

Message to: Designated Institutional Officials, Program Directors, and Training Program Liaisons (TPLs)
From: William W. Pinsky, MD, ECFMG's President and Chief Executive Officer

March 8, 2017

ECFMG is aware that the results of the NRMP Main Residency Match will be released next week and that many of you may have questions with respect to the impact that President Trump's revised Executive Order (EO) of March 6, 2017, may have on foreign national physicians seeking to enter or currently participating in one of your training programs. The following information is offered to highlight key components of the EO and clarify potential issues for physicians:

- 1. General Scope of the EO:** The EO suspends the entry of most foreign nationals of Iran, Libya, Somalia, Syria, Sudan, and Yemen for a period of 90 days beginning March 16, 2017. Nationals of Iraq, previously subject to the terms of the President's January 27, 2017 EO, are excluded from the revised travel ban.
- 2. Current J-1 Sponsored Physicians:** The EO does not prohibit currently sponsored J-1 physicians from seeking sponsorship renewal and extension of the program end date listed on an unexpired Form DS-2019. Training Program Liaisons (TPLs) can continue to initiate sponsorship renewal applications for all eligible J-1 applicants, including those from the six countries designated in the EO.
- 3. Exemptions from the EO:** The revised EO exempts several classes of individuals from the suspension, including the following:
 - Any individual who had a valid U.S. visa at 5:00 p.m., Eastern Standard Time in the United States, on January 27, 2017;
 - Any individual who has a valid U.S. visa on March 16, 2017;
 - Any individual who is within the United States on March 16, 2017;
 - Any lawful permanent resident of the United States;
 - Any dual national of a country designated in the EO if/when the individual is traveling on a passport issued by a non-designated country;
 - Any foreign national traveling on a diplomatic visa or diplomatic-type visa;
 - Any foreign national who has been granted asylum, any refugee already admitted to the United States or any other individual who has been granted withholding of removal, advance parole, or protection under the Convention Against Torture.

4. Waivers to the EO: The EO outlines provisions for case-by-case waivers of the suspension provision. Physicians who have matched may be eligible for a “suspension waiver”. Waivers may be deemed appropriate by the U.S. Customs and Border Protection (CBP) and/or Department of State (DOS). Specifically, the EO states that waivers “could be appropriate” for several reasons, including those listed below that may be applicable to physicians seeking to enter the United States to commence graduate medical education (GME):

- The foreign national has previously established significant contacts with the United States but is outside of the United States on the effective date of the Executive Order for work, study, or other lawful activity;
- The foreign national seeks to enter the United States for significant business or professional obligations and the denial of entry during the suspension period would impair those obligations;
- The foreign national is a landed Canadian immigrant who applies for a visa at a location within Canada.

Physicians who have matched may meet some of the criteria above and should request a waiver if the individual is outside of the United States on the effective date of March 16, 2017.

The following provides information for program directors to support visa applications and visa suspension waiver requests.

J-1 Visa Applicant Information

Host institutions with matched applicants seeking J-1 visa sponsorship through ECFMG are advised of the following:

- **Application to ECFMG:** J-1 physicians must work with the Training Program Liaison (TPL) at the U.S. host teaching hospital to which he/she matched to submit a J-1 sponsorship application to ECFMG as soon as possible. (See <http://www.ecfmg.org/evsp/application-online.html>)
- **Supporting Documents:** Host institutions are encouraged to prepare a letter in support of the physician’s visa suspension waiver request, if applicable. Additionally, each ECFMG-issued Form DS-2019 for a national of one of the six countries will include a packet of information that can be presented to a consular official in support of a visa suspension waiver request.

H-1B Visa Applicant Information

Host institutions petitioning for an H-1B visa on behalf of an applicant are advised of the following:

- **Premium Processing:** Be cognizant that premium processing for all H-1B petitions will be suspended on Monday, April 3, 2017, for up to six months. You must ensure any H-1B petitions seeking premium processing are delivered to U.S. Citizenship and Immigration Services (USCIS) no later than Friday, March 31, 2017.
- **Expedited Processing:** After April 3, you may request expedited case review if your institution is either a “nonprofit organization whose request is in furtherance of the cultural and social interests of the United States” or your institution can demonstrate “severe financial loss to company or person”, a “humanitarian reason” or a “compelling USCIS interest”. We suggest that you seek guidance from an immigration attorney, but additional information on the expedited processing may be found at <https://www.uscis.gov/forms/expedite-criteria>.
- **Supporting Documents:** ECFMG is developing material to support an applicant’s visa suspension waiver request. If you would like this information, please contact ECFMG at CaseManager@ecfmg.org.

5. **Consular Resources:** ECFMG is working on resources for consular officials to aid in processing visa applications. This information will be available on ECFMG’s website in the future.
6. **NRMP Resources:** The National Resident Matching Program has informed ECFMG that it will be liberal in granting waivers if applicants and programs are unable to meet their Match commitments. Questions and waiver requests should be directed to policy@nrmp.org.

The U.S. Department of Homeland Security (DHS) has posted questions and answers regarding the EO on its website at <https://www.dhs.gov/news/2017/03/06/qa-protecting-nation-foreign-terrorist-entry-united-states>. You are encouraged to review the information at this link.

The information in this e-mail is provided for informational purposes only and should not be understood as providing legal advice. ECFMG recommends that you consult legal counsel if you seek advice about the immigration status of any particular individual.

Like you, ECFMG is committed to supporting the well-being of all foreign national physicians seeking training in the United States. Please know that ECFMG is here as a resource for you and your foreign national physicians. We will provide updates, as they become available, via our website, Twitter feed, and Facebook page. In the meantime, please contact us at CaseManager@ECFMG.org with any questions.