

Name of Policy	Graduate Medical Education: Visa Status for Resident	
Policy Number:	336486-00400	Effective date: 09/27/2024
Approving Officer :	Dean, College of Medicine and Life Sciences	Original effective date 04/01/-1.7 /TT1 1 Tf 0
Responsible Agent	Director, Graduate Medical Education	
Scope	UT College of Medicine Residents	
<input type="checkbox"/>	New policy proposal	<input checked="" type="checkbox"/> Minor/technical revision of existing policy
<input type="checkbox"/>		
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POLICY

The University of Toledo will provide and/or assist in non-immigrant visa sponsorship for foreign nationals (FN) entering into residency/fellowship training programs accredited by the ACGME.

PURPOSE

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

PROCEDURE

Residents entering into a residency/fellowship training program at The University of Toledo who require a visa for employment may be sponsored and accepted under the following visas:

Sponsored Visas

J-1 Visa

- x The preferred visa of sponsorship for residents entering residency training programs at The University of Toledo is the J-1 visa.
- x Residents requiring a J-1 visa will have their visa sponsored through the Education Commission for Foreign Medical Graduates (ECFMG) as governed by the Department of State (DOS) Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) with The University of Toledo serving as the host institution.
- x Residents requiring a J-1 visa must be eligible for the visa sponsorship under the criteria set forth by the DOS, ECFMG:
 - o Possess a valid ECFMG Certificate. The current requirements for ECFMG certification include passing Step 1 and Step 2 Clinical Knowledge (CK) of the United States Medical Licensing Examination

(USMLE). To meet the clinical skills requirement and communication skills requirement, the applicant must complete an ECFMG Pathway which includes attaining a satisfactory score on the Occupational English Test (OET) Medicine, OR, have a passing performance on the former Step 2 Clinical Skills (CS) component of USMLE that is valid for ECFMG certification, direct verification of the applicant's medical education credentials with the medical school

- o A contract or offer letter from the GME program affiliated with a medical school.
 - o A Statement of Need from the Ministry of Health of the physician's country of most recent legal permanent residence.
- x Residents requiring a J-1 visa will be responsible for the initial visa expenses and renewal expenses thereafter as set by the ECFMG/DOS
- x It is J-1 visa holder's (resident) 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 and I-94 Record (Arrival/Departure Record) or I-797 Form (Notice of Action).
- x It is the J-1 visa holder's (resident) personal responsibility to report to the Training Program Liaison (TPL) in the Graduate Medical Education Office any incidents involving J physicians and/or their accompanying dependents. The TPL will report the event to the ECFMG who will report to the Department of State (DOS). The DOS has indicated that any incident or event that impacts the health, safety, or welfare of J visa holders or that could bring the DOS J program "notoriety or disrepute" is reportable. Reporting is not limited to only those incidents that occur within the training program. Incidents that occur outside of the training environment must also be reported, which include, but are not limited to:
- o Death of a J physician or J dependent
 - o J-1 physician or J dependent is missing
 - o J-1 physician or J dependent sustains a serious illness or injury (i.e., brain injury, severe burn, major surgery, communicable disease, serious mental incidents, any condition requiring hospitalization of 48 hours or more, etc.)
 - o Litigation (in which the J physician or J dependent is named a party, including malpractice)
 - o Incident involving the criminal justice system (i.e., arrest, charges, law enforcement, etc.)
 - o Sexually related incidents or abuse (an incident or allegation involving sexual exploitation, harassment, or abuse)
 - o Negative press involving a J physician and/or J dependent(s)
 - o Foreign government involvement (including embassy officials)
 - o Other situations impacting a J physician's or J dependent's safety (i.e., natural disaster, civil unrest, outbreaks of violence)

J-1 physicians and/or J dependents must report any serious incident or allegation to their TPL immediately. The TPL and/or J physician must then report the matter to ECFMG. All reporting is expected to take place

within one business day of incident occurrence. Failure to do so may be considered a violation of the physician's status.

Each ECFMG sponsored J-1 physician is responsible to know and understand the requirements for securing and maintaining visa status.

- x Residents on a J-1 visa are not permitted to moonlight.

H-1B Visa

- x Effective July 1, 2023, Departments may elect to sponsor FN residents/fellows entering into the GME program for H-1B status, if eligible.

- x The FN must meet the residency/fellowship requirements prior to submitting the H-1B petition on his/her behalf including but not limited to
 - o Appropriate licensure per Federal regulations
 - o Must have taken and passed USMLE Step 3 or equivalent
 - o ECFMG Certificate

- x As the "Petitioner" the University of Toledo ("UToledo" or "University") must strictly adhere to all federal regulations governing employment-based H-1B petitions (129 Petitions for Nonimmigrant worker). Rules and regulations are mandated by the U.S. Department of Labor ("DOL"), Department of Homeland Security, ("DHS"), Department of State ("DOS"), and U.S. Citizenship and Immigration Services ("USCIS").

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- x Each H-1B petition shall have a designated P-1.7 (ru3.8 (o)Tru3.8 (n.8 (ze.3 (on12 Td (-)Tj 0.001 Tc -0.

- x Export Control The sponsoring department is responsible for adhering to any and all federal Export Control policies and procedures managed by the Office of Research and Sponsored Programs.
- x H-1b Required Wage Obligation The DOL mandates wage requirements for the entire duration of H1B employment. The POH must communicate with OISS regard to realistic start and end dates, taking into consideration the varying processing times and the

Legal Permanent Residency (Green Card) sponsorship: The