



Tufts Medical Center -(GME)	Subject: Process for Visa Sponsorship	File Under: Policy # GME 114
Issuing Department: Graduate Medical Education		Latest Revision Date: January 2, 2013
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PURPOSE:

For all foreign national physicians who require visa sponsorship in order to participate in a clinical training program at Tufts Medical Center.

ELIGIBILITY:

This policy applies to all Tufts Medical Center sponsored residency and fellowship programs accredited by the ACGME.

RESPONSIBILITY:

Program Directors ensure that visa sponsorship forms are completed annually and/or at least 3 months before the current visa’s expiration date, whichever comes first.

DEFINITIONS:

Acceptable visa types for a residency or fellowship at Tufts Medical Center are:

1. **ECFMG J-1 visa** – Alien Physician Trainee - The standard visa for residents/fellows who are not a United States citizen or permanent residents, issued by the Education Commission on Foreign Medical Graduates (ECFMG). Annual renewals and a maximum of seven years with a two year home requirement (read J-1 visa procedure below),
2. **J-2 visa** - Issued to the dependent of a J-1 visa holder (read J-2 visa procedure below);

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3. **H-1B visa** - Employment visa for positions that require the equivalent of a higher specialized field, maximum presence is six years. This visa requires prior approval from the GME (read H-1B visa procedure below);
4. **Permanent Resident Alien** – Someone who has been granted authorization to live and work in the United States on a permanent basis. As proof of that status a person is granted a permanent resident card, commonly called a “Green Card” which must be valid at all times.
5. **Permanent Resident Application pending** - candidates in this situation will be issued Employment Authorization Documentation (EAD) card which must be renewed.
6. **Employment Authorization Document (EAD)** – issued to applicants for U.S. permanent residency, J-2 dependents of J-1 Exchange visitors and other individuals granted temporary permission to remain and work in the US. Usually must be renewed annually.
7. **O-1 Visa** – Temporary work visa for individual with documented “extraordinary ability” in a field of endeavor. “Extraordinary ability” means a level of expertise indicating that the person is one of the small percentages that has risen to the very top of the field of endeavor. This standard can be met by showing that the physician has sustained national and international acclaim. Issued initially for up to three years, with one year extension for an unlimited period thereafter.
8. **E-3 Visa** – for professional positions held by citizens of Australia, issued in two year increments for an unlimited period provided no steps are taken to apply for U.S. permanent residency (green card).

PROCEDURE:

ECFMG J-1 Visa—Alien Physician Procedure

Candidates must be prompted to fill out the appropriate J-1 Application on the ECFMG website only after completing all of the necessary Appointment/Re-appointment documents and submitting the required documents to the respective Program Liaison in the Graduate Medical Education Office. Information regarding the on-line application materials can be found on the ECFMG website: <http://www.ecfm.org/evsp/application-index.html>.

If a resident/fellow on a J-1 visas wishes to do an elective rotation to a site **not** within the host institution, special permission must be obtained from ECFMG—the program coordinator must contact the GME office for more information at least 3 months prior to the start of the rotation.

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Average J-1 application processing times

1. Standard completed applications
 - ❖ 2-4 weeks (during the busy season--April, May, June, July)
 - ❖ 1-3 weeks (during the non-busy season)
2. Non-standard complete applications:
 - ❖ 6+ weeks (during the busy season--April, May, June, July)
 - ❖ 4-6 weeks (during the non-busy season)

J-2 Visa Procedure

Any residents/fellows training on a J-2 visa are required to obtain an EAD card on an annual basis. Renewal can take up to six (6) months processing time. The J-2 spouse is responsible for ensuring that the J-1 spouse applies for J-1 visa renewal annually and allows enough time for EAD card renewal for the J-2 spouse. The J-2 spouse must also inform the program director of any changes to the J-1 spouse's visa sponsorship, as the J-2 sponsorship is directly linked to J-1 sponsorship.

H-1B Visa Procedure

In some specific situations, limited to those described below, the Hospital and the Graduate Medical Education Office may support the use of an H-1B visa for trainees in ACGME accredited training programs. Candidates must have passed the USMLE Step 3 exam and provide documentation that they meet one or more of the following criteria:

1. Applicant currently holds a valid H-1B visa (*provide copy of Form I-797, Notice of Action*)
2. Applicant is the spouse/registered domestic partner of a U.S. citizen, permanent resident ("green card" holder), or individual holding an H-1 or O-1 visa (*provide copy of marriage certificate or H-4 document*)
3. Applicant/applicant's spouse has a permanent resident petition pending with a likely chance of success (*provide copy of proof of petition*)
4. Applicant is not eligible for or would face a hardship on a J-1 visa due to unique immigration circumstances (e.g., applicant already obtained a J-1 waiver; applicant who has to return home periodically to care for ill parent faces higher risk of being denied re-entry on J-1 visa) (*provide letter explaining reason for hardship*).
5. Any other situations, not described above, will be mediated on a case by case basis between the program director and the GME Office.

To obtain approval for sponsorship of an H-1B visa, the program must submit a written request documenting the request and affirming that the candidate meets one or more of the criteria listed above. See Addendum to this policy for form.

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The GME office will respond in writing to the program director indicating if the request to apply for the H-1B visa is approved or denied within 14 days of receipt of the request.

The respective training program director will be solely responsible for ALL **costs and fees** associated with preparing and filing H-1 B visas for residents/fellows.

Training program directors are required to use the services of International Affairs Office in furtherance of the H1-B visa. **The candidate must be granted a MA license prior to applying for an H-1B visa.**

The International Affairs Office requires 4–5 weeks to process documents prior to submission. **Processing time between the request for an H1-B visa and receipt can be up to 5–6 months. Program Directors are strongly urged to consider the impact on the other trainees in the likelihood the candidate’s start date is delayed.**

Outside Rotations:

Special permission must be obtained from USCIS through the GME Office and the International Affairs Office if a resident/fellow on an H-1B visa wishes to do a rotation or elective to a site not within the host institution. The Program Director must contact the GME Office at least 4 months in advance for more information regarding any outside rotations.

Effect of Dismissal or Non-Renewal of Resident Appointment:

If a Program Director dismisses or does not renew a resident/fellow appointment before the individual’s H-1B visa expires, the training program is responsible under U.S. Citizenship and Immigration Services regulations to pay the H-1B physician’s airfare back to his/her home country. This is the sole responsibility of the Program or its respective Department - the Hospital and GME Office will not assist in defraying these costs.

Moonlighting

- ❖ Residents/fellows on J-1 visas are **not permitted** under any circumstances.
- ❖ Residents/fellows on an H1-B visa must obtain a separate H-1B visa at **each** facility where the resident/fellow would moonlight outside the Tufts Medical Center training program.

Internal Extra Clinical Duty

Residents/fellows on J-1 and H1-B visas may NOT receive additional pay beyond their current stipend, in accordance with ECFMG regulations. If programs wish to reward residents for participating in approved internal extra clinical duty assignments, they may reimburse residents for the costs of attending conferences or for book purchases or other similar expenses.

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VISA TIME FRAME

VISA TYPE	*TIME PROCESS (ESTIMATED)	LENGTH OF STAY
ECFMG Clinical J-1 Visa	2-4 weeks	Maximum 7 years (2 yrs home requirement)
ECFMG Non-Standard J-1 Visa	6 plus weeks	Maximum 7 years (2 yrs home requirement)
ECFMG Clinical J-1 Visa (renewals)	2-4 weeks	Maximum 7 years (2 yrs home requirement) <i>From the start of the initial J-1.</i>
J-2 Visa	6 months process time for a Employment Authorization Card.	Linked to the spouses J-1 visa.
H-1B (initials)	3-4 months with premium processing (see below)	Maximum 6 years
H-1B (renewals)	2-3 months with premium processing (see below)	Maximum 6 years <i>From the start of the initial H1</i>
Permanent Resident Card	5 years of residency in the US before applying.	Card must be valid at all times
Employment Authorization Documentation	Renewal annually	Card must be valid at all times
O-1 visa	2 to 3 months	3 years with one year extension unlimited.
TN Visa (Canada and Mexico Nationals only)	Canadian Border – several hours. Mexican Border – 24 to 48 hrs	3 year increments as long as no steps are taken for a US permanent residency
E-3 Visa (Australian National only)	4 months	2 year increments as long as no steps are taken for a US permanent residency

* These processing times are based upon ECFMG, International Affairs Office and/or United States Citizenship and Immigration Service (USCIS) receiving **all of the completed and necessary documentation** (example: Initial H-1B's will need license approval before the H-1B visa application can be submitted to the USCIS).

Premium Process Service allows a faster processing time after the H1 visa petition is received by the USCIS. The USCIS guarantee that it will process the visa petition within 15 days under this service. There is a **\$1,255.00** fee that the employer must pay to the USCIS for this service. Only the employer or business can apply for this service and must pay by separate check to USCIS. The employer does not have to pay for premium processing service for dependent family members. At Tufts Medical Center, the costs for this service will be charged back to the respective Department cost center. Neither the Hospital nor the GME Office will pay for this service.

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Request for H1-V Visa Sponsorship – To be Completed by Program Director

I agree to the following in order for Dr. _____ to obtain an H-1B visa.

(Please initial which situation applies to this applicant and attached documentation as requested in *italic*):

- _____ Applicant currently holds a valid H-1B visa (*provide copy of Form I-797, Notice of Action*)
- _____ Applicant is the spouse/registered domestic partner of a U.S. citizen, permanent resident (“green card” holder), or individual holding an H-1 or O-1 visa (*provide copy of marriage certificate or H-4 document*)
- _____ Applicant/applicant’s spouse has a permanent resident petition pending with a likely chance of success (*provide copy of proof of petition*)
- _____ Applicant is not eligible for or would face a hardship on a J-1 visa due to unique immigration circumstances (e.g., applicant already obtained a J-1 waiver; applicant who has to return home periodically to care for ill parent faces higher risk of being denied re-entry on J-1 visa) (*provide letter explaining reason for hardship*)

By signing below you are in agreement to the following petition:

- ✓ Applicant has passed USMLE Step 3.
- ✓ The respective training program will be solely responsible for ALL costs and fees associated with preparing and filing H-1 B visas for residents/fellows.
- ✓ To use the services of International Affairs Office in furtherance of the H1-B visa.
- ✓ Understand that the candidate must be granted a MA license prior to applying for an H-1B visa.
- ✓ Understand that if a training program terminates or does not renew a resident/fellow appointment before the individual’s H-1B visa expires, the training program is responsible under U.S. Citizenship and Immigration Services regulations to pay the H-1B physician’s airfare back to his/her home country. The Hospital and GME Office will not assist in defraying these costs
- ✓ Special permission must be obtained from USCIS through the GME Office and the International Affairs Office, if a resident/fellow on an H-1B visa wishes to do a rotation or elective to a site not within the host institution. The Program Coordinator must contact the GME Office at least 4 months in advance for more information regarding any outside rotations.

Program Director Signature: _____

Dept. Chair Signature: _____

The GME office will respond in writing to the department/program indicating whether the request to apply for the H-1B visa is approved or denied within 14 days of receipt of the request.

/End