

PROCEDURE GME04

Subject: RESIDENTS WITH VISAS

Effective Date: MARCH 2005

Applies to:
HOUSTON METHODIST HOSPITAL SYSTEM –
GME PROGRAMS

Date Revised: JUNE 2016

Originating Area:
GRADUATE MEDICAL COMMITTEE

Target Review Date: JUNE 2019

I. GENERAL STATEMENT

The appointment to the position of Resident in a TMH-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 Methodist, and (2) successful completion of all requirements specified by the particular Program offering the Resident appointment. Every non-citizen Applicant selected for appointment must have permanent resident status, an employment authorization document not tied to a visa requiring Methodist sponsorship, or be admitted on a J-1 Alien Physician or Methodist sponsored H-1B visa as a condition of appointment to a Resident position at Methodist. The preferred visa for Methodist sponsorship of physician Residents is the J-1 Alien Physician visa sponsored by the Educational Commission for Foreign Medical Graduates (ECFMG); Programs may choose to sponsor residents for an H-1B visa. Programs shall process all requests for visa sponsorship through Methodist HR *Immigration according to Methodist* policy Sponsoring and Employing Foreign Nationals This policy describes the process for appointing Residents with visas.

Moreover, Residents on visas who travel outside the United States are subject to certain guidelines as set forth herein.

II. APPOINTMENT OF RESIDENTS ON VISAS

- A. According to GME Procedure 03, an international medical graduate (IMG) (i.e., a graduate of a non-LCME medical school) must hold a standard ECFMG certificate before entry into residency Programs. The ECFMG certificate provides assurance to Programs, the Sponsoring Institutions, and to the people of the U.S. that IMGs have met minimum standards of eligibility required to enter Programs. Programs accepting foreign national applicants that require a US visa for training must comply with visa specific federal regulations.
- B. Programs may choose to train a foreign national Resident, who must have a US visa status that allows clinical training. 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 commonly used alternative visa is the H-1B visa. However, Program obligations and financial costs associated with sponsorship of an H-1B visa are significant. The decision to sponsor a Resident's H-1B visa is at the Program's discretion, however costs for expediting a visa is the responsibility of the visa holder. The Program or Department must bear all costs associated with the H-1B visa, including application fees and the excess difference

between the prevailing wage and the TMH stipend earned by other Residents at the same level of training.

C. Program Obligations for J-1 and H-1B Visa Sponsorship

1. J-1 Alien Physicians.

- a. HR Immigration and the Methodist immigration specialists are the designated Training Program Liaison (TPL) to serve as the official institutional representative to manage communication with ECFMG—the US government's J-1 Visa Agent.
- b. Program Obligations for Visa Sponsorship. It is the Program's obligation to report immediately 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 and any other Adverse Academic Actions, and Termination.

2. Process for H-1B Visa Sponsorship

- a. If a Program is willing to undertake H-1B sponsorship, the Program Director must provide written notification the GME Office and HR Immigration of its intent to sponsor the H-1B Visa. This notification must be made within ninety (90) days before the Resident's proposed date of appointment.
- b. The Applicant to be appointed must meet all customary GME requirements in accordance with **GME Procedure 03, Resident Eligibility, Selection and Appointment**. The Applicant to be appointed must have been interviewed and found to be qualified for the Program and must have passed a security background check and other requirements for Appointment, etc.
- c. The Program will submit to HR Immigration all preliminary documentation including the Prevailing Wage Questionnaire and H1-B Employer Conditions and Worksite Attestations. HR Immigration will review to process the prevailing wage request according to the US Department of Labor requirements.
- d. 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.
- e. The GME Office will prepare an Agreement of Appointment that contains all the required elements of the Resident Agreement of Appointment.

3. Program Obligations for H-1B Visa Sponsorship

- a. The Program that sponsors an H-1B Resident will comply with all H-1B federal regulations outlined in the Methodist HR Immigration H-1B Employer Conditions and Worksite attestations, including Institution posting and sponsorship notification requirements for all worksites.
- b. The Program will pay all employer required filing fees for application for the duration of the Resident's Appointment to the Program. To ensure an Applicant's on-time start, Programs may choose to pay the premium processing fee to fast track the application for foreign nationals requiring initial H-1B sponsorship.
- c. The Program will pay the prevailing wage, which, in some cases, may be higher than the salary earned by other Residents at the same level of training. If the prevailing wage is higher, the Program will pay the excess difference to The Methodist Hospital Physicians Organization.

- d. The Program will agree to provide cost of return transportation abroad, if the Resident is dismissed or Terminated from the Program before the petition expires.
- D. 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. If a non-citizen Resident loses his/her visa status through violation or expiration and must be terminated (briefly or indefinitely) from employment, HR immigration must be notified immediately. If a non-citizen Resident may be terminated from his/her Program, HR Immigration must be notified immediately.
- E. Outside attorneys may not be engaged to process Methodist immigration petitions. All sponsoring applications will be processed through Methodist HR Immigration.

III. INTERNATIONAL TRAVEL FOR RESIDENTS ON VISAS

- A. Residents on visas may be prone to unexpected delays that prevent them from 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. Residents who plan to travel abroad for any Houston Methodist-associated or sponsored business or academic purposes to countries that may fall under Department of State Travel Warning will require an International Travel Waiver well in advance of the planned travel date; international travel waivers are not guaranteed.
- 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. Additional circumstances of the continued absence may allow the Resident to be eligible for another type of leave (e.g. emergency leave/funerals, short-term disability).
- D. Extended breaks in time during training may negatively impact board eligibility.

IV. COMMITTEE REVIEWING OR APPROVING POLICY

- 1. Graduate Medical Education Committee [11 November 2004] [11 December 2008] [14 February 2013] [9 June 2016]

AUTHORITATIVE REFERENCES

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