



MEMORANDUM

To: Training Program Liaisons (TPLs) and J-1 Exchange Visitor Physicians
From: Exchange Visitor Sponsorship Program
Re: Exchange Visitor Physicians and Employment Outside the Sponsored Program

The U.S. Code of Federal Regulations governing the Exchange Visitor Program clearly states that the primary objective of the Exchange Visitor physician's training in the United States should be to enhance his/her skills in the field of medicine. Visa sponsorship, which is documented by Form DS-2019 and issued by ECFMG, authorizes a specific training activity and associated financial compensation. The final requirement for sponsorship as an Exchange Visitor physician involves the signing of the Form DS-2019. This certifies that the exchange visitor physician understands that he/she "...shall be permitted to perform only those activities described in Item 4 on this form."

Federal Regulations do not permit activity and/or compensation outside the defined parameters. The U.S. Code of Federal Regulations governing the Exchange Visitor Program states:

- (a) An exchange visitor may receive compensation from the sponsor or the sponsor's appropriate designee for employment when such activities are part of the exchange visitor's program.
- (b) An exchange visitor who engages in unauthorized employment shall be deemed to be in violation of his or her program status and is subject to termination as a participant in an exchange visitor program.
- (c) The acceptance of employment by an accompanying spouse or minor child of an exchange visitor is governed by Immigration and Naturalization Service regulations. [Note that in March 2003, service and benefit functions of the U.S. Immigration and Naturalization Service transitioned into the Department of Homeland Security as the U.S. Citizenship and Immigration Services.]
(22CFR§62.16)

Participation in a structured training program should serve to meet the above objective by strengthening and improving the J-1 Exchange Visitor physician's knowledge of American techniques, methodologies and expertise in a particular medical specialty. As J-1 Exchange Visitor physicians sponsored by ECFMG have a chosen primary objective of graduate medical education, they may receive compensation only for activities that are part of the designated training program. Therefore, work outside of the sponsored program, or "Moonlighting" is not permitted.