LIFE AFTER TRAINING: OPTIONS FOR J-1 AND H-1B PHYSICIANS

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If you are a physician here in the United States on a J-1 Program sponsored by the ECFMG, your visa has a “built in” requirement which mandates that you return to the country that issued your “assurances” for two years before you may immigrate or return in H-1B status. This is called the "two year home residence requirement" (HRR)

If you are the beneficiary of an approved J-1 waiver through an Interested Government Agency (IGA), Hardship or Persecution, the two year HRR will be “waived.”

A no objection statement from your home country does not override this requirement

If you subsequently become a citizen of another country, spending two years in that country will not fulfill the 2 year HRR

With an IGA waiver, the Employer who filed the J-1 waiver application also files the H-1B visa petition on your behalf so that you may work for the employer for three (3) years in H-1B status in exchange for your J-1 waiver.
J-1 OPTIONS

- RETURN HOME FOR TWO YEARS
- THREE TYPES OF WAIVERS:
  - Interested Government Agency ("IGA" waivers)
  - Hardship
  - Persecution
- OTHER OPTIONS:
  - O-1 Visa
SHOULD I GO HOME FOR TWO YEARS?

- How do I determine where I have to spend the two years?
- Can I come back during those two years for a visit?
- How do I return to the U.S. when my two years are up?
- Do I really need to prove that I completed my two years home residency requirement?
- Can I work two years in another country?
INTERESTED GOVERNMENT AGENCY WAIVERS

- Conrad “State 30” Program
  - What states are competitive
  - “Flex 10” slots
- Department of Veterans Affairs
- Appalachian Regional Commission
- Delta Regional Authority
- Department of Health and Human Services
  - Research
  - Clinical
IGA WAIVERS – HOW DO THEY WORK?

- Find a job in an underserved area where you will be able to make a commitment to work
- Find an IGA to sponsor the waiver
- Request a case number from the Department of State
- The waiver request is filed with IGA
- The IGA will forward the recommended waiver to DOS
- DOS will forward the recommendation to USCIS
WHAT GOES INTO THE WAIVER REQUEST?

- General Requirements (Not all the same for each state or agency)
  - Employment contract
  - Proof of recruitment
  - Community support
  - Attestations from the employer and employee
  - Medical credentials
  - Other documentation if one of the “special cases”
FLOW CHART OF PROCESS TIMES FOR PURSUING A J1 WAIVER

- Submitting application through an IGA
  - (6 months)
  - \[\downarrow\]
- Adjudication by Department of State
  - (4-8 weeks)
  - \[\downarrow\]
- Adjudication by USCIS
  - (4-12 weeks)
TO AVOID DELAYS

- Request a case number from the Department of State
- License issues
- USMLE
- When should you begin looking for a J-1 waiver position?
THE HARDEST STEP-FINDING A JOB

■ Where do you want to go?
   ► May be difficult to change employers
   ► Consideration of your family

■ Consider the policies and timing of the IGA

■ Will you be able to practice your subspecialty?

■ Talk to your friends and colleagues

■ Recruiters
USEFUL WEBSITES TO FINDING A JOB

- www.3Rnet.org
- www.va.gov/jobs/
- www.medjobcity.com
- www.practiceline.com
- www.nejmjobs.org
- www.jamacareernet.org
HARDSHIP AND PERSECUTION WAIVERS

■ Who qualifies?
■ What are the processing times?
■ What agencies review the case?
■ Examples of what works
Finding & Keeping a Waiver Job

- Presented by: Don Buecker, President
Before we Get Started

• A) Let me tell you a little bit about my background

And

• B) How many of you are on J-1 Visas?
• C) How many of you will finish your training in 2013..........2014?
The Current Job Market for J-1 Candidates Is GREAT!!

- **A)** There are more opportunities for obtaining waivers than ever before
- **B)** Proliferation of State 30 Programs
- **C)** ARC & DRA Programs
- **D)** Acceptance of Specialists is widespread
- **C)** there are less numbers of physicians training on J-1s.
- **So ….this is the best time ever for J-1 Physicians!!**
Where Do You Look For Jobs!

A) Watch for advertisements – Internet & Printed

B) Network with Colleagues and Friends

C) Use Recruiters – But Be Careful! And Never Pay Recruiter Fees “Up-Front!”

D) Many of the States have “Physician Placement Services”

E) “3 R” network, through AHEC, etc
When Should You Start looking for A Waiver Job?

- This is the most frequently asked question that I get at these conferences.
- A) There’s no better time than the present!
- B) Some specialties are so highly sought after that employers will sign contracts a couple of years in advance
- C) Never wait any longer than the spring prior to the year that you’ll finish (2013 graduates should be looking right now)
CVs

• A) Keep it short and to the point (2-3 pages)
• B) Most often you won’t be applying for academic jobs, so don’t send in CVs the length of books…..they’ll end up in “File 13”
• C) Give good contact information – i.e. cell number and email address
• D) Be careful about the format you choose – some hide the contact info
• E) If you speak Spanish highlight it, also medical Spanish
• F) Write pertinent cover letters. (Keep it short, Make it Clear, and Cover the Basics)
  1) Let the reader know right away who you are and why you are writing
  2) No longer that 3 paragraphs and completed on one page.
  (We have a list of “Do’s and Don’ts” for Cover Letters….just stop by our booth and we’ll give you one.)
Phone Interviews

- A) This is the first step in the interview process and is a critical component
- B) Ask a lot of questions and you’ll cut down on the “wild goose” chases.
- C) Prior to having any phone interviews, make a list of questions that are important to you. And have this “checklist” handy when you get on the phone.
- (We also have a list of 50 possible questions one might ask…..to get you started…..but, make up your own list……stop by our booth to get one.)
The Actual Interview
(Most J-1 Waiver Jobs are Rural)

1) If you can, plan on spending a few days at the potential job location, no “Short-Stops!”
2) Beware of the “Short-Stop”!
3) If you’re married, plan on taking your spouse along
4) Ask to visit all of the places where you will work
5) Meet as many of the local physicians as possible
6) Wear conservative clothes (look the part!)
7) Be assertive, but not aggressive.
8) If the job is in a rural location, and it most likely will be, ask to meet community leaders.
Actual Interview
(Continued)

• 9) Project an image of wanting to take ownership in the practice.

• 10) Always be **prompt** and be careful not to look like a “9 to 5er”

• 11) Don’t be afraid to ask for the job while you’re at the interview. Your job on the interview is to get offered a contract!
Follow-Up After the Interview

• A) Simple thing to do – Send emails out
• B) There’s nothing better than hand-written personal notes
• C) Be sure to send a “Thank you!” to the secretary................!!
You’re Hired! What’s Next?

1) Marketing is the key to success
   a) Network with the local physicians
2) Avoid the “New Gun Slinger in Town”
   or what’s also know as the “New Smart Doc” syndrome.
3) Get involved in the community
   a) Join charitable organizations
   b) Volunteer your time, i.e. Free health screenings through local health department or schools.
4) Contact the local newspaper about “Ask the Doc” articles.
5) Contact the local radio station about “Ask the Doc” sessions.
6) Join AHEC
Light At The End Of The Tunnel! I have Waiver Jobs!!

I currently have over 60 “Waiver Jobs”!!

Where – Kentucky, Ohio, West Virginia, Georgia, Tennessee, & Alabama

What Specialties – Internal Medicine, Family Practice, Pediatrics, Ob/Gyn, Cardiology, Gastroenterology, Pulmonology, Radiology, Nephrology, Hem/Onc, Psychiatry, Emergency Room, Hospitalists, Orthopedics, ENT, ….and more.
THANK YOU!!!

Good Luck with your job search!!

Come see me at the break and at the end of the conference to discuss what openings I have for you.
WHAT ABOUT THE H-1B VISA?

- Some physicians complete residency training in H-1B status, which can create challenges if your H-1B petition was filed as “exempt” from the H-1B cap.

- Training usually completes June 30th, but non-cap exempt H-1B visas only available for October 1st (Cap subject: H-1B’s already have been used until FY 2014)

- USCIS has been reviewing its interpretation of cap exemption based on a non-profit organization affiliation with or relation to a institute of his/her education. This has resulted in inconsistency of adjudication of H-1B Petitions. (Except for Employers who have been granted cap exemptions since 2006)

- Practice Pointer: H-1B Petition may be filed up to 6 months before ‘start date’
WHAT ABOUT THE H-1B VISA?

- Need to Extend the time:
  - Chief residency
  - Cap exempt jobs
  - Cap exempt jobs, concurrently filed with non-cap H-1B
  - File early – license issue
  - Do not need to “Premium Process”

- How much ‘H-1B time’ do I have left? – plan with Employer

- Under what circumstances can an extension of H-1B time beyond the initial six years be requested?
WHAT ABOUT THE H-1B VISA?

For Former J-1s:

- In exchange for the “waiver” of the two year HRR, former J-1s must work for three years on H-1B visa
- Does the H-1B “cap” apply to you?
- Should you premium process?
- Should you plan to apply for a visa stamp or change of status?
- Request an Extension of DS 2019
- Canadian Physicians alternative
- Issues with J-2 spouses
NON-WAIVER OPTIONS: O-1 VISA ARE YOU EXTRAORDINARY?

CRITERIA-MUST SHOW 3:

► Receipt of nationally/internationally recognized awards
► Membership in an organization that requires outstanding achievement
► Published materials about you in professional publications
► Judgment of the work of others
► Original scientific work of major significance
► Authorship of scholarly material
► Employed in a critical capacity for an organization with a distinguished reputation
► Commands a high salary
NON-WAIVER OPTIONS: O-1 VISA ARE YOU EXTRAORDINARY

- O-1 does not eliminate the home residence requirement; it just postpones it
- Be sure your employer remains committed to filing the waiver
- May remain in O status indefinitely
- O-1 spouse not entitled to an ‘EAD’
- Not permitted to apply for COS
LOOKING AHEAD – HOW DO I GET A GREEN CARD?

- PERM Labor Certification
- National Interest Waiver
- Extraordinary Ability Petition (EB-1)
- Family Based Petition
How does it work?
How much participation from my Employer is needed?
When can I get started?
When can I file for my green card?
NATIONAL INTEREST WAIVER

- What are the requirements?
- How does it benefit my family?
  - EAD and Advance Parole for Spouse and Children anytime you are completing commitment
  - Alternative for H-1B Physicians and family members
VISA RETROGRESSION

- Countries primarily affected: China, India – updated information
- Establish a “priority date” as early as possible – Example: EB-2 retrogression 07/2012
- Entitled to the earliest date
- Can continue to extend H-1B status beyond 6th year of H-1B status once Labor Certification or I-140 petition is filed more than 1 year before expiration of 6 years of H-1B status or have an approved I-140 in a backlogged employment based immigrant category.
5 THINGS TO THINK ABOUT BEFORE SIGNING YOUR EMPLOYMENT AGREEMENT

Compensation and Fringe Benefits;

■ Call Coverage;
■ Covenants Not to Compete and other Restrictive Covenants;
  Not typically permitted for J-1 Physician
■ Professional Liability Insurance; and
■ Term and Termination Provisions
  ▶ $250,000 or other liquidated damages clauses
5 THINGS TO THINK ABOUT BEFORE SIGNING YOUR EMPLOYMENT AGREEMENT

■ Compensation/Fringe Benefits:
  ► Payable how often? Competitive and market based?
  ► Moving allowance? Fringe Benefits (e.g., vacation, health, dental, life insurance, long-term and short-term disability, CME and other)?

■ Call Coverage
  ► Does the contract specify your call coverage requirements?
  ► Are you taking call for the hospital emergency department or physician office or both?
  ► Are you compensated for call coverage?

■ Covenants Not to Compete (CNC) and other Restrictive Covenants
  ► Understand any limitations if you leave the hospital or group practice.
  ► Many J-1 waiver programs prohibit CNC
5 THINGS TO THINK ABOUT BEFORE SIGNING YOUR EMPLOYMENT AGREEMENT

■ Professional Liability Insurance
  ► Does the Employment Agreement specify whether the hospital will provide professional liability insurance? If so, what “type” of coverage is provided, what are the coverage limits and which party is responsible for “tail coverage?”

■ Term and Termination Provisions
  ► Standard Employment Agreements are usually for a term of two (2) years
  ► “For Cause” or “Just Cause” Termination provision
  ► Watch for broad language
  ► “Without Cause” or “No Cause” Termination provision
  ► Notice period usually 90-120 days
THANK YOU – ANY QUESTIONS?

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