

# **F&B Health Care Webinar**

**By: Robert Aronson  
Loan Huynh**

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**Fredrikson**  
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**DISCOVER YOUR  
COMPETITIVE EDGE:**

**MAKING IMG  
RECRUITMENT WORK FOR  
YOUR ORGANIZATION**

# Objectives of Program:

- Skill-Building/Expanding Recruitment Toolbox
- Making Immigration Work for Physician Recruitment and Retention
- A Brief Immigration Update



# The Elephant in the Room: The Executive Order

- What it initially stated
- What it says today
- What will happen in the future

# What May Be Coming In the Future?

- Needs of General Business Community
- H-1B Reform
- Worksite Enforcement

# Specific Impact on IMG Recruitment?

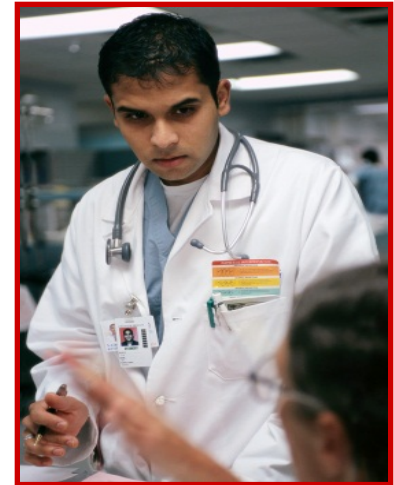
- Interplay with Healthcare Reform (Obamacare)
- IMG Interests (Stabilization)
- Foreseeability in Process
- Patient Issues

# WHAT IS GOING ON IN HEALTHCARE STAFFING? WHERE DOES IMMIGRATION FIT IN?



# Definition of Terms:

What is an International Medical Graduate (IMG)?



# Why Even Consider International Physicians?

- Shortages in Physician Workforce
- Regard as Non-Traditional Physician Provider Source
- Immigration Steers IMGs into Hard-to-Fill Positions
  - Geographic
  - Practice Specialty
  - Safety-Net Positions
- Immigration as Retention Tool



# Disincentives to IMG Recruitment

- Time
- Expense
- Working with Attorneys (Ouch!)
- Cultural/Linguistic Concerns
- Stability/Duration of Commitment
- Concerns with Clinical Capabilities
- Complexity of Immigration Process

# What to Do When Considering IMG Candidate?

- **Contact Immigration Counsel Early in Recruitment Cycle**
- **Get Strategy Memo**
  - **Great Recruitment Initiative**
  - **Troubleshoot at the Beginning**



# How to Get Competitive Edge in IMG Recruitments

- Understand Objectives of IMG
  - Good Job/Career Advancement
  - Stable Immigration
- Address Immigration Objectives Up-Front
- Form the Team/Involve Immigration Counsel
- Sensitive to Dependents/Spousal Issues
- Demystify Permanent Resident Process
- Consider Transparent IMG Policy

# Three (3) Paradigms of IMG Recruitment

- i. J-1 Exchange Visitor
- ii. H-1B Temporary Worker
- iii. Permanent Resident



# J-1 Exchange Visitor



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# What is a J-1 Exchange Visitor?

- Temporary, Non-immigrant Visa
- Limited to Graduate Medical Education
- Seven Years Duration
- Mandatory Two-Year Home Residential Obligation

# Implications of Two-Year Residence Obligation

- As long as the obligation remains in existence, a J-1 physician is ineligible for:
  - H-1B Visa
  - Permanent Residence

# J-1 Physician's Options Upon Conclusion of Graduate Medical Education (GME)

- Get a Waiver
- Return to Home Country for Two Years
- O-1 Option (Quite Selective) as Alien of Extraordinary Abilities

# J-1 Waiver Options: 3 Options

- Exceptional Hardship to Anchor Relative
- Persecution
- Sponsorship by Government Agency



# Why Would Government Agency Override IMG's Return to Home Country?

Single Reason: To Serve the Public Interest



# 4 Government Waiver Paradigms

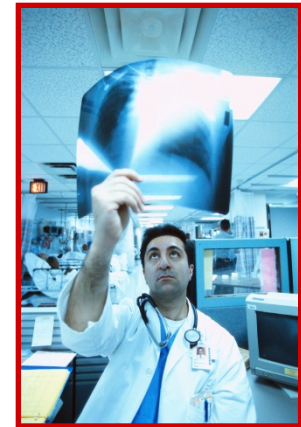
- Physician-Scientist (NIH)
- USG Employer (VA; U.S. Army)
- Federal Government Agencies (HHS or Regional Agencies)
- State Departments of Health (Conrad State 30 Waiver)

# Conrad State 30 Waiver Program

- Administered by State Department of Health
- Limit of 30 waivers per fiscal year
  - FLEX Waivers for Non-Medically Underserved Placements
  - 20 – 30 Waivers: Restricted to HPSA/MUA/MUP
- Opens October 1
- Valid for Primary Care or Specialty Care Physicians

# Underlying Policy:

To Expand the Safety-Net to Medically Vulnerable Patient Populations



# If Waiver Granted, Then What?

- 3-Year H-1B Obligation
- Need to Fulfill or Else Ineligibility for Permanent Residence
- Retention Function



U.S. Citizenship  
and Immigration  
Services

# What is H-1B Temporary Work Classification

- Temporary, Non-immigrant
- Six Years Duration
- Employer Sponsored/Employer Specific
- Workhorse for Professional Employment

# Two Types of H-1B Sponsorships

- H-1B Cap Subject
- H-1B Cap Exempt



# What is the H-1B Cap?

- 65,000 H-1B Visa Numbers + 20,000 Supplement
- Application Period Opens April 1<sup>st</sup>
- Demand Substantially Exceeds Supply

# Who is Exempt from H-1B Cap?

- J-1 Waivered Physicians
- Universities
- Non-Profit, University Affiliated Entities
- Many H-1B Extensions
- Miscellaneous Other Situations

# Who is Subject to the H-1B Cap?

- All Other H-1B Sponsorship Situations



# Importance of Determining Up-Front Whether Case is Subject To or Exempt from H-1B Cap



# Permanent Residence Options

## Two Basic Options:

- PERM Labor Certification Application
- National Interest Waiver



# Final Thoughts: Putting the Pieces Together

- Need for Advanced Planning
- Putting Together the Team
- Make Immigration Work for your Recruitment Program
- Make Immigration Work for your Retention Program



# Contact Information:

Presented by:



Robert Aronson

Phone: 612.492.7260

Email: [aronson@fredlaw.com](mailto:aronson@fredlaw.com)



Loan Huynh

Phone: 612.492.7165

Email: [luynh@fredlaw.com](mailto:luynh@fredlaw.com)