



April 29, 2020

The Honorable Eugene Scalia
Secretary
U.S. Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

The Honorable Chad Wolf
Acting Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, D.C. 20528

The Honorable Michael Pompeo
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Scalia, Acting Secretary Wolf, and Secretary Pompeo:

The Healthcare Leadership Council (HLC) appreciates the administration's continued efforts to address the stresses placed upon our healthcare system, our workforce, and our economy during the COVID-19 public health emergency. HLC commends the April 22 Presidential Proclamation's exception of doctors, nurses, and other healthcare professionals from the temporary suspension of immigrant admissions. As you consider the next administrative steps to recommend with regard to nonimmigrant visa programs to address the economic impact of the COVID-19 pandemic on American workers, HLC suggests several nonimmigrant visa measures for consideration to include among your recommendations.

HLC is a coalition of chief executives from all disciplines within American healthcare. It is the exclusive forum for the nation's healthcare leaders to jointly develop policies, plans, and programs to achieve their vision of a 21st century healthcare system that makes affordable, high-quality care accessible to all Americans. Members of HLC – hospitals, academic health centers, health plans, pharmaceutical companies, medical device manufacturers, laboratories, biotech firms, health product distributors, postacute care providers, home care providers, and information technology companies – advocate for measures to increase the quality and efficiency of healthcare through a patient-centered approach. Among HLC's issues of concern are those relating to our country's healthcare workforce.

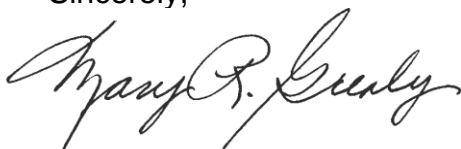
The 2019 Novel Coronavirus (COVID-19) outbreak continues to spread across the globe and, while showing signs that its curve may be flattening in hard-hit parts of the United States, this contagion appears it will remain a significant public health challenge in our nation for some time to come. That means our healthcare resources, including front-line human resources, will continue to be stretched. This comes in addition to preexisting challenges concerning primary care providers and certain underserved areas.

HLC members share the administration's concerns over this significant threat to public health and economic security, and we remain vigilant during this public health emergency. Our members recognize the importance of public-private cooperation, especially during sustained emergency response, and of appropriately addressing the COVID-19 crisis. HLC believes the following actions regarding nonimmigrant visas should be included among actions you recommend to the White House to address the dramatic impact of the COVID-19 pandemic on the U.S. medical workforce.

- Temporarily extend the status and work authorization of any H-1B physician or H-1B or H-1C nurse beyond the normal 6-year limit for the duration of the COVID-19 crisis or at least 1 year.
- Require U.S. Citizenship and Immigration Services to reinstate premium processing for any H-1B filed for a physician, physician assistant, registered nurse, nurse practitioner, and any other critical healthcare professional for the purpose of fighting COVID-19.
- Immediately grant Employment Authorization Document (EAD) approval to any physician or healthcare worker whose EAD card is about to expire, or whose application for renewal is pending, or grant work authorization based on a Receipt Notice of an I-765 application.
- Temporarily grant current J-1 medical residents and fellows and nonimmigrant nurses the ability to engage in COVID patient care, even if that is not a part of their formal training program.

As a diverse, multisectoral organization with representation from all disciplines within American healthcare, we stand ready to be a resource for you as you develop recommendations over the next 30 days for subsequent administrative action. Thank you for considering these suggestions for inclusion among your recommendations with regard to nonimmigrant visas, and we look forward to working with you on this important issue. Should you have any questions, please do not hesitate to contact Debbie Witchey at (202) 449-3435 or dwitchey@hlc.org.

Sincerely,



Mary R. Grealy
President



**U.S. Citizenship
and Immigration
Services**

June 30, 2020

Mary R. Grealy
President
Healthcare Leadership Council
750 9th Street, NW Suite 500
Washington, DC 20001

Dear Ms. Grealy:

Thank you for your April 29, 2020 letter requesting additional flexibilities for foreign medical workers during the public health emergency. Acting Secretary Wolf asked that I respond on his behalf.

The Department of Homeland Security (DHS) has no greater responsibility than ensuring the safety and security of our country. Responding to the pandemic requires everyone to work within rapidly changing, complex circumstances that create a variety of situations and conditions unique to individuals and communities.

U.S. Citizenship and Immigration Services (USCIS) recognizes that there are immigration-related challenges that individuals, employers, and others face as a direct result of the national emergency and as the first phases of reopening begin. We carefully analyze these issues and leverage our resources to effectively address these challenges within our existing authorities. We continue to act to protect the American people and our communities and are considering a number of policies and procedures to improve the employment opportunities of U.S. workers during this pandemic.

In your letter, you recommend that premium processing be reinstated, and you request that employment authorization applications for foreign medical professionals be expedited. It is important for us to emphasize that USCIS continues to accept and process benefits requests, and we have resumed premium processing for all eligible employment-based petitions, including H-1B petitions. In addition, we continue to consider requests for expedited processing and special circumstances of individual petitions and applications on a case-by case basis. Our website provides additional information regarding premium processing and expedite requests at www.uscis.gov.

You also inquired about waiving certain requirements for J-1 medical residents and fellows. We defer to our colleagues at the Department of State to answer questions related to J-1 program activities and training requirements. However, USCIS is providing additional flexibilities for certain J-1 foreign medical graduates who are currently in H-1B classification. Through a temporary policy change, DHS eliminated certain immigration consequences for these

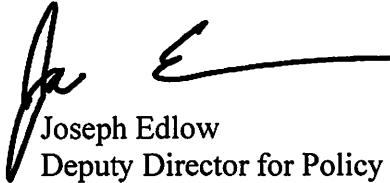
physicians if they engage in telehealth services or are unable to work full-time due to quarantine, illness, travel restrictions, or other consequences of the pandemic.¹ USCIS will not consider these workers to have violated their contracts with their employers if they are temporarily unable to work full-time due to illness, reduced hours at healthcare facilities, or other impacts related to the COVID-19 pandemic.

With regard to your request for extensions beyond six years for physicians and nurses, we note that under current law, an H-1B worker may be admitted for a maximum period of six years unless the individual qualifies for an extension.² We are not aware of any immediate plans by Congress to extend this period of authorized stay.

We recognize that occupations in healthcare and public health are essential to responding to COVID-19. We appreciate your recommendations with regard to these issues. We will continue to explore available options within our statutory and regulatory authority. As we do so, your concerns will be taken into consideration.

Thank you again for your letter and interest in this matter.

Sincerely,



Joseph Edlow
Deputy Director for Policy

¹ USCIS Policy Memorandum, PM-602-0178, *Temporary Policy Changes for Certain Foreign Medical Graduates During the COVID-19 National Emergency*, (May 11, 2020).

² Congress did not reauthorize or extend the H-1C program for nurses after December 21, 2009.