



HITCH HIKER'S GUIDE TO THE US VISAS

A FOREIGN FORENSIC PATHOLOGIST TALE

Contents

About me

Education and employment through Canada, Grenada and the United States

Visas and transitions

B1 visas (visitor)

J1 visas (training)

J1 waiver and the Conrad-30 program

H1b visas on return of service

H1b visa transfers on return of service

H1b portability act (post return of service life)

Green card sponsorship

Areas of potential improvements

Where to apply?

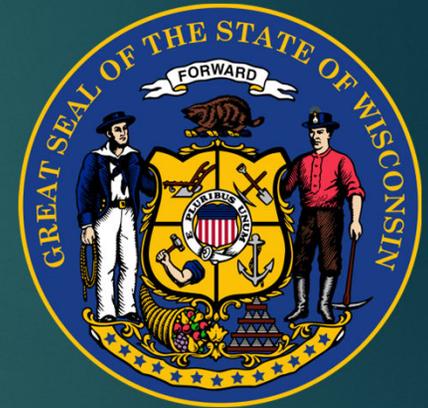
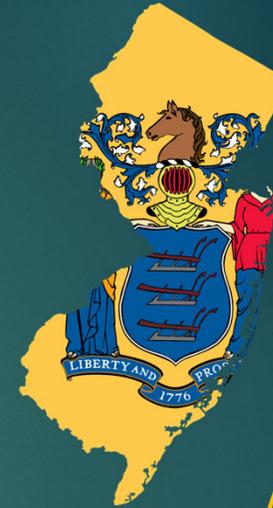
60-day grace period between jobs

Burdens of this pathway

Physician immigration blog

Questions for the group

About me



About me

Education

▶ Undergraduate education:

- ▶ University of Western Ontario, Canada
- ▶ Bachelor of Science: Biology

▶ Medical School:

- ▶ St. George's University, Grenada West Indies
- ▶ Medical Doctor Degree
- ▶ Rotations in New Jersey and New York (B1 visa)

▶ Residency (J1 visa):

- ▶ St. Barnabas Medical Center, Livingston, New Jersey
- ▶ Anatomic pathology boarded

▶ Fellowship (J1 visa):

- ▶ San Diego County Medical Examiner's Office
- ▶ Forensic pathology boarded

Employment

Dane County Medical Examiner's Office, Madison, Wisconsin (J1 waiver to H1b visa on ROS)

- Deputy Medical Examiner

Office of the Chief State Medical Examiner's Office, Newark, New Jersey (H1b transfer on ROS)

- Associate Medical Examiner

Middlesex County Medical Examiner's Office, North Brunswick, New Jersey (H1b transfer post ROS)

- Employment begins July 6, 2021

ROS= Return of service (3-year commitment)



Visas and transitions

From the experience of a Forensic Pathologist

Definitions and practical applications

B1 visa

- Visitors to the United States
- Also known as a tourist visa
- Apply through consulate
- Acquired at Pearson Airport flying to USA
 - Provided documentation from St. George's University
 - Clinical rotations
- No ability to work/have a wage while staying
- 6 months to a year issuance

J1 visa

- Training visa during residency and fellowship
- Making a salary
- Available for 7 years (extensions possible)
- Can be extended to stay to write board examinations
- Personally used 5 years out of the offered 7
- Funded by the applicant
- Easy to establish through employment
- Sponsored by the Education Commission for Foreign Medical Graduates

J1 visa continued

- The deal:
 - Train for up to 7 years
 - Return to home country for 2 years (home residency requirement section 212)
 - Country dependent
- OR
 - Three years in an UNDERSERVED area of the United States (CONRAD 30 program)
 - Waived "home residency requirement"

Hiring a fellow and they are on a J1 visa?

You want to become a "sponsor"

St. Barnabas and San Diego was not a J1 sponsor while training, had to establish this

• Exchange Visitor Program Information on Coronavirus (COVID-19)



Search Exchange Visitor Program →

Route J1

VISA BASICS

PROGRAMS

PARTICIPANTS

PROGRAM SPONSORS

HOST FAMILIES/EMPLOYERS

Host Families / Employers

Host Family Opportunities

Employer Opportunities

• Employer Experiences

Schools

Common Questions for Host Families/Employers

Employer Opportunities

Employers interested in transforming your business with international talent or training individuals to start overseas branches of your company will find an invaluable solution with the J-1 Visa.

How to Apply

1. The first step in the process is to decide what type of participant you would like to hire by visiting the list of programs. Each program has an information page specifically targeted to hosts and employers.
2. The second step is contacting one of the Designated Sponsors for the chosen program. The Designated Sponsors are the organizations that administer the exchange program and connect hosts and employers with participants.

Employer Experiences

Find out how other employers are seeing the benefits of participating in the J-1 Visa Program.

- Read about employers' experiences

Host Resources

Find a program sponsor

Select a program

hoststudents.org ›
Explore programs ›

Start here → <https://j1visa.state.gov/hosts-and-employers/employers/>

Definitions and practical applications

4 ways to waive a home residency requirement

- FEAR OF PERSECUTION
- EXCEPTIONAL HARDSHIP TO US CITIZEN OR LAWFUL PERMANENT RESIDENT
- REQUEST BY STATE HEALTH DEPARTMENT
 - Conrad 30 program
 - I used this route
- INTERESTED FEDERAL AGENCY:
 - Appalachian Regional Commission
 - Delta Regional Authority
 - Department of Veterans Affairs
 - Department of Health and Human Services

Definitions and practical applications

Conrad 30/J1 waiver

Conrad 30 program:

- 30 waivers per state for PRIMARY CARE in underserved areas
- Up to 10 waivers allocated to specialties
- States can choose to allocate 0 slots to specialties

➤ **DIRECT PATIENT CARE**

Conrad 30/J1 waiver cont..

- MUA= Medically underserved areas defined by zip code
- Found through 3Rnet.com via an address search to see if office/ hospital qualifies as "Medically underserved"
- Can circumvent zip code with medically underserved specialty (all ME offices technically serve the underserved)

J1 waiver application

- First Monday of every October (annual application)
- First come, first serve basis
- Need to have a job already lined up shortly after beginning fellowship to allow time for paperwork and filing that October (3 months into fellowship)

Limiting factors

Who offers these positions?

So far only a few states offer Forensic waivers:

- Wisconsin
- Virginia
- Washington State (no longer)
- Maryland
- Montana?
- Georgia (new!)
- Michigan
- North Dakota?
- New Jersey

WHERE DO WE START?

Just because a state offers the ability for a forensic pathologist to waive, does not mean an office is willing to do the waiver due to budget limitations, lack of lawyers or staff to be able to coordinate the process.

Just because a state offers a waiver, does not mean that situation will remain the same forever

Washington state used to offer J1 waivers but for unknown reasons, no longer does

Adds to the confusion and research needed by the applicant to seek out employment

Limiting factors

Lack of education

- For both employer and employee
 - Creates a time gap to learn
 - Can be months worth of time
- Amenable by a private immigration attorney to educate both parties

Finances

- Upwards of \$10,000 for sponsoring office
 - H1b visa cannot be funded by the applicant and must be provided by the sponsoring agency
- Lawyer fees/government fees/expedited fees/J1 waiver fee
 - Up to \$10,000 for an applicant with \$300-500 thousand in debt

Finances

- Entire process from H1b to Green card (next phase) is upwards of \$40,000 if sponsoring agency is WILLING to sponsor a green card
- H1b visas are good for 6 years
 - Must go home if you cannot get a green card

The Impact:

2016 Pathway

Consult an immigration lawyer (either candidate or office)	1-4 weeks
Interview and accept position	1-4 weeks
Forensic pathology recognition at the state level for Conrad 30 waiver	10 months
Obtain J1 waiver	2 months
Labor certification	2 months
Obtain H1b visa and begin working	2 months
Total Time	18 months

2018 Pathway

Consult an immigration lawyer (either candidate or office)	1-4 weeks
Interview and accept position	1-4 weeks
Forensic pathology recognition at the state level for Conrad 30 waiver	0 months
Obtain J1 waiver	2 months
Labor certification	2 months
Obtain H1b visa and begin working	2 months
Total Time	8 months

Three-year commitment

“Can be great, can be hang yourself in the closet moment”

H1b visa abuse

- ▶ Well known amongst the community of immigrants that you will be “taken advantage of”
- ▶ Personal experience in this matter
- ▶ Lack of ability to chose best fit job situation due to minimal choices and desperation
- ▶ Choice of unemployment vs career progression with/without debt is not actually a choice

H1b visa transfer

- ▶ Can transfer to another medically underserved area.
- ▶ Must be governed by an underserved zip code
- ▶ Only one chance to do this
- ▶ Minimal options and no resources to find out where to apply
- ▶ Costly to applicant and employer (up to \$9,000) combined
- ▶ 60 days to find a job (resignation or termination situation)

Beyond the three-year return of service

Staying in the same place

- Once the return of service commitment is complete, the applicant can choose to stay or to leave
- Employer must apply for another 3 years (H1b visa extension) to keep the applicant
- Discussion of progress from there (applicant decides to go to home country or apply for green card through different methods)

Moving on: H1b Portability act

- Finding a place that is willing to sponsor yet again!
- Process can take months
- Same costs as before to employer and employee (~\$9,000 combined)

Green card pathways

Few options available (not all included):

- Employment categories (EB-1 through EB-5)
 - 18-24 months
- Marriage to US Citizen
 - 6-9 months
- National Interest Waiver
 - Research based but due to opioid crisis can be considered



Areas of Improvement

IT IS ALL ABOUT EFFICIENCY AND ORGANIZATION

Where to start?

- ▶ If applying for a job, you already know your skill set and type of job you want → Forensic pathology
- ▶ Who offers those jobs?
 - ▶ National Association of Medical Examiners (NAME) job board
- ▶ Who sponsors an H1b visa?
 - ▶ ?????
 - ▶ Shotgun email method to every job opening
 - ▶ Immigration attorney of some use for historical CONRAD 30 waivers for Forensics
- ▶ Applicant generally on their own without a resource
- ▶ VISA APPLICANT ADVISORY COMMITTEE (VAAC)
 - ▶ Committee through NAME
 - ▶ In early infancy stage to help tackle this issue
 - ▶ Find out which offices can sponsor visas (training or employment)

H1b transfer during ROS and H1b portability act

- ▶ Same concept as where to start and where to restart for sponsorship
- ▶ Much easier to transfer H1b than it is to find a J1 waiver state as the J1 waiver has already been established in the original state
- ▶ Only 60 days to educate the new sponsor and get paperwork in order and filed
- ▶ Process takes about 5-6 months to complete a transfer
- ▶ 60 days elapse and applicant must leave country
 - ▶ Financial hit both for employment/retirement potential

BURDENS

Financial and time

- So far spent approximately \$50,000+ of personal expenses (1 year of residency training)
 - Moving (2007-2021 moved 10 times with no moving stipend)
 - Storage
 - Lawyer and government fees
 - Deferred retirement savings for 5 years
 - Lost wages (unemployed for 10 months total in 4 years)

Relationships

- Currently married in a 5.5-year relationship and have not been able to live with spouse
 - Living separately =\$\$\$\$
- Friendship and family neglect
- Frequent moves do not allow for development outside of the workplace

Mental health

- Lack of choice means potential for toxic work environment/isolation and depression
- Chronic understaffing leads to opportunity for employers to abuse applicants
 - Stakes very high for applicant
 - Minimal choices to transfer
 - Expensive to move and be unemployed

Education and Change



The PHYSICIAN IMMIGRANT

www.thephysicianimmigrant.com

- Creation of a blog:
 - Education and understanding immigration from a physician perspective
- Understanding of sacrifices required before embarking on this journey
- Navigation bar:
 - Blog
 - Start here
- Gives more detailed information about the visas and steps

National Association of Medical Examiner's Presentation

<https://www.thename.org/assets/2018Handouts/6.3%20-%20Rajkumar%2C%20Anita.pdf>

NAVIGATING THE J1 VISA PROCESS: A CANADIAN'S PERSPECTIVE

Anita Rajkumar, MD,
Deputy Medical Examiner



Questions for the group

- ▶ Is there a way for ALL states to recognize forensic pathology as “direct patient care?”
- ▶ Why does the J1 waiver to H1b application have to be an annual event?
- ▶ Is there a way to offer a grant for offices to be more willing to accept sponsorship?
- ▶ Is there a **physician** immigration lawyer group to handle the communication/ paperwork between applicant and office?