

United States Policies for Foreign Medical School Graduates

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General Immigration Regulations

The US Immigration and Nationality Act (INA) enumerates several general requirements that all foreign nationals must meet to qualify for admission to the United States. These general requirements apply to both applicants seeking permanent “immigrant” visas and temporary “non-immigrant” visas. Each visa category has additional, specific eligibility requirements in addition to these general requirements for admission.

Security Check. Current government policy requires the U.S. Department of State to complete a name check in the Consular Lookout and Support System (CLASS) for all foreign nationals seeking any type of U.S. visa. Additionally, applicants with certain nationalities, travel patterns, or other biographic attributes will be subject to further security screening through multiple agencies of the U.S. Government before a U.S. visa can be issued.

Health Requirements. A foreign national who is determined to have a communicable disease of public health significance is ineligible for admission to the U.S.

Language Requirement. There is not a general language proficiency requirement to enter the U.S. However, proficiency in English is required when the purpose of the foreign national’s admission to the U.S. requires fluent communication with Americans (e.g., employment or student activities).

Character Assessment. Individuals who have been convicted of a “crime of moral turpitude” are not eligible for admission to the United States. The definition of crimes of moral turpitude evolves through judicial decisions of the immigration courts. All past criminal convictions are scrutinized and may bar an individual from admission to the U.S.

Economic Requirements.

(1) Any foreign national who is likely at any time to become a public charge is ineligible for admission to the U.S.; and,

(2) Any foreign national who seeks to perform skilled or unskilled labor in the United States will be denied admission unless it is proved that (a) there are not sufficient American workers who are qualified and available to perform the job, and (b) the employment of the foreign national will not adversely affect the wages and working conditions of American workers.

Personal Visa Interview. Effective Fall 2003, the determination of visa eligibility will require all foreign nationals seeking a U.S. visa of any type to be personally interviewed by a U.S. consular officer. In the past, personal interviews were required for only certain types of applications.

Employment Arrangements**For Graduate Medical Education**

Foreign national physicians seeking entry into programs of graduate medical education in the United States must obtain an appropriate visa that permits clinical training activities. It is a violation of federal law to employ a foreign national physician who does not hold a visa permitting employment or other appropriate status. The visa most frequently used by foreign national physicians for clinical training is the J-1, a temporary non-immigrant visa reserved for participation in the Exchange Visitor Program. The United States Department of State has designated the Educational Commission for Foreign Medical Graduates (ECFMG[®]) as the visa sponsor for all such Exchange Visitor physicians participating in clinical training programs. Another visa option for foreign nationals seeking entry into clinical training is the H-1B, a temporary worker visa. The H-1B is employer-specific; the clinical training program is required to file a petition for an H-1B.

For Licensure and Practice

As a general rule, international medical graduates who have completed post-graduate training and achieved licensure are not subject to any practice restrictions or other limitations.

Skills/Qualifications**For Graduate Medical Education**

The Educational Commission for Foreign Medical Graduates (ECFMG[®]) has the responsibility for evaluating the qualifications of International Medical Graduates entering into graduate medical education in the United States. Before entering a graduate medical education program

accredited by the Accreditation Council for Graduate Medical Education (ACGME), a graduate of a medical school located outside of the United States or Canada must be certified by the ECFMG. ECFMG has established comprehensive examination and medical education requirements for certification. Currently, these include passing Step 1 and Step 2 of the United States Medical Licensing Examination™ (USMLE™), passing an English language proficiency test, passing the Clinical Skills Assessment, and satisfying the ECFMG medical education credentials requirement, including the primary source verification of the final medical diploma.

For Licensure and Practice

In the United States and its territories, the individual licensing authorities of the various jurisdictions grant a license to practice medicine. Each medical licensing authority sets its own rules and regulations. These requirements include passing of an appropriate examination, successful completion of approved post-graduate training, and an assessment of an individual's fitness to practice medicine. Specific licensure requirements vary among the states. There is no "automatic" licensure. Each applicant must satisfy the licensure requirements of the jurisdiction where licensure is sought.

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