



October 21, 2020

Chad F. Wolf  
Acting Secretary  
Department of Homeland Security  
Washington, DC 20528

On behalf of the American Academy of Family Physicians (AAFP), which represents 136,700 family physicians and medical students across the country, I write in response to the [notice of proposed rulemaking](#) (NPRM) on Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media, as published in the September 25, 2020 *Federal Register*.

The AAFP is deeply concerned about the Department of Homeland Security's (DHS) proposal to eliminate "duration of status" for certain categories of nonimmigrants, including foreign national physicians with J-1 visa status. This proposal would disrupt patient care in hospitals and clinics across the country, create significant burden on foreign national physicians, and exacerbate primary care physician shortages. As our country continues to face the COVID-19 pandemic, it is critical that our health care workforce is maintained. **The AAFP urges DHS to exclude foreign national physicians in the Department of State's Exchange Visitor Program in J-1 visa status from this policy change.**

#### Physicians with J-1 Visa Status

According to the Education Commission for Foreign Medical Graduates (ECFMG), there are currently more than 12,000 physicians in training as residents and fellows who have J-1 visa status at almost 750 hospitals across the nation.<sup>1</sup> More than 720 of these J-1 physicians are family physicians who are serving on the frontlines of the COVID-19 pandemic and providing essential primary inpatient, and critical care services to patients across the lifespan.<sup>2</sup>

Physicians in training are essential to ensuring fully staffed hospitals and outpatient clinics, as well as maintaining surge capacity in the event of a pandemic. International medical graduates are also more likely to practice in underserved areas and become primary care physicians, helping to mitigate the impact of primary care shortages across the nation.<sup>3,4</sup> The number of J-1 physicians has increased significantly in recent years, meaning that our nation is more dependent upon them than ever before.<sup>5</sup> For all of these reasons, the AAFP recommends against implementing policies that would disrupt the education of J-1 physicians or increase the burdens placed on them to remain in their training programs.

#### Negative Impact of Eliminating of Duration of Status

DHS proposes to eliminate the long-standing "duration of status" policy and instead assign a specific end date of admission for certain nonimmigrants with F, J, and I visas. The current "duration of status" policy allows visa holders, including foreign national physicians with J-1 visa status, to remain in the country as long as their program of study lasts. In other words, a family physician who comes to the

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United States for their three-year residency training is considered compliant with the terms of their visa as long as they continue to be in the training program.

DHS is proposing to change this policy and provide visa holders with a fixed time period during which they can be in the country. This time period will be four years for most visa holders, but two years for some based on their country of origin. If the visa holder needs to stay longer to complete their training program, they will have to apply directly to DHS for an extension.

We believe that eliminating “duration of status” and replacing it with a fixed time period of admission could disrupt the training programs of thousands of J-1 physicians, and subsequently jeopardize care continuity and access for patients. J-1 physicians would be required to apply each year for an extension of stay through the U.S. Citizenship and Immigration Services (USCIS) or through a consulate outside of the country. Current USCIS processing times indicate that it takes between five and 19 months for this application to be processed, and we expect that the processing time would increase with an influx of applicants due to this policy change.<sup>6</sup> This timeframe is untenable for physicians in training, as most residency and fellowship contracts are issued only three to five months ahead of the July 1<sup>st</sup> start date of each new academic training year.

Family physicians who have J-1 visa status could also face unique challenges in meeting their training requirements if this proposal is finalized. Family physicians in training are required to provide continuous care to a patient population for 24 months in their second and third year of residency. If this relationship is disrupted, the physician may be required to restart their second year of residency, lengthening the overall time required for training. There is no exception to this policy for visa-related issues that may require the J-1 physician to stop working or leave the country. Accordingly, the AAFP is very concerned that the elimination of “duration of status” and requirement to apply for an extension will result in training interruptions for J-1 physicians. This is problematic for the J-1 physician themselves, as well as their fellow physicians in training and the residency program that the J-1 physician is working in.

Training interruptions will also worsen access and continuity of care for patients in underserved populations, further exacerbating health inequities. Given the significant negative impact that this proposal will have on physicians in training, their training programs, and their patients, the AAFP opposes the proposal to eliminate “duration of status” for visa holders and we urge DHS to retain “duration of status” for J-1 physicians.

#### Additional Oversight Is Not Needed for J-1 Physicians

DHS indicates in the NPRM that it is necessary to eliminate “duration of status” in order to improve oversight of visa holders to ensure that they are in compliance with their visa requirements and do not overstay. J-1 physicians are already closely monitored by the ECFMG and there is no evidence to suggest that they stay in the US longer than is permitted. While the AAFP recognizes the importance of ensuring our national security, we do not believe that any additional oversight of J-1 physicians is necessary, and therefore it is appropriate to maintain the “duration of status” policy for physicians in training.

All J-1 physicians are required to apply annually to ECFMG to renew their sponsorship. ECFMG conducts an annual review to confirm compliance and training progress in order to extend the authorized period of stay. The Accreditation Council for Graduate Medical Education (ACGME) also requires appropriate supervision for physicians in training, and all teaching hospitals have a staff

member who communicates with the ECFMG to confirm participation in training. Additional oversight of J-1 physicians is not necessary and will result in disruptions in patient care at teaching hospitals across the nation.

To ensure continuity of care and a robust physician workforce as our nation grapples with a global pandemic and beyond, DHS should not eliminate the “duration of status” policy for J-1 physicians.

Thank you for the opportunity to comment on the NPRM. Should you have any questions, please contact Meredith Yinger, Senior Regulatory Strategist, at (202) 235-5126 or [myinger@aafp.org](mailto:myinger@aafp.org).

Sincerely,

Handwritten signature of Gary L. LeRoy, MD, FAAFP in black ink.

Gary LeRoy, MD, FAAFP  
Board Chair

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<sup>1</sup> Education Commission for Foreign Medical Graduates. J-1 Physicians: Essential to U.S. Health Care. Available at: <https://www.ecfmg.org/annc/j-1-duration-of-status-infographic.pdf>

<sup>2</sup> Ibid.

<sup>3</sup> Thompson MJ, Hagopian A, Fordyce M, Hart LG. Do international medical graduates (IMGs) "fill the gap" in rural primary care in the United States? A national study. *J Rural Health*. 2009 Spring;25(2):124-34. doi: 10.1111/j.1748-0361.2009.00208.x. PMID: 19785577.

<sup>4</sup> The National Resident Matching Program. Results and Data: 2020 Main Residency Match. 2020. Available at: [https://mk0nrmp3oyqui6wqfm.kinstacdn.com/wp-content/uploads/2020/06/MM\\_Results\\_and-Data\\_2020-1.pdf](https://mk0nrmp3oyqui6wqfm.kinstacdn.com/wp-content/uploads/2020/06/MM_Results_and-Data_2020-1.pdf)

<sup>5</sup> Education Commission for Foreign Medical Graduates. J-1 Physicians: Essential to U.S. Health Care. Available at: <https://www.ecfmg.org/annc/j-1-duration-of-status-infographic.pdf>

<sup>6</sup> U.S. Citizenship and Immigration Services. Check Processing Times. Available at: <https://egov.uscis.gov/processing-times/>