



IMMIGRATION OPTIONS FOR INTERNATIONAL RESIDENTS

- 1) **ECFMG J-1 Exchange Visitor-** These applications are processed by the Educational Commission for Foreign Medical Graduates (ECFMG), and are handled at OHSU by Sue Simmons and Carlie Kennedy in GME. Under this program, an alien physician can pursue a residency in the U.S. in an accredited ACGME program, and potentially in a non-ACGME accredited program. The status is for one-year increments, renewable up to the duration of the specific program, and up to seven years. The Department of State can consider applications from the ECFMG for extensions beyond seven years, but they are rare.

- **Requirements**

- This status requires a valid ECFMG Certificate which requires that the following tests have been passed:
 - Step 1 of the USMLE- there is a fee for taking this step and it can be taken online;
 - Step 2 of the USMLE- there is a fee for taking this step and it can be taken online; and
 - Clinical Assessments Test- there is a fee for this test and it must be taken in person at a specified location.
 - More information can be found at www.ecfm.org.

- 2) **H-1B Physicians-** An H-1B allows an international physician to come to the United States to work for up to 6 years. Persons subject to the 212(e) two-year residence requirement of the J visa are not eligible for an H-1B until the two-year requirement is met or a waiver of the requirement is obtained.

- **Wage Requirements-** OHSU must pay an H-1B employee the actual wage rate or the prevailing wage rate, whichever is higher.
 - Actual Wage Rate- is the wage rate paid by OHSU to all employees with similar experience and qualifications in the same position as the H-1B.
 - Prevailing Wage Rate- is obtained from the Department of Labor and is the wage paid to individuals in similar positions in the Portland Metropolitan area.

- **Labor Condition Application (LCA)** - the LCA is a requirement of the Department of Labor (DOL) and OHSU must file and obtain a certified LCA before filing an H-1B petition with USCIS. The purpose of the LCA requirements is to protect U.S. workers. The LCA contains several attestations that OHSU is required to make before DOL will certify it. The attestations are as follows:
 - OHSU will pay the required wage rate to the H-1B worker (the actual wage rate or the prevailing wage rate, whichever is higher).
 - OHSU will offer the same benefits package on the same basis to similarly employed U.S. workers and H-1B workers.
 - The employment of H-1B workers will not adversely affect the working conditions of workers similarly employed in the area of intended employment.
 - At the time of filing the LCA, there is no strike, lockout, or work stoppage in the course of a labor dispute in the occupational classification at the place of employment. If a strike or lockout occurs after the LCA is submitted, OHSU will notify the DOL within three days of its occurrence.
 - A copy of the LCA has been, or will be, provided to each H-1B worker employed pursuant to the LCA, and the employer has also provided notice of filing the LCA to the bargaining representative of the employer's employees in the occupational classification, or if there is no bargaining representative, OHSU has physically posted notice of the filing of the LCA on the employer's premises.
- **Special Requirements**
 - A current ECFMG certificate (see above section on ECFMG certificates). There is an exception for a physician who has graduated from a Canadian medical school.
 - Confirmation of passing grades for all three steps of the USMLE.
 - A valid Oregon Medical License.
 - For instances where residents are working at locations other than OHSU, we will need to prove in our H-1B application that OHSU is in fact their employer, and that we manage them and their work. Below is what we will need to document:

- The right of OHSU to control the means & manner in which the work is performed;
- The extent to which OHSU supervises the resident;
- OHSU's right to control the resident's daily work;
- OHSU's right to hire, pay and fire the resident;
- OHSU's right to supervise, direct & review the resident; and
- The resident's work schedule/itinerary for all sites.

3) E-3 (Australian citizens only) - The E-3 is an employment-based status for Australian citizens, which may be requested for an initial period of up to 2 years for a designated employer. It may be renewed for additional 2 year intervals indefinitely provided the employee in E-3 status is able to demonstrate that he/she does not intend to remain or work in the U.S. permanently.

- **Wage Requirements-** OHSU must pay an E-3 employee the actual wage rate or the prevailing wage rate, whichever is higher.
 - Actual Wage Rate- is the wage rate paid by OHSU to all employees with similar experience and qualifications in the same position as the E-3.
 - Prevailing Wage Rate-is obtained from the Department of Labor and is the wage paid to individuals in similar positions in the Portland Metropolitan area.
- **Labor Condition Application (LCA)** - the LCA is a requirement of the DOL and OHSU must file and obtain a certified LCA before filing an E-3 petition with a U.S. Consulate or USCIS. The purpose of the LCA requirements is to protect U.S. workers. The LCA contains several attestations that OHSU is required to make before DOL will certify it. The attestations are as follows:
 - OHSU will pay the required wage rate to the E-3 worker (the actual wage rate or the prevailing wage rate, whichever is higher).
 - OHSU will offer the same benefits package on the same basis to similarly employed U.S. workers and E-3 workers.
 - The employment of E-3 workers will not adversely affect the working conditions of workers similarly employed in the area of intended employment.
 - At the time of filing the LCA, there is no strike, lockout, or work stoppage in the course of a labor dispute in the occupational

classification at the place of employment. If a strike or lockout occurs after the LCA is submitted, OHSU will notify the DOL within three days of its occurrence.

- A copy of the LCA has been, or will be, provided to each E-3 worker employed pursuant to the LCA, and the employer has also provided notice of filing the LCA to the bargaining representative of the employer's employees in the occupational classification, or if there is no bargaining representative, OHSU has physically posted notice of the filing of the LCA on the employer's premises.

■ **Special Requirements**

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 - The right of OHSU to control the means & manner in which the work is performed;
 - The extent to which OHSU supervises the resident;
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 - OHSU's right to hire, pay and fire the resident;
 - OHSU's right to supervise, direct & review the resident; and
 - The resident's work schedule/itinerary for all sites.

Other Options

- 1) **F-1 Optional Practical Training**-allows students in F-1 status to work for up to 12 months in an occupation in their field of study during or after completing their degree. A student applies for an employment authorization document with USCIS through their school's international office. An employment authorization document for optional practical training takes about 3 to 4 months to receive.
- 2) **Employment Authorization Card** – A J-2 dependent, E-3 spouse, pending permanent resident, etc. can obtain an employment authorization card which will allow them to work in the U.S.