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Physicians

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Submitted by admin on Apr 23rd 2009

Green Card for Physicians

Overview

Physicians seeking a permanent employment opportunity in the United States and employers seeking to sponsor a physician for lawful permanent residency based on permanent employment in the United States must go through a multi-step process:

Foreign nationals and employers must determine whether the foreign national is eligible for lawful permanent residency under one of several, acceptable paths to lawful permanent residency.

Most employment-based immigration categories require a U.S. employer to complete a Labor Certification request (Form ETA 9089) for the applicant, and submit it to the Department of Labor's (DOL) Employment and Training Administration. DOL must either grant or deny certification. However, qualified alien physicians who will practice medicine in an area of the United States that has been certified as underserved by the U.S. Department of Health and Human Services (HHS) are relieved from this requirement. For more information on the Labor Certification process, [click here](#).

The applicant must be the recipient of a USCIS-approved Immigrant Visa petition, Form I-140, Petition for Alien Worker. This petition is filed by the applicant's sponsoring employer. The application can be filed only after the DOL certification, if required, is granted. Physicians qualify in the second employment-based (EB-2) category:

EB-2 Professionals with advanced degrees or persons with exceptional ability

- 1) Foreign nationals of exceptional ability in the sciences, arts or business
- 2) Foreign nationals who are advanced degree professionals
- 3) Qualified alien physicians who will practice medicine in an area of the U.S. that is underserved

For more on persons qualifying under the EB-2 category, please click the following link:

<http://www.immigration.com/greencard/eb2-green-card/eb-2-advanced-degrees-experience> [2]

For more information on the I-140 process, click here.

1. Once a physician has received an I-140, the last step is to obtain a Green Card either through Consular Processing or, if in the United States, through Adjustment of Status.

Applicants have to go through Consular Processing (CP) if they are outside the United States. This process involves a brief interview at the U.S. consulate in their home country, and is usually completed within six to nine months of the priority date (date when the I-140 petition is received at USCIS) becoming current as per the Visa Bulletin. Note that the second step can be filed only if the cut-off dates (visa numbers availability) for the applicant's (or applicant's spouse's) country of birth for the category under which the petition is filed are current or have reached the priority date of the applicant.

You can review the current dates on our website through this [Visa Bulletin](#) [3] link. Review the dates in the Visa Bulletin for the specific country where either the physician or his/her spouse was born. You can also read further about the concept of Priority Dates in the Visa Bulletin. Feel free to contact us for clarification or further information.

The State Department (DOS) must give the applicant an immigrant visa number even if the applicant is already in the United States. DOS provides visa numbers to foreign nationals interested in immigrating to the United States.

Applicants can check visa number status by visiting the DOS's Visa Bulletin. Visit DOS's website for more specific information on their visa process and obtaining an immigrant visa number: <http://travel.state.gov/> [4].

Applicants in the U.S. can go through Consular Processing, but also have the option of Adjustment of Status (AOS) through Form I-485. AOS has several advantages over CP, including the fact that the applicant does not have to leave the U.S., can obtain employment authorization during the processing of the AOS, and can obtain advance parole if he or she needs to travel outside the U.S. For more information on AOS, click here.

Information for Physicians from India

Physicians from India should consult the Medical Council of India for specific information:

<http://www.mciindia.org/> [5]

Immigration under the National Interest Waiver for Physicians in Underserved Areas

On September 6, 2000, USCIS's predecessor, the Immigration and Naturalization Service (INS), issued an interim rule regarding immigration under the National Interest Waiver (NIW)

for physicians in underserved areas. USCIS subsequently issued a policy memorandum on January 23, 2007 that superseded certain provisions in the regulation. Click here for a link to this memorandum:

http://www.uscis.gov/USCIS/Laws/Memoranda/Static_Files_Memoranda/schneiderintrm012307.pdf

[6] .

The information provided below is intended to assist potential applicants in understanding and complying with the regulatory framework in light of the memorandum. NIW for physicians in underserved areas relieves the petitioner from the Labor Certification requirement only. Applicants must still meet all eligibility requirements for second preference classification in order to be eligible for the NIW. This is true if the petitioner requests NIW on behalf of a qualified alien physician, or an alien physician self-petitions for second preference classification based on medical service in a HHS-designated underserved area (HPSA or Health Professional Shortage Area) or a Department of Veterans Affairs (VA) facility. HPSA designations are published in the Federal Register and are also available at the HHS website at:

<http://bphc.hrsa.gov/ddatabases/hpsa.dfm> [7].

Prior to the 2007 memoranda, only those physicians who practices in the following fields of medicine were eligible for waivers: family/general medicine, pediatrics, general internal medicine, obstetrics/gynecology, and psychiatry. Specialty-care physicians were not included under the prior law. Under the 2007 policy memorandum, USCIS will accept immigrant worker petitions submitted on behalf of specialty care physicians who agree to work full-time in areas designated by HHS as having a shortage of specialty-care health professionals, i.e., Physician Scarcity Areas (PSA). To determine if a geographic area is a PSA, see <http://www.cms.hhs.gov/HPSAPSAPhysicianBonuses> [8].

Petition Document Requirements

The petitioner or self-petitioner must submit the following documentation/evidence with Form I-140 to support the NIW request. All of the following applicable evidence must be submitted for each area of intended practice for physicians planning to divide the practice of full-time clinical medicine between more than one underserved areas:

1. A full-time employment contract (issued and dated no more than six months prior to the petition filing date) for the required period of clinical medical practice, or an employment commitment letter from a VA facility must be submitted if the physician will be an employee.

1. The physician's sworn statement committing to the full-time practice of clinical medicine for the required period and describing the steps the physician has taken or intends to take to establish the practice must be submitted if the physician will establish his or her own practice.

1. Evidence the physician will provide full-time clinical medical service in:
 1. A geographical area or areas designated by the Secretary of HHS as having a

- shortage of health care professionals and in a medical specialty that is within the scope of the Secretary's designation for the geographical area or areas; or
2. A facility under the jurisdiction of the Secretary of VA.

1. A letter (issued and dated no more than six months prior to the petition filing date) from a Federal agency or a State department of public health (including territories of the United States and the District of Columbia) attesting that the alien physician's work is or will be in the public interest.
 1. Any attestation from a Federal agency must reflect the agency's knowledge of the alien's qualifications and the agency's background in making determinations on matters involving medical affairs so as to substantiate the finding that the alien's work is or will be in the public interest.
 2. An attestation from a State department of public health must reflect that the agency has jurisdiction over the place where the alien physician had practiced or intends to practice clinical medicine. If the alien physician practiced or intends to practice clinical medicine in more than one underserved area, attestations from each intended area of practice must be included.
1. Evidence that the alien physician meets the admissibility requirements under § 212(a)(5)(B) of the Immigration and Nationality Act. If applicable, evidence of Service-issued waivers of § 212(e) of the Immigration and Nationality Act must be submitted if the alien physician has been a J-1 non-immigrant receiving medical training within the United States.

Counting of the Aggregate Five Years of Qualifying Full-Time Clinical Practice

A physician may request that any time served in qualifying capacity in shortage areas and in VA facilities prior to the approval of the [Form I-140](#) ^[9] is credited towards the required aggregate five years if:

1. the physician was in a lawful status (other than J-1 nonimmigrant status); and
2. the service meets the regulatory criteria under 8 CFR §204.12(a).

Interim Evidence of Compliance

A physician will be required to submit reports within 120 days after the second and sixth anniversaries of his or her I-140 approval, evidencing that the physician has either completed or is in the process of completing the required years of qualifying medical service. The list of acceptable evidence is provided in the 2007 USCIS policy memorandum.

Profession/Occupation:

Physicians ^[10]

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Links:

- [1] <https://immigration.com/physicians>
- [2] <http://www.immigration.com/greencard/eb2-green-card/eb-2-advanced-degrees-experience>
- [3] <http://www.immigration.com/visa-bulletin>
- [4] <http://travel.state.gov/>
- [5] <http://www.mciindia.org/>
- [6] http://www.uscis.gov/USCIS/Laws/Memoranda/Static_Files_Memoranda/schneiderintrm012307.pdf
- [7] <http://bphc.hrsa.gov/ddatabases/hpsa.dfm>
- [8] <http://www.cms.hhs.gov/HPSAPSAPhysicianBonuses>
- [9] <http://www.uscis.gov/files/form/i-140.pdf>
- [10] <https://immigration.com/profession/professionoccupation/physicians>