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- 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?
MY TIME LINE

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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:
      - 2 replied
      - 6 said yes they take J1’s
      - 2 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

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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)
**TIME LINE**

- Medical School
- Fellowship
- Residency
- Career pause
- Employed

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**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

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**Conrad 30 program: Physician retention and reallocation**
- Each state granted 30 waivers from the United States Government for retention of J1 physicians (J1 waiver)
  - Instilled 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 least 6 months and a variety of advertisement methods (online, print, etc.)
    - Labor certification (wage study) to ensure prevailing wage is paid to the physician

TIME LINE

- Medical School
- Fellowship
- Employed
- Residency
- Career pause

- B1 Visa
- J1 Visa
- H1b lottery
- J1 waiver
- H1b visa

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**
- Consult an immigration lawyer (before candidate status)
- Interview and accept position
- Forensic pathology recognition at the state level (Conrad 30 waiver)
- Obtain J1 waiver
- Labor certification
- Obtain H1b visa and begin working
- Total Time: 18 months

**2018 Pathway**
- Consult an immigration lawyer (after candidate status)
- Interview and accept position
- Forensic pathology recognition at the state level (Conrad 30 waiver)
- Obtain J1 waiver
- Labor certification
- Total Time: 8 months
Limited Statement of Need (Canada)

Establishing J1 sponsorship program

H1b program in flux under current administration

State Recognition of Forensic Pathology

Medical school J1 visa
Residency J1 visa
Fellowship J1 visa
Employment J1 visa
Employment H1b visa
Employment Green card

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

Summary and bottle necks

Image references:
https://commons.wikimedia.org/wiki/File:BLANK_in_North_America_(mini_map_-_rivers).svg

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