

Visa policy for Graduates of International Medical Schools

All medical graduates applying for residency must be one of the following:

- (1) United States citizen; or
- (2) Lawfully Employable (i.e., valid EAD-Employment Authorization Document, PR-Permanent Resident or RA – Resident Alien card)
- (3) Eligible for an ECFMG sponsored J-1 Visa

SPUH uses J-1 visas sponsored ECFMG Graduates. More information can be obtained at <http://www.ecfm.org>.

- (4) SPUH will, at its sole discretion and in conformity with the guidelines set forth in this policy, sponsor an H-1B petition for foreign nationals who seek employment/appointment at SPUH.

Consultation with a recommended Immigration lawyer regarding current H-1B requirements, cost, feasibility, and processing times is required prior to initiation of the H-1B visa petition process.

The purpose of the H-1B Specialty Occupation visa is to allow foreign nationals entry into the U.S. for employment in specialties that require a bachelor's degree or higher. (i.e., positions requiring "theoretical and practical application of a body of highly specialized knowledge and attainment of a bachelor's or higher degree in the specific specialty or its equivalent as a minimum entry into the occupation in the United States.")

The H-1B Visa is specific to a single employer (sponsor) and allows the person to be employed in the U.S. under this visa type for six (6) total years.

H-1B Visas for Clinical Residencies and Fellowships

Unlike the J-1 Exchange Visitor visa, the primary focus of the H-1B visa is employment, not training. Individuals enrolled in SPUH residency and fellowship programs are trainees in medical educational programs and therefore, except in unusual circumstances benefiting the institution, are discouraged from obtaining an H1B visa. The most appropriate visa category for trainees is the J-1 rather than the H-1B visa.

The H-1B visa category may be used for clinical residencies and fellowships in graduate medical education (in lieu of J-1) under the following limited circumstances:

- a. Where the foreign national is a graduate of a U.S. medical or dental school; or,
- b. Where the foreign national currently holds an H-1B for clinical graduate medical education (at another institution); or
- c. For exceptional circumstance (guidelines below)

In all cases when an H-1B visa is suggested, the foreign national must be H-1B eligible. There must be sufficient time for the SPUH to prepare the petition, and for the United States Citizen and Immigration Services (USCIS) to process and approve the H-1B petition before the start

date of the program. H1B visas must therefore not be utilized for individuals in the Main Residency Match in March.

Other conditions include the following:

- The H-1B category will be used only where the individual has enough time left on their H1B to complete the program within the six-year time limit of the H-1B.
- H-1B Visas are prohibited from employment/moonlighting at non SPUH, since the visa is employer specific. H-1B beneficiaries can maintain multiple H-1B petitions at the same time.

GUIDELINES FOR RANKING EXCEPTIONAL H-1B PETITIONERS ON THE NRMP ROL

Exception Criteria:

The following factors shall be considered when deciding whether to offer an H-1B specialty occupation sponsorship to a foreign national for advanced match into a clinical residency:

- The foreign national achieved an outstanding score/percentile on all steps of the USMLEs and passed on first attempt
 - As documented on the USMLE score report, individuals must achieve minimum of 1 standard deviation above the mean for the examination year.
- The IMG has postgraduate education in internal medicine or related field in his/her host country.

Procedure:

The following procedure will be used in considering a request for exceptional H-1B sponsorship of a foreign national:

- Applicant submits request to the program director with an explanation and documentation addressing the above Exception Criteria;
- Program director reviews Exception Criteria to assess IMG's request and decides whether to request approval of the Exceptional Criteria Assessment for H-1B sponsorship;
- Program director recommends exceptional H-1B sponsorship to the visa review panel