

May 30, 2018

L. Francis Cissna
Director, U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20529

Dear Director Cissna,

The undersigned organizations are greatly concerned about the imminent healthcare repercussions of delays in H-1B visa processing due to increased scrutiny of prevailing wage data for incoming non-U.S. international medical graduates (IMGs) who have accepted positions in U.S. Graduate Medical Education (GME) programs. Our understanding is that the U.S. Citizenship and Immigration Services is requesting additional evidence and in some cases denying applications that use data from the Association of American Medical Colleges (AAMC) Survey of Resident/ Fellow Stipends and Benefits Report. The Department of Labor (DOL) has data on most occupations, including physicians, but not medical residents. As a result, DOL has previously approved the use of AAMC resident stipend data for these purposes.

All GME training programs in the U.S. start on or before July 1 of each year. When incoming medical residents are delayed or visas are denied, it is not only disruptive to training programs, but it impacts patient care as teaching hospitals rely on these medical residents to provide care. IMGs who are not U.S. citizens or permanent residents and seek entry into U.S. GME programs must obtain a visa that permits clinical training to provide medical services. Most enter the U.S. on a J-1 Exchange Visitor visa or an H-1B visa. Approximately one quarter of non-U.S. IMGs training in the U.S. do so on H-1B visas. For at least one internal medicine training program, 60% of incoming medical residents are on H-1B visas so the impact of a delayed start and possible denials would be devastating to their physician workforce capacity.

We urge you to expedite review of pending H-1B applications by non-U.S. IMGs who have been accepted to postgraduate training programs in order to avoid unnecessary delays and uncertainty affecting their timely entry. Since the DOL previously approved the use of AAMC resident stipend data for prevailing wage determinations, we believe such data should continue to be accepted. We understand that the U.S. has a legitimate public interest in conducting careful reviews of applications for visas from foreign nationals and non-U.S. IMGs cannot be automatically assumed to be exempt from such scrutiny. We hope you can reach an appropriate balance that allows non-U.S. IMGs to contribute to U.S. healthcare service needs without subjecting them to unnecessary delays in the absence of specific and credible evidence.

Sincerely,

Alliance for Academic Internal Medicine
American Academy of Family Physicians
American Academy of Pediatrics
American College of Obstetricians & Gynecologists
American College of Physicians
American Psychiatric Association
Council of Academic Family Medicine

cc: Department of Homeland Security
Department of Labor



**U.S. Citizenship
and Immigration
Services**

June 18, 2018

Dr. Peter B. Angood
Chief Executive Officer, President
American College of Physicians
190 North Independence Mall West
Philadelphia, Pennsylvania 19106

Dear Dr. Angood:

Thank you for your May 30, 2018 letter regarding your concerns about possible imminent healthcare repercussions as a result of delays in H-1B visa processing. You noted that you believe the delays are due to increased scrutiny of prevailing wage data for many incoming non-U.S. international medical graduates who applied for H-1B visas and who have accepted positions in U.S. Graduate Medical Education programs, and how the delays will have a cascading effect on people and operations.

Several stakeholders have recently inquired about U.S. Citizenship and Immigration Services' (USCIS) requests for evidence and decisions in certain H-1B cases, where the prevailing wage identified in the certified labor condition application was based on a private wage survey. USCIS recognizes the use of valid, private wage surveys by petitioners to establish the prevailing wage for an H-1B petition, however, USCIS will continue to issue requests for evidence or denials, if appropriate, when officers determine that the petitioner has not established eligibility for the benefit sought. In keeping with the law, as directed by the President's Buy America, Hire America Executive Order, and adhering to the intent of Congress, which is to ensure H-1B employers are complying with all eligibility requirements, USCIS serves to safeguard the integrity of the program to protect the wages, working conditions, and jobs of U.S. workers.

Thank you again for your letter and interest in this important issue. Please feel free to share this information with the co-signers of your letter. Should you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna".

L. Francis Cissna
Director