

Navigating the J-1 Visa Waiver Job Search

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Conrad 30 J-1 Visa Waiver Program

Why is a Waiver Needed?

J-1 visa status authorizes an International Medical Graduate (IMG) to do Graduate Medical Education (GME) in the United States.

All J-1 clinical physicians – no exceptions – need to return for two years to their home countries following conclusion of GME.

Unless the two-year home residence obligation is waived, a J-1 physician is ineligible for an H-1B visa and/or permanent residence

Therefore, it is necessary to get a waiver of the two-year home residence obligation in order to get H-1B eligibility which, in turn, is the visa status that will enable an IMG to work as a physician in the United States.

About the Conrad 30 Program

States can sponsor waivers in order to get physicians into hard-to-fill placements where they will be serving the medically underserved. There has to be an element of expanding the safety net.

There are 30 waivers per year for each state. The waivers become available October 1. Some states fill all 30 slots very quickly (a few hours); others never fill all 30 slots. Consult with the Primary Care Office (PCO) regarding state-specific details.

Up to 10 waiver numbers can be used for non-medically underserved placements (Flex waivers). The balance can only be used for placements in medically designated areas.

Whether the waiver is a Flex or normal waiver, the underlying goal is to show that the IMG will provide safety-net clinical services – i.e., serve the indigent and medically underserved and fill gaps in the medical delivery system.

If the J-1 waiver is granted, an IMG has a minimum three-year service obligation that needs to be fulfilled in H-1B status (could be more by state).

How States Determine Areas of Need

Medically Underserved Areas are defined as Health Professional Shortage Areas (HPSA) or Medically Underserved Areas/Populations (MUA/P). HPSAs and MUAs are federal designations used to determine (among other things) where J-1 waivers are applicable.

HPSAFinder: <http://hpsafind.hrsa.gov/>

MUAFinder: <http://muafind.hrsa.gov/>

Also see: <http://1.usa.gov/1yDKHi1> to determine if a practice site is located in a designated shortage area.

Potential State Variations

Primary care vs. specialty care

Application periods & filing deadlines

Non-compete clauses

Liquidated damages

Filing fees

Reporting requirements

Mandatory period of service

Eligible employer requirements

Other Agencies That Offer Waivers

Appalachian Regional Commission (ARC)

Delta Regional Authority (DRA)

United States Department of Health and Human Services (US DHHS)



Know the “Players”

PCO

Primary Care Office (PCO) – the person/organization responsible for J-1 waivers and HPSA designations at the state level.

You can find a list of PCOs here: <http://bhpr.hrsa.gov/shortage/hpsas/primarycareoffices.html>

An additional resource for J-1 contacts: <https://www.3rnet.org/members/j1-visa-contacts>

Questions to ask the PCO:

- Where can I find HPSA maps for this state?
- What do you typically use your ‘flex’ positions for?
- Do you fill your slots? If so, how fast?
- What are the state specific requirements?
- Are there any state-specific application (or other) fees? What are they for, and how much are they?
- Are there any other agencies in this state that give waivers?
- For example, Delta Regional Authority, Appalachian Regional Commission, Department of Health and Human Services.

Employer

Ultimately, it is the employer and not the IMG that applies for the J-1 waiver and sponsors the IMG for a change into H-1B status.

Employer has legal obligation to pay H-1B attorneys fees and filing fee costs – conversely, the IMG cannot pay for H-1B fees or costs.

Need to make sure that the employer is aware of its immigration obligations.

Questions to ask the employer:

- Who in the organization will take the lead for immigration purposes?
- What has been the employer’s experience in the past with J-1 waivers?
- What attorneys has the employer used in the past?
- What is the culture in the employer?
- What assistance will you receive in integrating into the community?

Attorney

Regardless of who pays fees and unless affirmatively agreed to the contrary, an attorney has an equal obligation to both the employer & the IMG during the J-1 waiver & H-1B process.

Open up line of communication with the attorney. Make sure you are getting all copies of correspondence with employer and government agency. Make sure you understand what your lawyer is doing in your case.

Why hire an attorney? The J-1 process is complex, extremely detail oriented, & very time consuming. An attorney ensures things are done effectively and in an efficient manner.

How does a relationship with an attorney work? http://www.aronsonimmigration.com/images/videos/4_lawyer/index.htm

Questions to ask an attorney before hiring:


- What is your history working with the J-1 process?
- Have you worked in the state I’m looking to work in?
- How do you charge? (Flat fee or hourly)

State J-1 Waiver Officer

State official who will review the J-1 waiver application & recommend the waiver for approval.

Usually, are accessible to inquiries.

Useful source of information & guidance on state waiver policies.



Timelines: Application & Job Search Processes

Job Search Process

Start your job search 12-18 months prior to when you can potentially start working.

You need to narrow down WHERE you want to work by state to determine what you need to apply.

Determine which facilities are eligible (i.e. are in a HPSA or MUA).

Your visa is specific to one employer (i.e. in most instances you cannot moonlight). Ask an attorney if you have questions!

Once You Find a Job You Want

You're like any other resident trainee – you need a job. Once you find a job, you need to make sure you're eligible to work at said job.

Let the employer know you're looking for a visa sponsorship.

Facilities can ask during interview process: "Are you legally authorized to work in the United States?" and "Do you need visa sponsorship?"

Facilities can ask the following follow-up questions: "What is your current status?", "What visa sponsorship is needed?", and "How much time do you have left in your current status?"

Interview.

You can sign an employment contract, but you cannot work until you have that waiver and the H-1B work visa.

What You Need to Apply

A job offer where your employer will sponsor your J-1 visa waiver and H-1B work visa.

State license – depending on the state. (e.g. state's licensing process can take a long time so they may grant a waiver while the license is processing so as to not slow everything down).

Steps to the J-1 Waiver Process

A physician must secure a bona fide offer of employment from an employer that will sponsor the IMG for a J-1 waiver & a change into H-1B status.

IMG must apply for case number from the U.S. Department of State.

The health care facility applies for a J-1 waiver to the State Department of Health.

The state department of health (different in each state) sets guidelines that must be met to show that the physician will enhance coverage of medically at-risk populations.

U.S. Department of State reviews the J-1 waiver application (4-6 weeks).

U.S. Citizenship & Immigration Services reviews J-1 waiver application & issues final approval (at least 2-6 weeks).

IMG must begin work within 90 days of receiving approval from USCIS.