



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER™

School of Medicine

Operating Policy and Procedure

**SOM OP:** 50.14, **H1-B Visas**

**PURPOSE:** The purpose of this School of Medicine (SOM) policy and procedure is to establish accepted residency documents for IMG's applying for residency/fellowship training programs

**REVIEW:** This SOM Policy and Procedure shall be reviewed within each odd-numbered fiscal year by the TTUHSC Graduate Medical Education Coordinating Council. Revisions will be forwarded to the Office of the Dean for approval and publication

## **POLICY/PROCEDURE:**

- 1. General.** Texas Tech University Health Sciences Center School of Medicine shall accept only international medical graduates with J-1 visas, or permanent resident status, into residency training programs.
- 2. H1-B Visa Requirements.** Until passage of the Immigration and Nationality Act of 1990 (IMMACT 90), it was clear that the "H" visa was for "temporary workers" and was appropriate for International Medical Graduates (IMGs) coming to the United States to engage in teaching, research or both at a public or nonprofit private educational institution or agency. Under the "H" category, IMGs were only allowed to undertake limited patient care that was incidentally related to the teaching or research. H1-B visa holders are not required to return to their home country after completion after the completion of their teaching or research.
- 3. J-1 Visa Clarification.** Canadian and IMGs may qualify to receive graduate medical education and training in the U.S. on a J-1 visa under the sponsorship of the Educational Commission of Foreign Medical Graduates (ECFMG). This is the only organization authorized by the United States Information Agency (USIA) to sponsor clinical graduate medical education and training. In 1971, USIA delegated to ECFMG the responsibility to administer the proper forms in all cases involving the admission, certification, transfer, or extension of stay for foreign physicians in "J" status who are receiving graduate medical education of training. The J-1 visa has certain restrictive aspects, including requirements that foreign physicians at institutions affiliated with United States medical schools enter accredited residency or fellowship programs, pass the appropriate medical science and English examinations, and provide assurances that they will return home after completion of the educational program and that there is a need in the home country for the skills to be acquired.
- 4. Qualification for H1-B Visa for Residency Training.** The Immigration and Nationality Act of 1990 (IMMACT 90) inadvertently deleted the language in the H1-B visa category that restricted foreign physicians from engaging in direct patient care, thus creating a possibility that a foreign physician could qualify for a H1-B visa for residency training. The intent was for understaffed areas to readily recruit foreign medical graduates. There was no intent to have the H1-B visa used for graduate medical education.