

THE VISA ROLLER-COASTER RIDE AND RESIDENCY TRAINING

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Getting into pathology residency is a great accomplishment; however, there is more beyond the match for those non-US citizen candidates. One of these crucial factors is visa sponsorship and approval.

Any non-US citizen international medical graduate (IMG) seeking entry into a pathology residency program in the United States of America requires some kind of visa sponsorship. According to the American Medical Association (AMA), nearly one-fourth of physicians in the United States are foreign graduates and IMGs. In pathology residency programs, this is not uncommon, as non-US IMGs filled 34% of residency positions in the last match season, according to the 2022 National Resident Matching Program® (NRMP®) results and data report. This entry will briefly explore some basics of the different visa statuses for physicians.

J1 visa

Most residency programs in the United States offer a J-1 visa, an exchange visitor type of visa sponsored by the Educational Commission for Foreign Medical Graduates (ECFMG). Even though some institutions can sponsor J1 visas for research track positions, only ECFMG can sponsor the J1 visa for clinical training in the United States after a resident gets a contract/offer letter from the program, which includes both residency and fellowship. The J1 visa must be renewed only if the trainee travels outside the country. ECFMG issues a new DS-2019 every year, which allows the applicant to stay in the country and travel anywhere within the United States of America. Most of the time, the immigration officers stamp the visa for one year, but I have heard of people getting stamped for 2 to 4 years, depending on the specialty. Lucky them!!

To obtain a J1 visa, the applicant must fulfill the criteria mentioned on the ECFMG website, which include passing the USMLE step 1 and step 2 CK with a valid ECFMG certificate. Once the applicant matches into a residency program, other requirements include obtaining a contract or an offer letter from the residency or fellowship program and a "Statement of Need" from the physician's country of last legal permanent residence. For more detailed information about J1 visa, you can visit the following links:

- <https://www.ecfm.org/programs>
- <https://www.ama-assn.org/education/international-medical-education/immigration-information-international-medical-graduates#:~:text=To%20apply%20for%20a%20J,training%20with%20a%20medical%20school.>

All J1 visas issued for clinical training are subject to a two-year home residence requirement. In other words, it requires trainees to return to their country of origin for at least two years after completion of residency training. There is not workaround unless the trainee applies for a waiver. The J1 visa can be extended to a maximum of seven years.

J1 waiver

Obtaining a J-1 visa waiver as a pathology resident can be a daunting task, but it is not impossible. It is essential to start the process early, ideally in the third or fourth year of residency, as the process can take a significant amount of time.

One of the most important steps in the process is to apply widely. Even if a practice or institution does not advertise that they sponsor J-1 waivers, it is worth reaching out to the recruiter or director to inquire about the possibility. Additionally, using websites such as Pathology Outlines, Practice Link, and CareerMD can be helpful in finding potential job opportunities that sponsor J-1 waivers. Another crucial step is to work with an attorney who has experience in filing J-1 waivers. They can advise on important points in the contract and guide you through the process. There are several websites that can also provide helpful information on the rules and regulations of different states and regions. For further details, please see list of hyperlinks at the end of this blog entry.

The state in which you apply for a job may have a program that limits the number of physicians eligible for J-1 waivers. For example, the Conrad 30 Waiver Program allows only 30 physicians to be eligible for J-1 waivers. In such cases, it is essential to fill out the U.S. Department of State (DOS) Form DS-3035, J-1 Visa Waiver Review Application, and have it reviewed by an attorney. The State Health Department will then forward the application to the Department of State Waiver Review Division, and the final decision on whether to approve the J-1 physician waiver application will be made by the United States Citizenship and Immigration Services (USCIS). It's also important to note that September and October are the beginning of the most Conrad 30 programs, which remain open until all 30 slots are filled. Therefore, it is crucial to have the contract finalized by July or August. Some states may fill up fast within a month, so early application is key. Pathology falls under the specialty waiver category, making it even

more important to start the job search and finalize the waiver process as early as possible. To check if a potential state, institution, or training program is eligible for J-1 waivers, the trainee can use the website <https://data.hrsa.gov/tools/shortage-area/by-address>.

In summary, obtaining a J-1 visa waiver as a pathology resident requires early planning, persistence, and the help of an attorney with experience in the field. Utilizing resources such as job search websites and government-provided information can also be helpful in navigating the process. With the right approach and attitude, finding a J-1 waiver job in pathology is achievable.

H1B visa

The H1B visa is for eligible physicians under the sponsorship of a US employer. This temporary work visa allows foreign medical graduates to provide direct patient care, teach, and conduct research in the US for a maximum of six years. In contrast to J-1 visa-holders, trainees holding an H1B visa can apply for moonlighting opportunities with the same sponsoring employer since it is not restricted to training activities only. Another advantage of the H1B visa program is that there is no two-year home residency requirement. However, only a limited number of residency programs in the US sponsors H1B visa for pathology trainees, as the whole process can be expensive and time consumptive. In addition, passing the USMLE Step 3 is generally required to be eligible.

The H1B visa is one of the few visa categories that benefit from the principle of “dual intent,” meaning that eligible physicians can legally start a petition for permanent residency (a.k.a. green card) while still being H1B visa holders (temporary workers). In other words, this visa category provides a clear pathway to permanent residency for pathology trainees interested in incorporating themselves fully into the US healthcare system after residency and fellowship training.

F1 visa

The F-1 visa is meant for students. This visa category allows eligible candidates to enroll and attend a wide range of academic institutions in the United States, including accredited university or college programs, high school, elementary school, and language training programs.

The only time prospective (non-US citizen) pathology residents may have to deal with this type of visa is if they have already completed an MD or DO program at a US Medical School as F1 visa holders and plan to start residency training immediately after. In that context, they may be eligible to begin the first year of residency using their initial 12 months of Optional Practical Training (OPT). Nonetheless, they must apply for a change in immigration status (i.e., H1B visa) during the OPT. The hospital can file for the

continuation of the H1B visa status if the trainee plans to stay in the same hospital for the 2nd year of residency. However, if the trainee decides to switch hospitals, the following institution is obligated to sponsor an H1B visa. The OPT extensions for medical graduates vary depending on the institution; hence, it's always a good idea to check with the corresponding immigration office.

In addition, conversion from an F1 visa to an H1B visa requires an H1B cap-exempt hospital (most teaching hospitals are cap-exempt for residency). The F1 to J1 visa conversion can be done within or outside the country.

O1 visa

The O-1 nonimmigrant visa is for the individual who possesses extraordinary ability in the sciences, arts, education, business, or athletics or has a demonstrated record of exceptional achievement and has been recognized nationally or internationally for those.

Can residents apply for O1 visas? This is possible for residents, although it can be challenging, as it is based on research with importance given to specific metrics like the number of citations and publications. Applicants with an MD/Ph.D. have significant research done before starting a clinical residency and may have an advantage. Overall, the O1 visa standards are high, as it requires international or national acclaim in the designated field of practice, which can be a struggle sometimes for trainees at the resident stage.

The O-1 visa may be valid for three years initially but can be renewed indefinitely, and there is no cap on the number of O1 visas granted in a year. J-1 visa holders may be eligible for an O-1 visa after completing training, provided the requirements are met. However, the two-year home residency rule must be met even under these circumstances.

Concluding remarks

In my opinion, the first step is to secure a residency and not worry too much about the specific type of visa the applicant will get. I believe in taking one step at a time; once you match, you will be ready to start your visa roller-coaster ride.

Legal disclaimer: I am not a lawyer. Please do not consider this post as a piece of legal advice. You should seek appropriate counsel for your situation, including if you are seeking legal status or other visas.

For more information on the different types of visas, please visit the following additional resources:

1. MatchtoPath webinar on visas:

https://www.youtube.com/watch?time_continue=5&v=R0g0by9sIY0&feature=emb_title

2. U.S. Department of State website; link:

<https://travel.state.gov/content/travel.html>

List of other helpful websites:

- <https://www.uscis.gov/working-in-the-united-states/students-and-exchange-visitors/conrad-30-waiver-program>
- <https://www.arc.gov/j-1-visa-waivers/>
- <https://dra.gov/initiatives/promoting-a-healthy-delta/delta-doctors-how-to-apply/>
- <https://www.hhs.gov/about/agencies/oga/index.html>