

# **H-1B VISA STATUS ACCOMMODATION**

**POLICY:** It is the policy of the Board of Licensure in Medicine that applications for medical licensure submitted by applicants who are in this country in the H-1B Visa Status and meet the following criteria, will be reviewed by the Board secretary and considered for approval and issuance of a permanent license to be effective on July 1.

1. Applicants must live and practice in Maine and provide medical care to Maine residents.
2. Original source verification of successful completion in good standing of 36 months of postgraduate training must have been submitted to the Board by mid June from the residency program or FCVS, and
3. All regular licensing criteria must have been met.

**EFFECTIVE DATE:** June 8, 2004, Final approval January 11, 2005

**REVISION DATE:**

**HISTORY:** This issue came before the Board at the June 8, 2004 meeting in a letter from Attorney Matthew S. Raynes of Eaton Peabody in Bangor, Maine. The following is a quote from the May 14, 2004 letter from Attorney Raynes.

“In the past, most foreign medical graduates coming to the United States for postgraduate medical training have done so in the J-1 exchange visitor status. By entering in this status, foreign medical graduates become subject to a requirement that they must either return to their home country for two years upon completion of their training or secure a waiver of the requirement. Many residents choose the later option and obtain waivers through the Conrad 30 program by working in Health Professional Shortage or Medically Underserved Areas/Populations. Due to the two-year foreign residency requirement, and the burden of finding a J waiver sponsor and securing the waiver itself, more and more foreign medical graduates are pursuing postgraduate medical training in H-1B status. The primary advantage to the doctor is that H-1B status does not have a foreign residence requirement. The primary advantage to the State of Maine is that qualified physicians come to Maine by personal choice rather than to satisfy a J-1 waiver requirement. As such, H-1B doctors may be more likely to become long-term residents of and practitioners in the State. From an immigration law perspective, unlike H-1 B status, J-1 status affords aliens a 30-day grace period following completion of their program to prepare to depart the United States. With mixed results, aliens can apply to change their status from J-1 to H-1B during this grace period. Doctors in H-1B status do not have such a grace period.”