

NAVIGATING THE J1 VISA PROCESS: A CANADIAN'S PERSPECTIVE

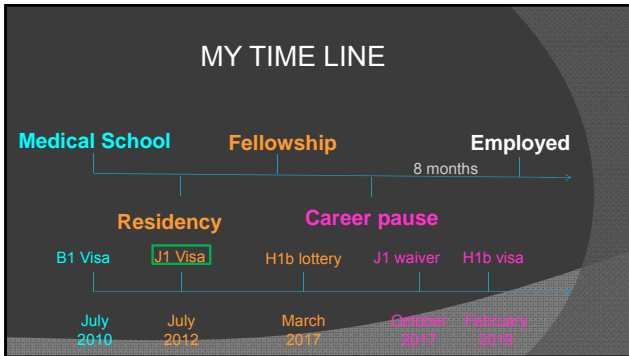
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Contents

- My background
- Immigration decoded:
 - J1 → Conrad 30 → H1b
 - H1b visa lottery
 - Bottle necks and limitations of these visas
- How does a Foreign Medical Graduate benefit your office?





J1 Exchange visitor program:
What is it?

- U.S Department of State administered visa
 - To train foreigners with the expectations of a "return of service" to their home country:
 - 7 years duration
 - Annual renewal application and fee
 - Required 2 years home residency requirement
 - To train foreigners and retain them for the needs of the United States:
 - The J1 waiver
 - The H1b
 - Required 3 year commitment

J1 Visa: Why sign on?

- Popular visa amongst residency and fellowship programs:
 - Funded by the applicant on an annual basis (~\$275+)
- J1 programs need a Training Program Liaison (TPL)
 - Ensures documentation and communication with US immigration and the Education Commission of Foreign Graduates (ECFMG)
- Foreign physician can return home as an American trained physician

J1 visa: A crucial component

- Applications require a "Statement of Need" from the home country
 - Statement of need based upon what kind of physician the home country needs
 - Specialty choice is limited
- Canada **was** the last country to limit the amount of 'Statements of Needs' issued (changed as of **Summer 2018**)

My experience: J1 application

- In 2012: 14 statements of need available
 - Bottle neck step
- During my application, 4 choices were available as a pathologist:
 - Transfusion medicine
 - Hematopathologist
 - Pediatric Pathologist
 - Forensic Pathologist

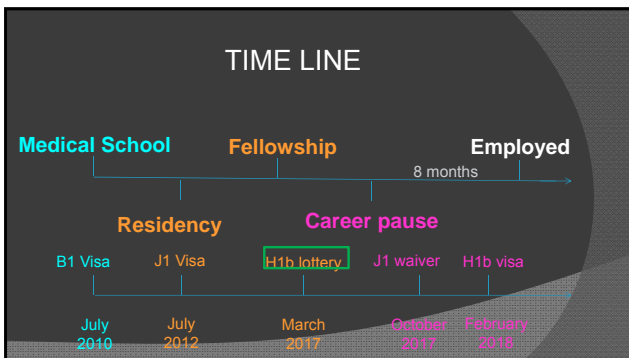
Fellowship: Establishing J1 sponsorship

- Programs can apply within a span of 2 months to train a J1 applicant (residency and fellowships)
 - J1 fellowship positions:
 - 35 fellowship programs emailed about J1 sponsorship status:
 - 20 replied
 - 6 said yes they take J1's
 - 3 interviews
 - 1 success which did not have an established J1 program
 - First J1 fellow in San Diego County Medical Examiner's Office
 - Contact the ECFMG of wanting to become a sponsor
 - Tutorial about a J1 process
 - Fill out an application and you will be granted access to the network

J1 visa issues at the end of training:

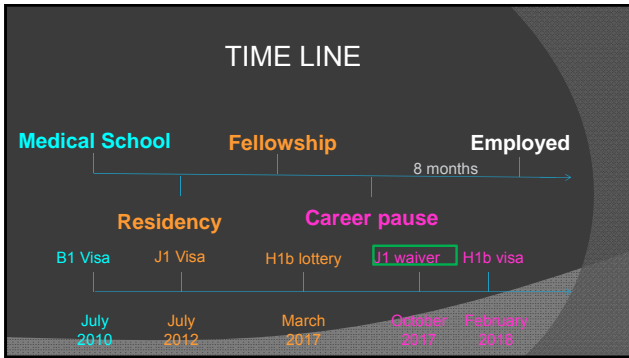
- For the physician:
 - Return of Service:
 - Do not want to go back home
 - Do not have a job to go back
- For the office:
 - Your state may not recognize forensic pathology
 - you cannot retain your fellow

TIME LINE



H1b Visa Lottery: What is it?

- Sole cost of the Employer (~\$8000)
- Annual Application process
- Office and applicant work together with an immigration lawyer to amass a petition for an H1b visa
- 85,000 available visas
 - 2017: 199,000 applicants
 - 43 % chance of winning
- Applications submitted around March
- Notifications April to May
- First come first serve
- Your application may be returned to you, unopened
- No longer the ability to expedite (~\$1250 optional fee)



J1 waiver: Waiving the 2 year home residency requirement:

- No objection statement
 - U.S. law does not permit foreign medical physicians who acquired exchange visitor (J-1) visa status on or after January 10, 1977, to receive graduate medical education or training to use this option.
- Fear of persecution
- Exceptional hardship to a U.S citizen or lawful permanent resident
 - Marriage route while on a J1 visa is possible
- Request by State Health Department
 - Conrad 30 program
- Interested U.S. Federal Government Agency:
 - Appalachian Regional Commission
 - Delta Regional Authority
 - Department of Veterans Affairs
 - Department of Health and Human Services

Conrad 30 program: Physician retention and reallocation

- Conrad 30 program
 - Each state granted 30 waivers from the United States Government for retention of J1 physicians (J1 waiver)
 - Instated to serve underserved populations and move physicians into areas where primary care and specialty care is scarce
 - Up to 10 of 30 waivers *can* be allocated to specialists and non-underserved areas (FLEX positions)

Conrad 30

- Application cycle beginning of every October (annual basis)
- Coastal states typically the first to fill all 30 slots on the same day the applications open
- Midwestern states tend to remain unfilled but are becoming more popular

Conrad 30

- Bottle neck for foreign physicians:
 - USMLE's are required to apply
 - Currently Royal College Exams (Canadian and British Exams) are **not** accepted for a J1 waiver to an H1b visa

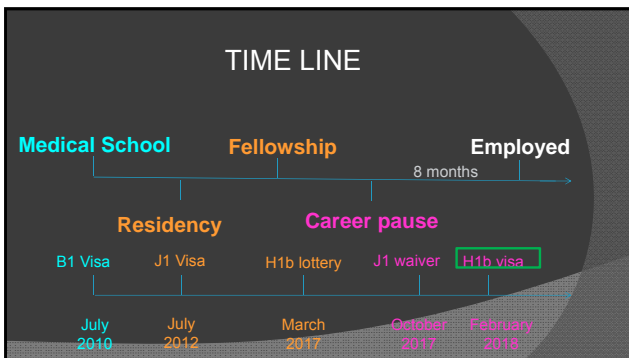
Conrad 30: Forensic pathology

- Currently 5 states are known to recognize forensic pathology under the Conrad 30 program:
 - Wisconsin
 - Virginia
 - Washington State
 - Maryland
 - Montana
- **Recognize forensic pathology as direct patient care**
- Contact the J1 liaison at your state office to find out if Forensic Pathology is recognized (website later in presentation)

Conrad 30: Forensic pathology

- J1 waiver
 - The office must prove need for Forensic Pathology and have the State recognize it as a "waived" specialty and as direct patient care
- Concept:
 - Must prove that an American cannot fulfill this position
 - Advertisements/recruitment for at minimum **6 months** + a variety of advertisement methods (online, print, etc.)
 - Labor certification (wage study) to ensure prevailing wage is paid to the physician

TIME LINE



H1b visa

- Three entry points
- Limited term
- Dual intent
- Cost
- Limitations

H1b visa: Entry points

- Some residency positions offer this to a foreign medical school graduate without the need for an initial J1 visa
- Obtained after the J1 waiver process
- Win the H1b visa lottery

H1b: Limited term

- Medical Resident/Employee can remain in the USA for 6 years
 - Pending status has been eliminated under current administration
 - Must return to home country if status is not changed to a green card status
 - Initially granted 3 years with the ability to extend visa once for another 3 years
 - Cost of an extension: \$460 plus optional premium processing fee (\$1,225)

H1b Visa: Dual Intent

- Can choose to progress to a green card status
 - Through work sponsorship
 - Through marriage to a US citizen
- Can choose to go back to your home country

J1 to H1b: Cost

- J1 waiver to H1b (and eventual Green Card) status requires:
 - **Time:** paperwork with immigration (becomes streamlined with an immigration lawyer)
 - **Money:** allocate between \$10-20,000 for the foreign physician
 - Foreign physician may be able to pay for half of this cost
 - Unsuccessful H1b lottery fee is recouped

H1b under waived status: Limits

- Employee can only be funded by the sponsoring office
 - Cannot engage in private consultation work or *directly* charge for expert witness fees, court preparation, depositions, etc.
 - Arrangement:
 - The office is directly paid for the employee's testimony in another state/county
 - Can be reimbursed for travel and food expenses

Benefits to offices

- Can potentially harbor against the loss of NAME accreditation due to increased work loads and burn out
- Well rounded candidates with more than just forensic experience

Benefits to the applicant

- Graduating Forensic Pathologists need a place to work once the market is saturated in Canada
 - J1 and H1b status offers the ability to attract skilled labor and long term retention

My experience post fellowship

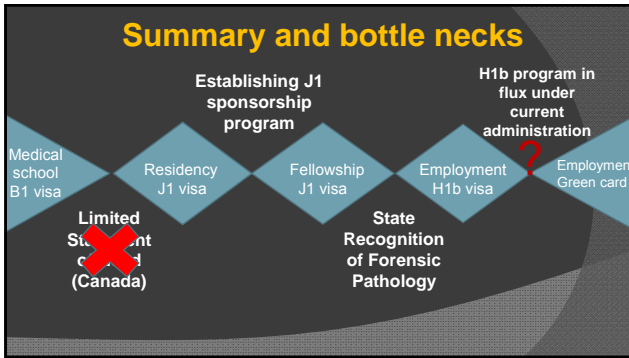
- Not every state recognizes a forensic pathologist in the Conrad 30 program:
 - 3 states waived at the time of application
 - Wisconsin and Maryland changed policies in the next budgeting year (2017)
 - Specialty FLEX waiver (1 in 10 chance)
- Career pause for 8 months
 - Cobra coverage, moving and storage fees, lawyer and immigration fees, importing car fees (\$\$\$), skill atrophy, loss of experience
 - Staying with family and friends (USA, Canada)

The Impact:

2016 Pathway

2018 Pathway

| | | | |
|--|------------------|--|-----------------|
| Consult an immigration lawyer (either candidate or office) | 1-4 weeks | Consult an immigration lawyer (either candidate or office) | 1-4 weeks |
| Interview and accept position | 1-4 weeks | Interview and accept position | 1-4 weeks |
| Forensic pathology recognition at the state level for Conrad 30 waiver | 10 months | Forensic pathology recognition at the state level for Conrad 30 waiver | 0 months |
| Obtain J1 waiver | 2 months | Obtain J1 waiver | 2 months |
| Labor certification | 2 months | Labor certification | 2 months |
| Obtain H1b visa and begin working | 2 months | Obtain H1b visa and begin working | 2 months |
| Total Time | 18 months | Total Time | 8 months |



Changing tides at the state level

- Hope that more **states** recognize the need for forensic pathology and include us on the Conrad 30 waiver list
 - The **most important step** in acquiring a foreign forensic pathologist in your office **is to have forensic pathology recognized as DIRECT PATIENT CARE**

<https://www.3rnet.org/Members/J1-Visa-Contacts>

Image references:
[https://commons.wikimedia.org/wiki/File:BLANK_in_North_America_\(-mini_map_-rivers\).svg](https://commons.wikimedia.org/wiki/File:BLANK_in_North_America_(-mini_map_-rivers).svg)

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