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July 13, 2020

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816-861-4700 Re: Establishing a Fixed Fime Period of Admission and tan Extension got Stay, Brocedioresfort Leahy: Nonimmigrant Academico Studentsystex change Visitors, and Representatives of Foreign The American Society for Gastrointestinal Endoscopy (ASGE) offers suppor Information Media [ICEB-2019-0006]

Past Presidents STEVEN A. EDMUNDOWICZ, MD, FASGE Dear Acting Director Pham.^{Colorado}

the "Healthcare Workforce Resilience Act" (S. 3599) and advocates for its inclusion in the next COVID-19 stimulus legislation.

According to new data published by the Association of American Medical Co JOHN J. VARGO II, MD, MPH, FASGE Cleveland, Ohio (AAMC), the United States could experience an estimated shortage of between The undersigned organization comment in opposition to the U.S. Immigration and Guston for J-1 visas as proposed by the U.S. Immigration and Guston for Gardines as a proposed by the U.S. Immigration and Gustom Factors for Gardines as a proposed by the U.S. Immigration and Gustom Factors for Gardines as a proposed by the U.S. Immigration and Gustom Factors for Gardines as a proposed by the U.S. Immigration and Gustom Factors for Gardines as a proposed by the U.S. Immigration for Gardines and Gardines as a proposed by the U.S. Immigration for Gardines and Gardines as a proposed by the U.S. Immigration for Gardines and Gardin Proposed Rule and published on the Federal Registarbon Support JONATHAN COHEN, MD, FASGE

New York, New York

International Medical Graduates (IMGs) constitute roughly a quarter of the U Collectively, our organization she opperative virtually alhadelin and bodi affection and bodi affection of the covidhepatologists practicing Aime the EUmoted States With more than 1,2000 foreign national physicians Baltimore, Maryland States With more than 1,2000 foreign national physicians Baltimore, Maryland States With more than 1,2000 foreign national physicians providing health care set the state of the set of the s States, including pediatric training programs, the rulepentary evolution of the Asia programs of the programs of the program of the Asia programs of the program of the Asia program of th national physicians in the Department of State's (DOS) Exchange Visitora Program unry of temporary work visas. MICHAEL B. WALLACE, MD, MPH, FASGE visa status. Jacksonville, Florida

Chief Executive Officer

ASGE also supports reauthorization of the Conrad 30 J-1 visa waiver. The Jrequires that a recipient return to their home country for at least two years at

The COVID-19 pandempenase highlighted the fragility our health care workforce, especially in rural and historically underserved areas where health care disparities and inequities are profound. The contribution of foreign national physicians to the pediatric specialty workforce is notably vital, and without which, wait times for pediatric subspecialty care would undoubtedly worsen.

As proposed, the admission period for all F, J and I aliens would be changed from "duration of status" to a fixed time period. By eliminating the duration of status framework, J-1 physicians who wish to remain in the United States beyond their specifically authorized admission period

will need to apply for an extension of stay directly with U.S. Citizenship and Immigration Services (USCIS) or depart the country and apply for admission with U.S. Custom and Border Protection (CBP) immigration officers at a port of entry.

J-1 physicians are required to apply annually to the Educational Commission for Foreign Medical Graduates (ECFMG®) to renew their visa sponsorship. ECFMG is the sole DOS-designated sponsor for foreign national physicians participating in U.S. residencies and fellowships in J-1 visa status. Physicians participating in ECFMG-sponsored training are located at teaching hospitals accredited by the Accreditation Council for Graduate Medical Education (ACGME). ECFMG-sponsored training can last from one to seven years, with residency and fellowship for adult and pediatric gastroenterology lasting six years.

ECFMG approves J-1 visa sponsorship in one-year increments, allowing physicians to move on to their next year of training. The annual application process ensures proper monitoring and assures that each J-1 physician is compliant with visa requirements, progressing in training, and meeting required milestones. Under the current duration of status model, a J-1 physician's authorized period of stay is extended upon issuance of a new Form DS-2019, generated by ECFMG through the government's Student and Exchange Visitor Information System (SEVIS), during ECFMG's annual review process. Through the required annual review process and SEVIS reporting, ECFMG assures both oversight and monitoring of all J-1 physicians in the United States.

ICE states in the rule duration of status does not afford immigration officers "enough predetermined opportunities" to verify nonimmigrants are engaging only in those activities authorized by their visa classifications. However, J-1 physicians are a carefully monitored cohort of nonimmigrants. The proposed rule fails to adequately state how its proposed regulatory changes, which will require J-1 physicians to apply to the U.S. government for an extension of authorized stay for each year of their training program, will yield better information than what is currently collected annually.

The proposed rule suggests training program disruptions caused by long USCIS processing times can be avoided by allowing the nonimmigrant J-1 visa holder to continue engaging in activities consistent with the terms and conditions of his/her program for up to an additional 240 days beginning on the day after the admission period expires. We disagree this proposal will eliminate disruption to teaching hospitals and their patients.

Currently, the published processing time for an I-539 application across all categories of the J-1 visa at USCIS' five Service Centers ranges from 2 to 19.5 months.¹ This would be in addition to the average review and processing time for ECFMG's annual review and extension of visa sponsorship, which is six weeks. We fear USCIS processing time would only increase should the proposal to eliminate duration of status be implemented. With the majority of residency/ fellowship contracts issued three to five months in advance of the July 1 start of each new academic year, the proposed change would create an impossible timeline, and do so on a recurring, annual basis.

¹ U.S. Citizenship and Immigration Services <u>https://egov.uscis.gov/processing-times/</u> Accessed October 18, 2020.

The proposed rule will result in significant disruption to U.S. teaching hospitals and patient care without presenting compelling evidence for why foreign national physicians should be subject to more restrictive admission requirements. On behalf of our physician members and their patients, we request there be no change to the duration of stay authorization for extending J-1 physicians' visa status, or that the final rule exempt J-1 physicians in U.S. training programs from this proposed change.

Sincerely,

Bejuna.

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