

TITLE: Non-Immigrant Sponsorship for Residents/Fellows POLICY NUMBER: S-16

DEPARTMENT: Graduate Medical Education Effective Date: 07/01
Revised: 12/23
GMEC Approved: 12/23
Date of next Review: 12/25

POLICY:

Mercy and associated hospitals will, in certain situations, provide and/or assist in visa sponsorship for non-immigrant foreign nationals entering into residency/fellowship training programs accredited by the ACGME/CPME.

PURPOSE:

To ensure that all residents/fellows in educational programs (GME) are employed with the appropriate and lawful employment authorization for training and for receiving remuneration for service.

To ensure that the institution is not placed in jeopardy of having its approval to sponsor international graduates rescinded.

PROCEDURE:

Any offer provided to an applicant who requires sponsorship must be conditioned upon Mercy's and the applicant's respective abilities to obtain valid work authorization in the United States.

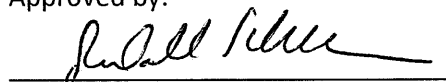
The J-1 and H-1B classifications are the most common ways for a hospital to obtain work authorization for a foreign national resident/fellow. Because Mercy is the employer, it will decide the classification to pursue, as well as the legal counsel to assist in the process. The Academic Affairs Office will keep a list of approved legal counsel. Below is additional information about each classification.

Sponsorship Options

1. H-1B Status: The preferred visa for Mercy Health Toledo Market is H-1B.
 - a. Applicants requiring an H-1B sponsorship will be sponsored by Mercy. The H-1B status is employer-specific and the holder (resident) of the H-1B status may only work in the specific position at the specific location(s) outlined in the employer's Labor Condition Application (LCA). Any potential changes to location must be discussed with Mercy's legal counsel in advance of any changes to determine if the location can be added. Residents/fellows in H-1B status are not permitted to moonlight, refer to Academic Affairs policy S/P-07.
 - b. Applicant requiring H-1B sponsorship must be eligible for the status under the criteria set forth by the U.S. Department of Labor (DOL), USCIS, and DHS. Specifically, residents/fellows must possess:
 - i. A valid ECFMG Certificate;
 - ii. Successful passing of USMLE Step 3 by date of rank order list certification;
 - iii. A contract or offer letter from the GME program; and
 - iv. A valid temporary training certificate or permanent license issued by the State Medical Board of Ohio. The temporary training certificate must be issued in order to file the H-1B application.

- c. The attorney fees and standard filing fees for an H-1B petition must be paid by Mercy. If a resident/fellow wishes for the hospital to file the H-1B petition utilizing premium processing, the resident/fellow will be responsible for the premium processing fee.
 - d. It is the resident's/fellow's personal responsibility to maintain lawful status while in the United States and under contract in the residency/fellowship training program. Lawful status is evidenced by possession of a valid I-94 Record (Arrival/Departure Record) or I-797 Form (Notice of Action).
 2. J-1 Visa: In certain uncommon circumstances, the program may offer a J-1 visa based on the following circumstances:
 - a. Resident/Fellow candidate is not eligible for H-1B with certainty by NRMP ROL Certification;
or
 - b. Offering J-1 visa in place of H-1B has significant advantages in furthering Mercy Health Mission and Patient Care missions; -and
 - c. Resident/Fellow candidate is of exceptional quality in terms of falling in top 25% of program's current PGY-1 USMLE Record, No failed rotations in medical school, and strong LOR.
 - d. Programs have spoken and obtained approval from the DIO;
 - e. Mercy is not the sponsor of the classification, but serves as the host institution/employer. The federal government has approved the Education Commission for Foreign Medical Graduates (ECFMG) to serve as the sponsor for foreign national residents/fellows.
 - f. Residents/fellows requiring a J-1 Status must be eligible for sponsorship under the criteria set forth by the Department of State and ECFMG.
 - g. All J-1 Exchange Visitors who are sponsored by ECFMG for the purpose of graduate medical education or training are automatically obligated to return to their country of most recent legal permanent residence for an aggregate of at least two years unless a waiver is obtained.
 - h. It is J-1 holder's (resident's/fellow's) personal responsibility to maintain lawful status while in the United States and under contract in the residency-training program. Lawful status is evidenced by possession of an active SEVIS record along with the corresponding DS2019 Form, if dated after 7/19/07 DS-7002 (Training/Internship Placement Plan), and I-94 Record (Arrival/Departure Record) or I-797 Form (Notice of Action).
 - i. Residents/fellows in J-1 status are not permitted to moonlight, refer to Academic Affairs policy S/P-07.
 3. Permanent Resident Application pending - candidates in this situation will be issued Employment Authorization Documentation (EAD) card which must be renewed.
 4. Employment Authorization Document (EAD) – issued to applicants for U.S. permanent residency/fellowship, J-2 dependents of J-1 Exchange visitors and other individuals granted temporary permission to remain and work in the US. Typically must be renewed annually.

Approved by:



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