

UTHSCSA Graduate Medical Education Policies

Section 2	General Policies & Procedures	Effective:	April 2004
		Revised:	
Policy 2.1.14.	Resident Visas	Responsibility:	Associate Dean for Graduate Medical Education

Resident Visas

Policy Residents in UTHSCSA ACGME-accredited programs who are not United States citizens must have permanent residency status or an appropriate visa for graduate medical education. **The preferred visa is the J-1 visa.** Immigration policy changes often, and thus non-citizen residents must maintain communication with the UTHSCSA Office of International Services (OIS), which will provide administrative support for the visa. If a non-citizen resident becomes out of status, he/she may be terminated from the training program.

All international medical graduates (IMGs), graduates of non-LCME medical schools, must obtain ECFMG Certificates before entry into residency programs. The ECFMG certificate provides assurance to residency programs and to the people of the U.S. that IMGs have met minimum standards of eligibility required to enter programs.

Under exceptional circumstances, a residency program may wish to train a resident who does not have a J-1 visa. The primary alternative visa is the H-1B1 visa. **Administrative and financial costs associated with support of the H-1B1 visa are significantly greater than for the J-1 visa, and the decision to support a resident's H-1B1 visa will be entirely within the program's purview.** (Please see appendix for a list of specific responsibilities of the employer for H-1B1 and J-1 visa holders.) An important distinction is that the resident's employer is responsible for this greater financial and administrative support. University Health System will not serve as paymaster (provide salary or benefits) to an individual on an H-1B1 visa, and thus these responsibilities will fall upon the department in which the individual is to train.

If a program is willing to undertake these costs, the program director must submit a written **Request for Waiver of J-1 Visa** to the GME Office. The written request must be signed by the program director, department chair, the individual, and the OIS and must be made at least ninety (90) days before the resident's proposed date of appointment. The request will be reviewed by the Associate Dean for Graduate Medical Education (ADGME) within ten (10) working days of its receipt by the GME Office and will communicate a decision to the program director. In the event of a negative decision by the ADGME, the program director may appeal the decision to the GMEC at the next scheduled meeting. The GMEC shall be the final ruling body. Approval for a waiver

will be for the duration of the proposed program only. The program director must await approval of the request before making a commitment to the applicant.

Anticipated steps in the process include the following:

1. All customary GME requirements have been met - applicant has been interviewed and found to be qualified for the program, including having passed a security background check and other requirements, etc.
2. Request for waiver of J-1 requirement - if request is approved, the following:
 - a. Program prepares written job description so that OIS can submit a job description to determine prevailing wage from Department of State
 - b. Program prepares UTHSCSA contract - an annual contract with all required elements of the resident contract (form available from GME Office); salary and benefits must be managed by UTHSCSA Human Resources
 - c. Program posts a statement to notify others in the department of its intention to hire an H-1B1 visa holder
 - d. Program pays processing fee for application; at this time, the fee is \$1,130 for term of appointment (i.e., annual)
 - e. Program pays prevailing wage - this may be significantly more than the salary earned by other residents at the same level of training
 - f. Program agrees to provide cost of return transportation abroad, if resident is dismissed before petition period expires (potentially other costs as well)
 - g. OIS provides administrative support

Appendix 1: Information from Office of International Services, UTHSCSA

The Specific Responsibilities of an Employer for H1B1

1. An offer of employment
2. Determining the Actual Wage
3. Request the Prevailing Wage from SESA
4. Pay the required wage
5. Deductions from the wage required by law, e.g. income tax, FICA, etc.
6. Pay the H-1B1 filing fee (including attorney fees if any) and any other fees required by law
7. Pay the required wage during the Non-productive state, e.g. training, lack of license, lack of assigned work, etc.
8. The employment of H-1B1 will not adversely affect the working conditions of similarly employed individuals in the area of intended employment
9. There must be no lockout at the time of filing H-1B1

10. Department must notify its employees of the intention to hire H-1B1 before filing the LCA
11. Completes LCA
12. Responsible for the cost of return transportation abroad if alien is dismissed before petition period expires
13. Filing the H-1B1 petition to CIS
14. Extension of H-1B1 stay if needed
15. The job must qualify as specialty
16. Reimburse for expenses incurred in connection with travel to other institutions or conferences for business

The Specific Responsibilities of an Employer for J-1

1. Supports the J-1 status
2. Deductions from the wage required by law, e.g. income tax, FICA, etc. if J-1 holder receives wage from employer
3. Provides research or training facilities including faculty advisor
4. Updates the SEVIS records if necessary
5. Provides accurate information to the DOS and the public
6. Maintains the financial capability to meet at all time the financial obligation and responsibilities attendant to successful sponsorship of the exchange program

The Clerical and Administrative Responsibilities of an Employer for H-1B1 and J-1

1. Provide staffing and support services
2. Furnish the support documents for H-1B1 and J-1 holders' non-immigration or immigration needs
3. Offer most of the services provided with regular employees
4. Keep all records required by regulations

The Specific Responsibilities of ECFMG

- I. H-1B1
 1. USMLE Step 1, 2, and 3
 2. Competency in oral and written English by passing an English proficiency Examination, i.e. TOEFL
- II. J-1
 1. Issue of DS-2019
 2. USMLE or an equivalent
 3. Certification (TOEFL)

Form: [Request for Waiver of Policy on J-1 Visas](#)