

PROCEDURE GME04

Subject:

RESIDENTS WITH VISAS

Effective Date:

MARCH 2005

Applies to:

HOUSTON METHODIST HOSPITAL SYSTEM
GME PROGRAMS

Date Revised/Reviewed:

DECEMBER 2022

Originating Area:

GRADUATE MEDICAL COMMITTEE

Target Review Date:

DECEMBER 2025

I. GENERAL STATEMENT

The appointment to the position of Resident in an HMH-Sponsored Program of Graduate Medical Education is contingent upon: (1) Issuance of an active physician-in-training permit or medical license from the Texas Medical Board (TMB) prior to assuming duties at Houston Methodist; (2) successful completion of all requirements specified by the particular Program offering the Resident appointment; and (3) meeting all customary GME requirements in accordance with **GME Procedure 03, Resident Eligibility, Selection and Appointment**. Applicants who are not 1) a U.S. Citizen, 2) a lawful permanent resident of the United States (i.e. a green card holder), or 3) a protected class such as a refugee or asylee, must be authorized by U.S. Immigration to work in the United States on a visa that permits GME Training at Houston Methodist. Foreign physicians shall not begin employment until receiving HR Immigration clearance to do so. The preferred training visa for foreign nationals entering a Houston Methodist GME Program is the J-1 Alien Physician visa sponsored by the Educational Commission for Foreign Medical Graduates (ECFMG). Programs may request approval to sponsor residents for an H-1B visa. Programs shall process all requests for visa sponsorship through Houston Methodist HR Immigration according to Houston Methodist policy "Sponsoring and Employing Foreign Nationals." This policy describes the process for appointing Residents with visas.

II. APPOINTMENT OF RESIDENTS ON VISAS

- A. The J-1 Alien Physician visa is the primary US visa for GME training. Under special circumstances, a Program may choose to train a Resident who might not be deemed eligible for a J-1 visa. The alternative visa is the H-1B visa Temporary Worker employer-sponsored visa. Prior approval is required for any Program seeking to sponsor an H-1B visa.
- B. According to GME Procedure 03, an international medical graduate (IMG) (i.e., a graduate of a non-LCME medical school) must hold an ECFMG certificate to qualify for the TMB PIT Permit. The ECFMG certificate provides assurance to Programs, the Sponsoring Institution, and to the people of the U.S. that IMGs have met minimum standards of eligibility required to enter GME Programs. Programs accepting foreign national applicants that require a US visa for training must comply with visa-specific federal regulations.

- C. Programs should seek visa consultation from HR Immigration prior to appointing a foreign national Resident, who must have a US visa status that allows clinical training. Certain foreign nationals may not be eligible for a clinical training visa.
- D. Programs must notify HR Immigration immediately after the Match results or when an offer is made to a foreign national physician.
- E. Foreign physicians may not attend GME Orientation, nor begin employment until the physician has attended the HR Immigration check-in and received HR Immigration clearance.
- F. Because immigration policy changes often, Sponsoring Programs and foreign national residents must maintain communication with Methodist HR Immigration, which is solely designated to provide administrative support for visa sponsorship. A foreign national Resident that loses his/her visa status through violation or expiration must be terminated (briefly or indefinitely).
- G. Outside attorneys may not be engaged to process Methodist immigration petitions. All sponsoring applications will be processed through Methodist HR Immigration.
- H. GME Programs should be aware that visa sponsorship of foreign nationals is subject to government processing times and policies.

III. Program Obligations and Procedures for J-1 Sponsorship

- A. The J-1 visa is a public diplomacy initiative of the U.S. Department of State. The Exchange Visitor Program was established to enhance international exchange and mutual understanding between the people of the United States and other nations. The visa has a limit of 7 years, with certain specialty program-based exceptions.
- B. The J-1 Alien Physician visa is available for ACGME and certain Non-ACGME accredited programs, or non-standard training programs (NST), approved by the Houston Methodist Graduate Medical Education Committee. The ACGME provides Recognition of Sponsoring Institutions that have NST programs accepting physicians that require a J-1 visa.
- C. Programs must coordinate all visa sponsorship with the Methodist HR Immigration Services sponsorship through the ECFMG. HR Immigration has been designated as the Methodist Training Program Liaison (TPL). The role of the TPL is to serve as the official institutional representative and manage communication with ECFMG—the U.S. government's J-1 Visa Agent.
- D. Programs must agree and comply with the federal regulations governing sponsorship of exchange visitors that include: fostering opportunities for exchange activities, immediately reporting to HR immigration any change in the approved Training Plan, including: remediation, leave of absence, licensure delay, proposed off-site rotations, proposed early advancements, resignation, probation, termination and any other Adverse Academic Actions.
- E. J-1 Sponsorship Procedure

- a. The Program will notify HR Immigration's Training Program Liaison (TPL) of all foreign physicians that will be appointed to a Methodist program immediately upon obtaining the Match results or when made an offer for those not eligible for the Match.
- b. Program will provide HR Immigration with the physician's CV and copy of their program application.
- c. Program will provide HR Immigration with the ECFMG formatted non-ACGME fellowship description.
- d. GME shall provide a legible copy of the fully signed Resident Agreement of Appointment.
- e. The applicant must provide HR Immigration with all required documents for sponsorship.
- f. HR Immigration will provide the program, the physician and all stakeholders an initial consultation, projected processing timeline and regular updates.

IV. Program Obligations and Procedures for H-1B Sponsorship

- A. The H-1B Worker visa is an employment-based visa available, upon Methodist approval, for foreign physicians who have passed the USMLE 1, 2 & 3, obtained a PIT Permit or unrestricted Texas Medical License and have been offered a full-time training position. Sponsorship is through the Houston Methodist Physician Organization. The H-1B visa has a total limit of 6 years.
- B. The Program that sponsors an H-1B Resident will comply with all H-1B federal regulations outlined in the Houston Methodist HR Immigration H-1B Employer Conditions and Worksite attestations.
- C. The Program will pay all employer required filing fees for application.
- D. The Institution will pay the H-1B compliant wages for the duration of the Resident's Appointment to the Program. Specifically, the Prevailing Wage, in some cases, may be higher than the PGY-based salary earned by other Residents at the same level of training. If the prevailing wage is higher, the Program will pay the excess difference as a condition of sponsorship.
- E. The Program will agree to provide the cost of return transportation abroad if the Resident is dismissed or terminated from the Program before the petition expires.
- F. Due to frequent changes in federal regulations and government policies, programs must work closely with Methodist HR Immigration to ensure visa availability, processing times, and factors that impact the foreign physician's employment authorization.
- G. H-1B Sponsorship Procedure
 - a. The Program will submit to HR Immigration all preliminary documentation including the Prevailing Wage Questionnaire and H-1B Employer Conditions and Worksite Attestations. HR Immigration will review to process the prevailing wage request according to the US Department of Labor requirements.
 - b. The applicant must provide HR Immigration with evidence of a medical license from the Texas Medical Board (TMB) prior to the filing of the H-1B petition with US Immigration.
 - c. The GME Office will prepare the Resident Agreement of Appointment.

- d. HR Immigration will provide the program, the physician and all stakeholders an initial consultation, projected processing timeline and regular updates.

V. INTERNATIONAL TRAVEL FOR RESIDENTS ON VISAS

- A. Residents on visas may be subject to unexpected delays that prevent them from beginning or returning to academic responsibilities as scheduled. Residents on visas must contact Methodist HR Immigration 30 days prior to making travel arrangements if leaving the U.S. during their training programs.
- B. A Resident who is prevented from returning to the U.S. as scheduled due to unforeseen travel delays will continue to receive his/her stipend up to the remaining allotment of PTO. Once a Resident reaches the maximum allotment of PTO days, the Resident will be required to take an unpaid leave of absence for the remainder of his/her time away.
- C. Extended breaks in time during training may impact board eligibility.

VI. COMMITTEE REVIEWING OR APPROVING POLICY

Graduate Medical Education Committee [11 November 2004] [11 December 2008] [14 February 2013] [9 June 2016] [10 October 2019] [14 December 2022]

AUTHORITATIVE REFERENCES

Accreditation Council for Graduate Medical Education, Institutional Requirements Sec IV. Educational Commission for Foreign Medical Graduates, <http://www.ecfmg.org>