrant Status), 27, 116–117, 151, 152
 H-1B visa seeking change of status to, 225–226
 interviews, 24–25
 legitimate reasons for, 21–22
 multiple entries, 21
 observership applicant, 21–22
 photograph for, 23
 port-of-entry interview, 26–27
 residency, interviewing for, 21–22
 USMLE steps, completion of, 21–22
 validity duration, 21
 Visa Waiver Program, 19–20, 155

Voting rights, 215

wait time for processing applications, 22

Voting rights, 215

VWP (Visa Waiver Program), 19–20, 155

W

Wages. *See* Prevailing wages

Waiver Review Division, 107–108, 111

Waivers. *See also* Conrad 30 waivers; Hardship and persecution waivers; Interested government agency (IGA) waivers; Physician National Interest Waivers; Public interest waivers; Recruiting; Specialties

J-1 visa holders, 3, 12, 15, 16–17, 46, 50–51, 105. *See also specific waiver*

medically underserved community work, 17

Veterans Affairs, 98

Visa Waiver Program, 19–20, 155