

# INTRODUCTION TO IMMIGRATION LAW

MSU COLLEGE OF OSTEOPATHIC MEDICINE  
STATEWIDE CAMPUS SYSTEM  
NOVEMBER 6, 2014  
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# WHICH MEDICAL SCHOOL GRADUATES NEED TO OBTAIN U.S. CITIZENSHIP AND IMMIGRATION SERVICE (USCIS) APPROVAL TO PARTICIPATE IN U.S. MEDICAL RESIDENCIES

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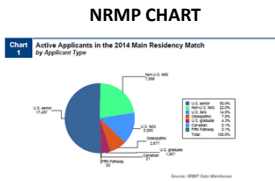
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# APPLICANTS IN THE NRMP MATCH WHO NEED USCIS APPROVAL



In 2013, 34,177 medical students and graduates participated in the Main Residency Match and submitted certified and valid applications. 10,647 of the applicants (31%) were active in the 2013-2014 cycle. The chart displays the distribution of these active applicants by applicant type. Data is based on the NRMP Data Warehouse.

## USCIS APPROVAL

1. A graduate of a US medical school (DO or MD) who is not a Legal Permanent Resident (green card holder) or US Citizen.
2. A graduate of a medical school outside of the U.S. who is not a Legal Permanent Resident (green card holder) or US Citizen.
3. Essentially, all non US Citizens or LPRs need USCIS authorization to participate in a medical residency irrespective of where they went to medical school.

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## VISA OPTIONS

- I. F-1 OPTIONAL PRACTICAL TRAINING (OPT)
- II. H-1B SPECIALTY OCCUPATION
- III. J-1 EXCHANGE VISITOR VISA
- IV. O-1 PERSON OF EXTRAORDINARY ABILITY

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## OPTIONAL PRACTICAL TRAINING

- I. Upon graduation from a U.S. medical school, a person is eligible for 12 months of work authorization, through which he/she may complete the PGY 1 year of training.
- II. Student obtains recommendation for OPT from Designated School Official (DSO), and must apply for an employment authorization document (EAD) with USCIS within 30 days. Additionally, may file up to 90 days prior to program end-date and not later than 60 days after program end date.

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## OPTIONAL PRACTICAL TRAINING con't

- III. May not begin work until EAD is approved which takes about 90 days.
- III. **Key:** For a July 1, start date be sure the EAD is filed on or before April 1.
- IV. Graduates of US Medical Schools are not eligible for the 17 Month STEM Extension as the CIP code for medicine is 51.1201 which is not on list of approved majors.

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## THE H-1B VISA

### I. EMPLOYER OBLIGATIONS

- I. Pay for the costs (including attorney fees and filing fees) of the preparation of the Petition and Labor Condition Application.
  - I. Filing fees: \$325; \$500; \$1225 (optional for premium processing)
- II. Keep records required by Department of Labor.
- III. Post notice of the position(s) at the place of employment.
- IV. File petition with USCIS and labor condition application w DOL.

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## THE H-1B VISA cont'd

### I. PHYSICIAN REQUIREMENTS

- I. If a graduate of a U.S. Osteopathic Medical School:
  - I. Medical Degree
  - II. Educational Limited License

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## EXCHANGE VISITOR VISA J - 1

### I. D.O. MUST OBTAIN FROM ECFMG A DS 2019. TO GET THIS HE/SHE MUST PROVIDE:

- I. MEDICAL DEGREE
- II. COMLEX 1 AND 2
- III. RESIDENCY CONTRACT WITH PROGRAM
- IV. STATEMENT OF NEED FROM HOME COUNTRY

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**EXCHANGE VISITOR VISA**  
**J – 1**  
**con't**

**I. STATEMENT OF NEED (SON) FROM CANADA**

I. Judith Lewis, Program Administrator, Statement of Need / J1 Visa Program, Health Human Resources Policy Division, Strategic Policy Branch, HEALTH CANADA, 200 Eglantine Driveway, Jeanne Mance Building, Address Locator 1904A, Tunney's Pasture, Ottawa, Ontario K1A 0K9, Facsimile: (613) 948-8081

II. Only ACGME accredited residencies (or jointly accredited with AOA) are eligible for a SON because unless so accredited the U.S. medical grad cannot be licensed in any province in Canada.

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**EXCHANGE VISITOR VISA**  
**J – 1**  
**con't**

**III. SON's for these specialties are unlimited:**  
Anatomical Pathology, Anesthesiology,  
Dermatology, EM, FM, General Pathology,  
IM, Neurology (Adult only) Pediatrics,  
Psychiatry.

**IV. Canada limits SONs for sub specialties of the above.** [www.hc-sc.gc.ca/hcs-sss/hhr-rhs/postdoc/cat\\_b-list-liste-eng.php](http://www.hc-sc.gc.ca/hcs-sss/hhr-rhs/postdoc/cat_b-list-liste-eng.php).

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**EXCHANGE VISITOR VISA**  
**J – 1**  
**con't**

**V. Once a DS 2019 is obtained student has 2 options:**

- Return to home country and apply for and obtain a U.S. J visa from U.S. consulate or embassy abroad. If Canadian citizen, only needs to take DS 2019 and proof of payment of SEVIS fee to U.S. port of entry.
  
- File a Change of Status from F 1 (or other status) to J – 1  
– Difficulty here is time as it takes approximately 3 – 6 months for his to be adjudicated.

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## O VISA

- I. VISAS FOR THOSE WHO'VE RISEN TO THE TOP LEVEL OF THEIR FIELD AND ARE "EXTRAORDINARY"
- II. VERY UNLIKELY TO BE ACHIEVED BY A PERSON JUST GRADUATING FROM MEDICAL SCHOOL SO THIS IS VERY RARELY USED

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