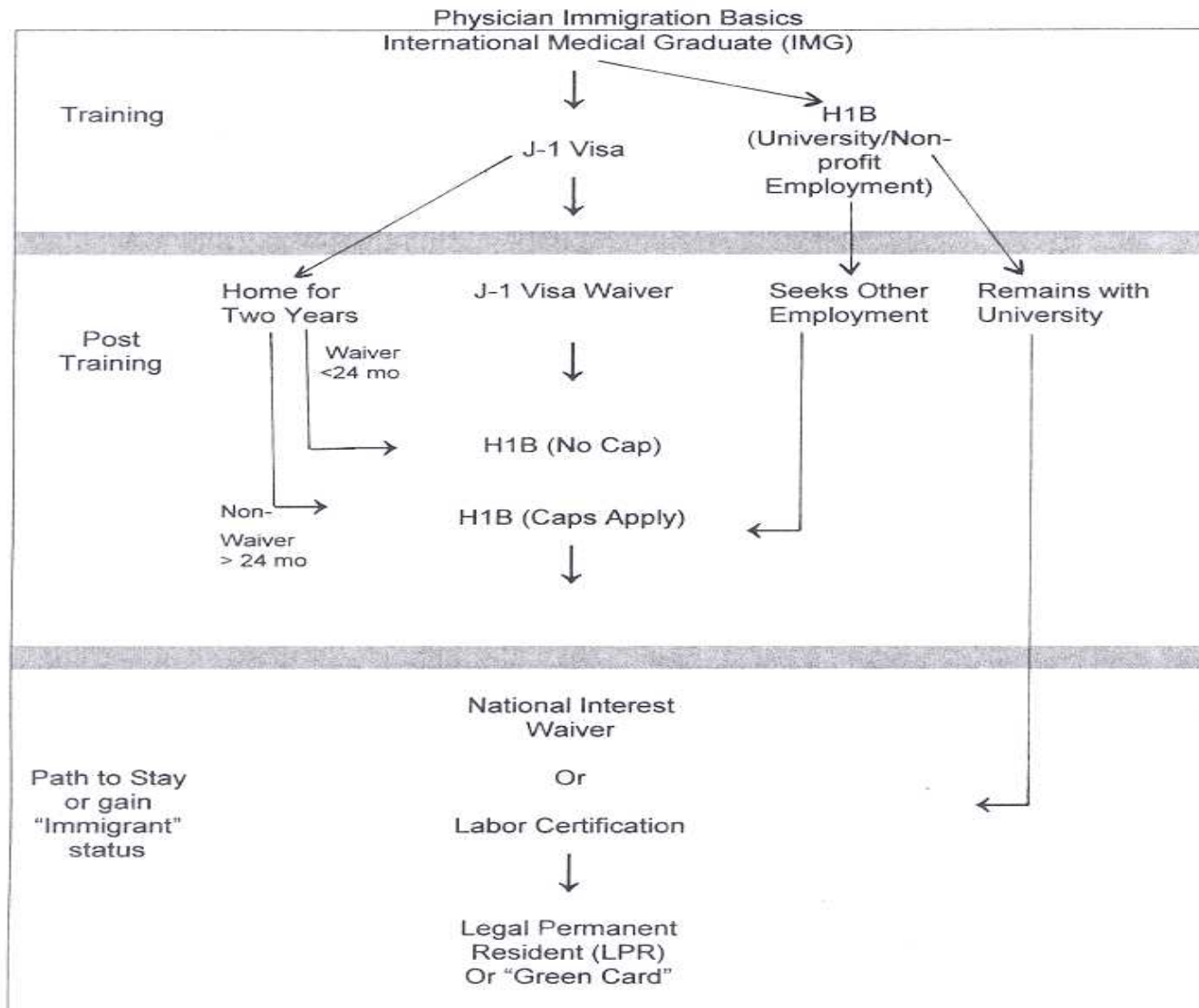


After Training: Options for IMGs

Connie Berry, Manager
Texas Primary Care Office
Sept. 23, 2008



Prepared by the Texas Primary Care Office, Texas Department of State Health Services. January 2008

Physician Immigration Basics

International Medical Graduate (IMG)

Training

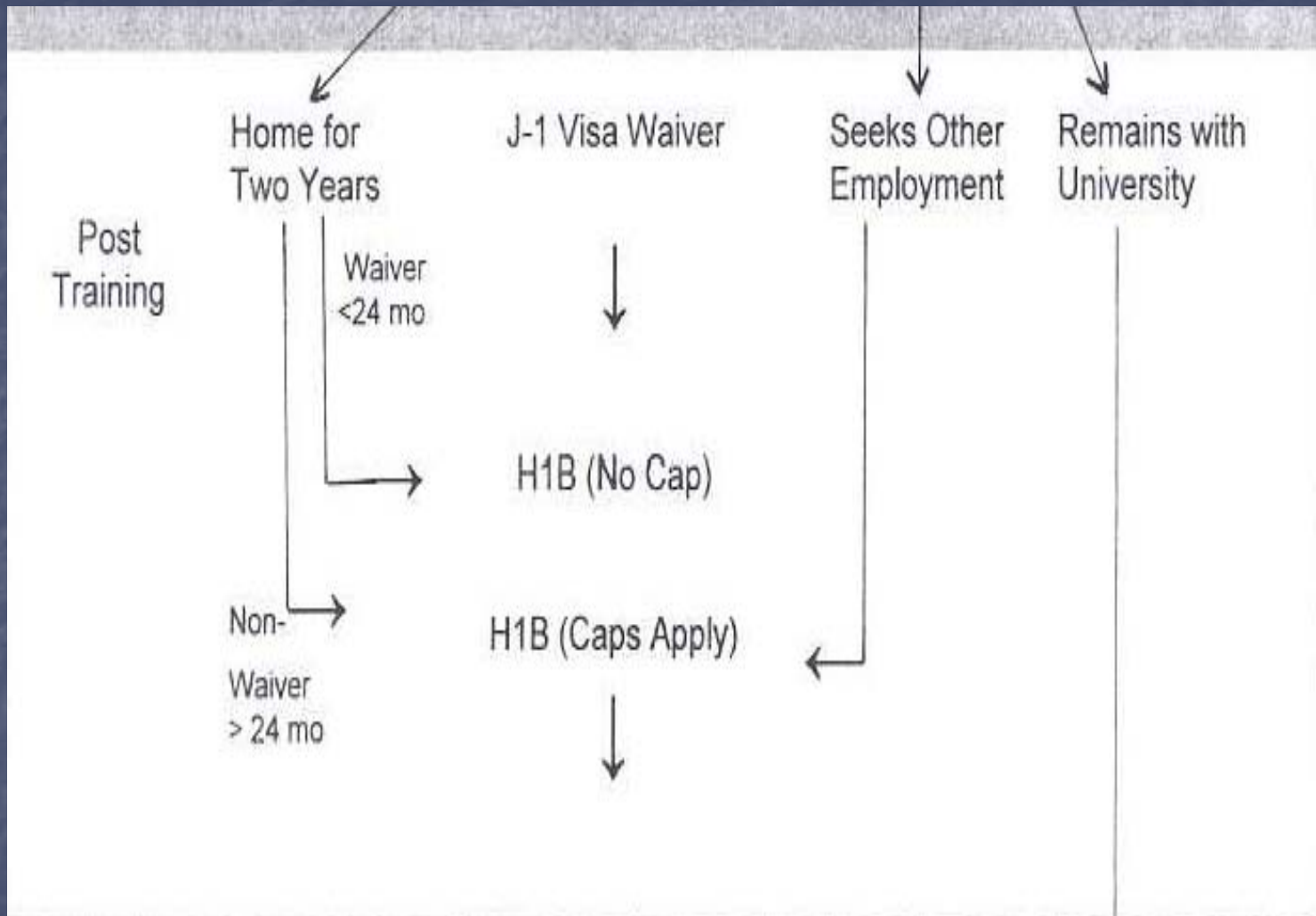


J-1 Visa



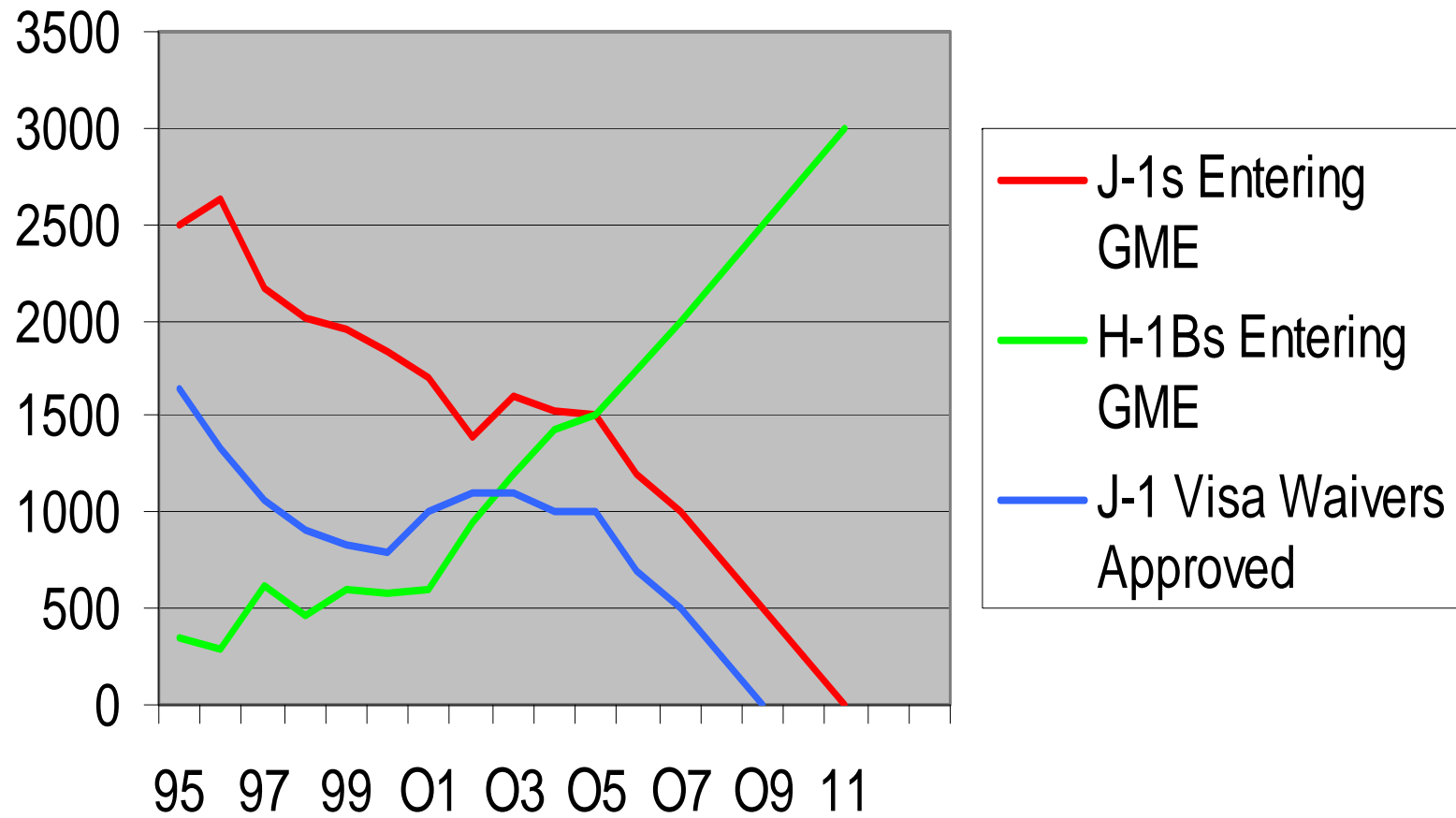
H1B

(University/Non-profit
Employment)

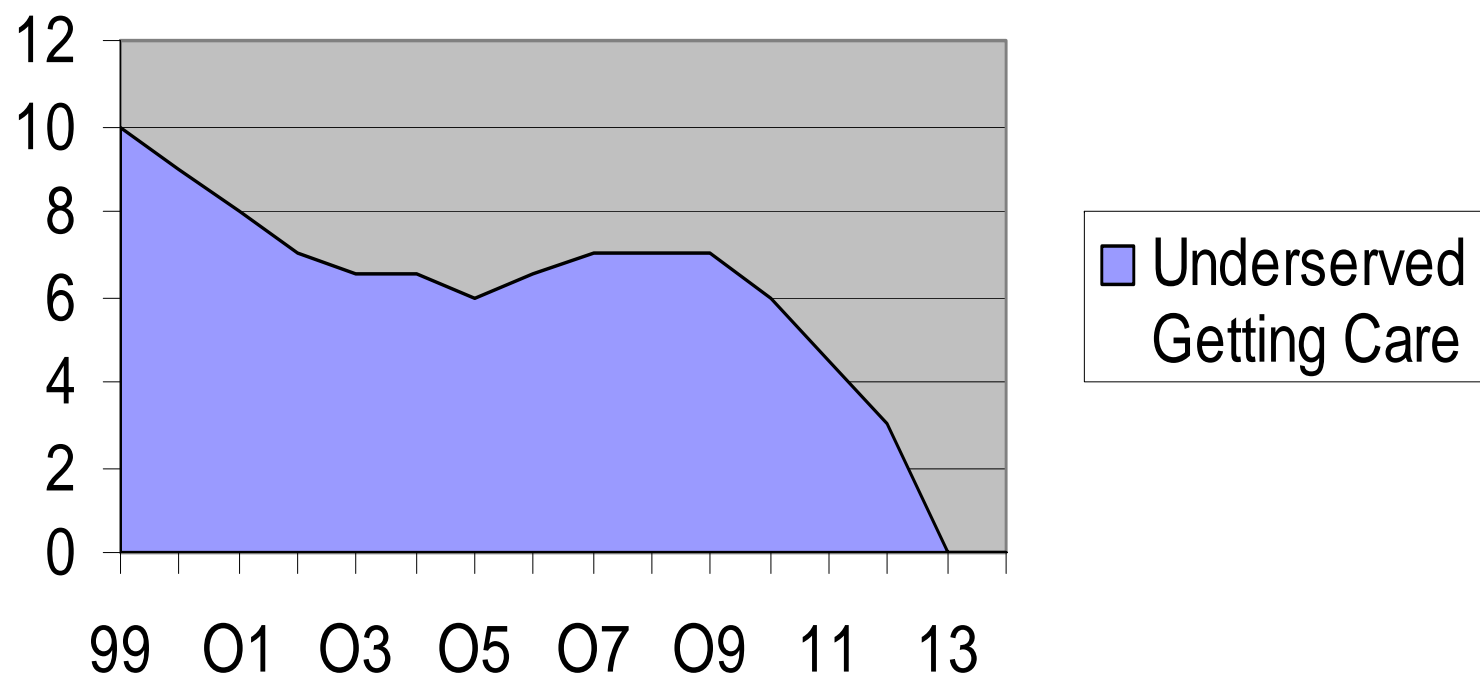


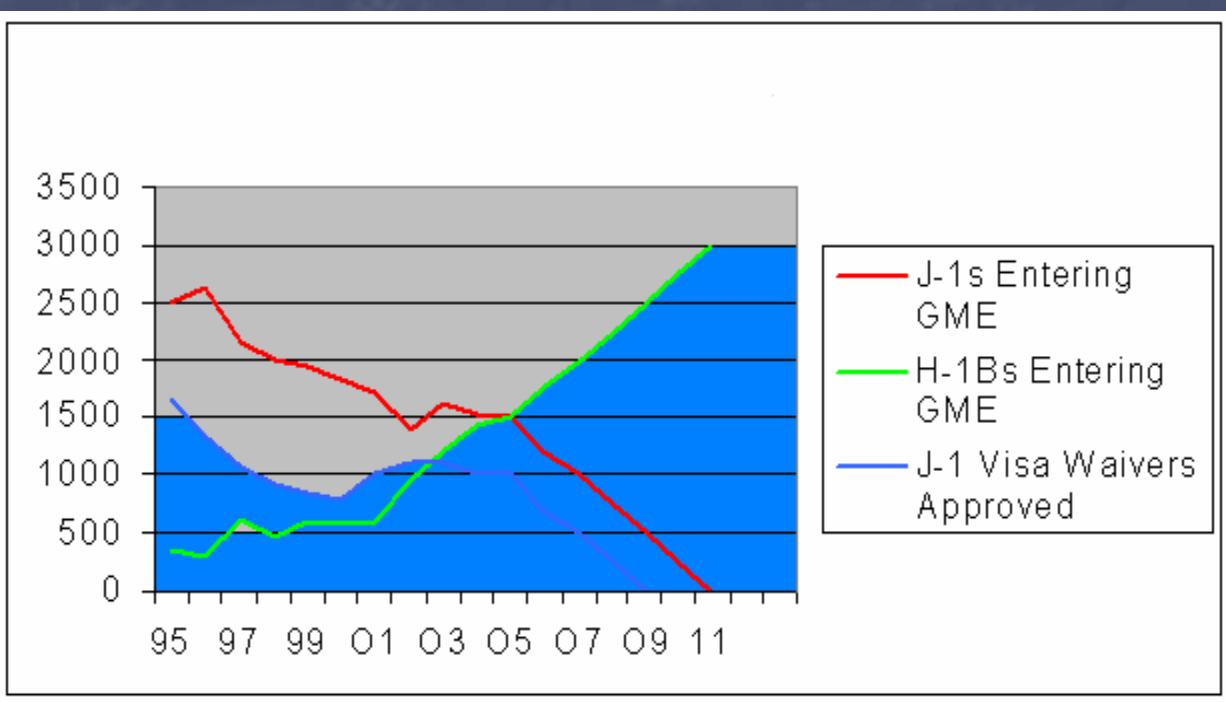


Conrad 30 & J-1 VW Docs



Underserved Getting Care from J-1s (in millions)





This is what service to the underserved could look like, if an all J-1 program was policy or an H1B obligation was mandatory

Differences Between J-1 and H1B Visa

J-1 Definitions

- Temporary non-immigrant
- Sole intent = educational training
- Automatically subject to 212(e) of the Immigration and Nationality Act
 - 2 year "Home Residency Requirement"

H1-B Definitions

- Temporary specialty worker
- Employment based (training)
- Teaching hospital = employer
- "Dual intent" (acceptable to express interest in immigrating)
- USMLE Step 3 required
- No home residency requirement

Differences Between J-1 and H1B Visas

J-1 Benefits

- USMLE Step 3 NOT required
- Low cost for IMG & program
- Simple processing
- Seven years of eligibility
- Accurate tracking of physicians
- Monitored training progression
- Spouse work authorization
- Available for HIPSA, MUAs
- US diplomacy/international exchange

H1B Benefits

- Competitive selection (considered more attractive to applicants)
- Moonlighting permitted if part of job description
- Post training recruiting tool for hospitals
- Ability to apply for permanent resident status/citizenship

Differences Between J-1 and H1B Visas

J-1 Drawbacks

- Generally ineligible for recruitment by teaching hospital after training
- No moonlighting permitted
- Subject to return home/212(e)

H-1B Drawbacks

- Expense for IMG/hospitals - attorney fees, prevailing wage etc.
- Increasing responsibilities imposed on GME programs/teaching hospitals
- Only 6 years of eligibility
- Spouse – no work authorization
- Lack of accurate H-1 physician data

Differences Between J-1 and H1B Visa

General J-1 Shortcomings:

- 214(b) Non-immigrant intent
 - Increasingly difficult for IMGs to prove
 - Rise in visa denials
- 212(e) IMGs – 2yr home requirement
 - Considered a disadvantage for IMGs and programs that may be interested in recruiting trainees
 - Declining interest in waivers to practice in medically underserved areas/primary care
 - Perception that J-1 is less competitive

General H-1B Shortcomings:

- Rising costs for hospitals and IMGs
- Ineffective interagency tracking
- No service obligation in US or home country
- Wide variability in institutional policies, practices, resources
- Concerns over regulatory compliance
- Immigration reform -increased liability for hospitals

Differences Between J-1 and H1B Visas

Immigration Process: Both visa types would require either Labor Certification or National Interest Waiver to obtain Legal Permanent Residence

Does the Conrad 30 Program Work?

- Texas “Where are they now?” analysis
 - 71 physicians recommended for a waiver in Texas have completed their obligation
 - 120 are currently under their 3-year obligation
 - Of the completers:
 - 56.3% still in the same city
 - 77.5% still in the same county
 - 88% recommended for Lower Rio Grande Valley are still there
 - **91% are still in Texas!**

Is it Perfect?

- NO!
- Two-sides to every complaint
- Parallel to any professional with an obligation - National Health Service Corps, Military docs, State Loan repayers
- Myths, rumors and really old stuff

What Do People Want?

- States - Docs for underserved areas and populations
- Employers - Income generator, but not future competition
- Waiver physicians - More freedom! More choices! More money!

Wrap Up

Physician Immigration presents an interesting mix: docs, lawyers, employers, universities, private practice, non-profits, Federal agencies, non-profits, trade associations, non-governmental organizations, State governments, policy makers, etc.

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