



# **The IMG in Residency**

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## **An Inside View of Institutional Compliance and Best Practices**

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**Mayo Clinic**

# MAYO SCHOOL OF GRADUATE MEDICAL EDUCATION

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## MSGME – MCR/MCA/MCF

- Appointment Process
- Administrative Process
- Records

## IPO Office

- Provide guidance on appointments
- ECFMG J-1 and H-1B Process
- Advising – Immigration/GME/Travel
- Compliance Issues

## Program Directors/Program Coordinators



# IMGs Enrolled in GME

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- 1500 Residents/Fellows
- 375 IMG's
  - 300 (J-1/H-1B)
  - 75 (USC/LPR/other NIV)
- 245 Training Programs
  - 127 ACGME Programs
  - 118 Non-Standard Programs



# IPO Manages Process

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## Review File Prior to Appointment

- ECFMG sponsor/complete program
- Apply approved visa policy
- H-1B – complete program
- Department of State case
- Advise PD/PC
- Advise MSGME of visa contingencies – becomes part of appointment contingencies



# IPO Manages Process

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## After Appointment Approval

- Preparation/submission of all visa sponsorship applications
- Work with ECFMG
- Timely start
- Manage MSGME and Program Director expectation of arrival
- Responsible for IMG Orientation
- Consult on I-9 process
- Notification of arrival to ECFMG



# IPO Manages Process

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## During Appointment

- Provide advising on visa sponsorship/travel
- Notify ECFMG of leave of absence, change of program, remediation, termination, etc.
- Notify USCIS/H-1B material change
- Constant communication and meetings throughout the year with MSGME staff, program directors, program coordinators
- Each year at extension time IPO meets with each non-immigrant



# Use of Outside Counsel (for H-1B)

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- Do NOT let IMG choose attorney
- Do establish long-term relationship with one or two firms you can trust
- Narrowly limit who is authorized to sign for the institution



# Who Pays?

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- Generally, institution should pay
  - Exception: premium processing *if* for sole benefit of IMG (travel, etc.)
- Caution: USDOL views H-1B costs as properly the employer's expense; therefore, if IMG pays outside counsel fees, must deduct from salary and could fall below prevailing wage



# H-1B IMG Leaves Residency

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- Institution must notify USCIS of termination (and withdraw petition)
- Recommend withdrawal of LCA



# Green Card Sponsorship Issues

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- Cannot sponsor IMG for position of medical resident -- not a permanent job
- Can sponsor as future staff physician, *but* IMG must be fully qualified at time of filing (thus generally not possible)
- IMG may pursue self-petition on own (extraordinary ability/national interest waiver)
- Mayo Clinic policy requires IPO review/approval of institutional support letters



# Post-residency Planning

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- IPO provides individual and group counseling to IMGs on options, resources, etc.
- IPO counsels clinical department leaders on retention planning for Staff candidates:
- J-1 waiver options and eligibility issues; timing issues; H-1B; O-1; J-1 return home to comply under Mayo Clinic scholarship, etc.



# I-9 Compliance

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- Today more essential than ever to do correctly
- IPO assists MSGME with I-9 completion during orientation
- IMG must be work authorized to participate in mandatory orientation and begin rounds due to:
  - IMG's immigration status
  - I-9 liability
  - FLSA liability