



October 22, 2020

Mr. Tony H. Pham
Acting Director
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

Re: Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media [ICEB-2019-0006]

Dear Acting Director Pham:

The undersigned organizations comment in opposition to the elimination of the duration of status framework for J-1 visas as proposed by the U.S. Immigration and Customs Enforcement's (ICE) Proposed Rule and published in the *Federal Register* on September 25, 2020.

Collectively, our organizations represent virtually all adult and pediatric gastroenterologists and hepatologists practicing in the United States. With more than 12,000 foreign national physicians providing health care services as they train in the nearly 750 teaching hospitals across the United States, including pediatric training programs, the rule change would be highly disruptive to their training and to patient care. As such, **we urge this proposed rule change exclude foreign national physicians in the Department of State's (DOS) Exchange Visitor Program in J-1 visa status.**

The COVID-19 pandemic has 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 <https://egov.uscis.gov/processing-times/> 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.

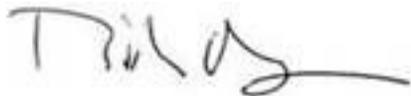
Sincerely,



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