



Tufts-New England Medical Center

VISA SPONSORSHIP INFORMATION SHEET

I. Introduction

The purposes of this Information Sheet are: a) to inform and assist Program Directors in their consideration of applications for a House Officer appointment from foreign national (non-US citizen) graduates of international or U.S. medical schools; and b) to establish a common basis for determining whether the Tufts-New England Medical Center will sponsor a non-citizen for a visa. The term "House Officers" shall include physicians who are enrolled in a Hospital Graduate Medical Education program as interns, residents or fellows (hereinafter "Trainees").

All non-US citizens who wish to enter or remain in the United States for purposes of graduate medical education must, by Federal law, have a proper visa or other work authorization document. It is the responsibility of the Program Director and Hospital to ensure that all Trainees have the proper visa status.

II. Visas

A. General Information

There are several types of visas which allow entry into the United States for graduate medical education: the two most common and the two discussed in detail below are the J (J-1) visa, known as the exchange visitor visa, and the H (H-1B) visa, known as a temporary employment visa.

The principal distinctions between these visas is that the J visa requires the Trainee to return to his or her home country upon completion of the GME program and is usually three years in duration. The H visa does not have a "return home" requirement, thus allowing the Trainee to seek permanent immigration status upon completion of the program, and is usually six years in duration. Although federal law does not prohibit the H visa for GME purposes, both Congress and the Association of American Medical Colleges discourage the use of an H visa for GME purposes because of physician workforce and international development issues.

In accordance with the GME Policy on Selection and Appointment of House Officers, a Trainee will be sponsored by the Hospital for an H visa ONLY under certain circumstances and only after review by the Director of the GME Office

and approval by the Hospital. Such circumstances may include, but are not limited to, when the Trainee at the time of application: (a) is in the United States as a spouse of a person holding an H visa; (b), has applied for political asylum; (c) has applied for permanent resident status (“green card”) with a likely chance of success; (d) is a graduate of a U.S. medical school; (e) for other reasons is unlikely or unable to return to his or her home country; or (f) other specialty specific considerations, e.g., lack of candidates for specialty.

Because the federal rules governing immigration and naturalization are relatively complex, and because the legal and administrative processes are also complex, dynamic, and open to interpretation, the Office of Graduate Medical Education should be informed of potential visa applicants before an appointment of a foreign national applicant is offered and before any visa sponsorship commitment is made to the applicant by the Program Director.

B. J Visa Requirements

Non-US citizens who are IMGs on a J visa are sponsored by the Educational Commission for Foreign Medical Graduates (ECFMG), upon an application submitted by T-NEMC. While there are extensive federal regulations governing the issuance and duration of J visas, several critical requirements are as follows:

- Only Trainees in ACGME-approved programs are eligible for a J visa and only for the exact number of years of the program. It is increasingly difficult to extend the J visa for subspecialty training.
- IMGs already in the country on another visa, such as a research scholar visa, will not be allowed to change visa status in the U.S.. The J visa must be issued in the home country.
- Upon completion of training, the IMG must return to his or her home country for at least two years. Under very narrow and stringent circumstances, this return home requirement may be waived.
- Moonlighting or any other pay beyond the standard stipend for the GME program in which the Trainee is appointed is prohibited.
- The issuance of the J visa requires a signed agreement or offer letter, and a home government letter stating that there is a need for physicians in the specialty of the training program.

C. H Visa Requirements

Trainees seeking an H visa must be sponsored by the Hospital as the employer. Certain requirements and restrictions are thus placed on the Hospital, under close federal scrutiny. Some of the requirements and relevant facts include:

- The Trainee must be eligible for a Full License (by passing the full series of one type of medical examination such as Steps 1, 2, and 3 of the USMLE) and have at least a Limited License before the application for sponsorship will

be approved by INS.

- The Hospital must agree to pay the cost of transportation back to the Trainee's home country if the Trainee is terminated from the program.
- The entire H visa application process could take up to four to six months.
- The Hospital works with the Tufts University International Affairs Office to process the application on behalf of the Hospital, for which there is an additional fee of \$1,000, a portion of which is paid to INS.

D. Other Visas or Status

These Guidelines have covered only two types of visa and only a very few aspects of the two most common visas. Other visa types include: F visas for students; O visas for persons of extraordinary ability; and temporary employment authorization.

Persons who hold permanent resident status can be appointed to a GME program without any visa limitations.

III. General Inquiries

The Office of Graduate Medical Education is prepared to receive all your inquiries concerning visa issues, and either will have the information readily available or will seek the best available sources of information. The GME Office will work closely with the Hospital Administration and the Tufts University's International Affairs Office to respond to any questions or concerns.