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# Frequently Asked Questions Related to U.S. Executive Orders 13769 & 13780

Last Updated: July 24, 2017

*Note: This document is intended for informational purposes only and should not be understood as providing legal advice. Background information is provided at pages 12-14.*

## Update on Implementation of Executive Order 13780

### What is the status of the U.S. Supreme Court review of Executive Order 13780?

On [June 26, 2017, the Supreme Court granted](#) the U.S. Government's petitions for a writ of certiorari and consolidated the Fourth and Ninth Circuit's decisions on Executive Order 13780 for review. The case will be heard by the Court on Tuesday, October 10, 2017.

### How did the Supreme Court rule on the Government's applications to stay the lower court injunctions?

By applying for a stay, the Government had asked the Supreme Court to allow the six-country suspension of entry and the suspension of the U.S. refugee resettlement program to take effect while the case is pending before the Court. On June 26, 2017, the Court partially granted the applications.

While the case is pending, the six-country suspension of entry (Section 2c) and the suspension of the refugee resettlement program (Section 6a-b) are now in effect, but only with respect to foreign nationals who lack a credible claim of a bona fide relationship with a person or entity in the United States.

### What is the current implementation status of Executive Order 13780?

Executive Order 13780 went into effect in a limited form on June 29, 2017. While the U.S. Supreme Court case is pending, the Executive Order is being implemented with respect to foreign nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen who lack a credible claim of any bona fide relationship with a person or entity in the United States.

### Will any visas issued on or before June 29, 2017 be revoked due to Executive Order 13780?

According to a [June 14, 2017 Presidential Memorandum](#), and subsequent guidance issued by the Department of State dated June 29, 2017, no visas may be revoked pursuant to the Executive Order.

### Who is exempt from Executive Order 13780's suspension of entry?

Under the Supreme Court's stay ruling, while the case is pending, foreign nationals who have a credible claim of a qualifying bona fide relationship with a person or entity in the United States remain exempt from the Executive Order suspensions of entry. Visa applicants from one of the six countries should be provided an opportunity to demonstrate that they are exempt from the Executive Order.

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Section 3 of Executive Order 13780 itself provides for exceptions to the suspension of entry, and therefore such individuals are exempt from the Executive Order on a categorical basis, including the following:

- Lawful permanent residents of the United States
- Dual nationals travelling under a non-designated country passport
- Any applicant who had a valid visa at 5pm EDT on January 27, 2017
- Any applicant who has a diplomatic-type visa of any classification
- Any applicant who was in the United States on June 26, 2017<sup>1</sup>
- Any applicant who is admitted to or paroled into the United States on or after June 26, 2017
- Any applicant who has a document other than a visa, valid on June 26, 2017, or issued on any date thereafter, that permits him or her to travel to the United States and seek entry or admission, such as advance parole
- Any applicant who has been granted asylum
- Any refugee who has already been admitted to the United States
- Any individual who has been granted withholding of removal, advance parole, or protection under the Convention Against Torture.

The Department of State guidance dated June 29, 2017, indicates that the following applicants are also exempt from the Executive Order on a categorical basis, in addition to the above:

- Any applicant who had a valid visa on June 29, 2017.

### **What is a qualifying “bona fide relationship” with an individual?**

The Supreme Court stated that for relationships between individuals, a close familial relationship is required. The Department of State adopted the following criteria for meeting the definition of a “close familial relationship”:

- Parent (including in-law and step)
- Spouse or fiancée
- Child and adult son or daughter (including son- or daughter-in-law and step)
- Sibling (including whole, half, and step)

Thereafter on July 19, 2017, the Supreme Court declined to disturb an order of the District Court of Hawaii extending the definition to grandparents, grandchildren, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and cousins of persons in the United States.

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<sup>1</sup> The June 14, 2017 Presidential Memorandum provided that in the event of a grant of stay of injunction against the executive order, such date of stay would constitute the “effective date” of the order. Therefore, upon the Supreme Court’s stay ruling, June 27, 2017 became the new effective date.

### **What is a qualifying “bona fide relationship” with an entity?**

The Court stated that for relationships between a foreign national applicant and an entity, the relationship must be formal, documented, and formed in the ordinary course. The Court provided the following examples of such a relationship:

- Students who have been admitted to a university located in the United States
- Workers who have accepted an offer of employment from an American company
- Lecturers invited to address an American audience.

The Department of State guidance provides that if an applicant met the requirements for most nonimmigrant visas not otherwise excepted, then the applicant would have satisfied the requirement that the relationship be formal, documented, and in the ordinary course.

For instance, the guidance did not include the H-1B or J-1 categories in the list of visa categories that would require the visa applicant to make a credible claim to a qualifying bona fide relationship to be exempt from the suspension of entry. In other words, it appears that if an applicant has established eligibility for an H-1B or J-1 visa then a showing of a qualified bona fide relationship has been met and the applicant is exempt from the suspension of entry.

A Department of State cable dated June 28, 2017 states that a “hotel reservation, whether or not paid, would not constitute a bona fide relationship with an entity in the United States.”

### **Will waivers be issued to applicants whose travel would otherwise be suspended?**

Section 3c of Executive Order 13780 allowed for waivers to be issued on a case-by-case basis and permit entry to the United States of a foreign national from one of the six countries who would otherwise be excluded. The Department of State guidance outlined the waiver process, to be considered if the applicant is not otherwise exempted from the Executive Order. The applicant must demonstrate, to the consular officer’s satisfaction, that the applicant meets the following criteria:

- Denying entry would cause the applicant undue hardship during the 90 day suspension of entry, such as:
  - The applicant has previously established significant contacts with the United States but is outside of the country on June 26, 2017 for work, study, or other lawful activity
  - The applicant has significant business or professional obligations in the United States
  - The applicant in a permanent resident of Canada and applied for the visa in Canada
- The applicant’s entry would not pose a threat to national security
- The applicant’s entry would be in the national interest.

### **How does the limited implementation of Executive Order 13780 impact academic medicine?**

While the case is pending, medical students, residents, and faculty members from the six affected countries who have accepted positions in America’s medical schools and teaching hospitals – thereby

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demonstrating a bona fide relationship with a U.S. entity -- should continue to be able to enter the country.

Many questions remain about how the Executive Order will be implemented in practice, including what other types of relationships would constitute a bona fide relationship and how the determination of a bona fide relationship will be made.

### **What is the status of the other contested sections of the Executive Order?**

On June 12, 2017 the Ninth Circuit narrowed the district court's injunction, allowing the Government to proceed with its review and reporting on what additional information will be needed from each foreign country (Sections 2a-b, d-g), admit refugees on a case-by-case basis (Section 6c), and examine existing law to determine the extent state and local jurisdictions may be involved with refugee placement (Section 6d).

Other provisions of Executive Order 13780, including the directive to develop uniform screening and vetting standards for all immigration programs (Section 5) and the suspension of the Visa Interview Waiver Program (Section 9) went into effect on March 16, 2017.

### **What are the lower court decisions now under review by the Supreme Court?**

Multiple lawsuits are challenging the implementation of Executive Order 13780. Among the cases, two (Hawai'i and Maryland) have resulted in injunctions against full implementation.

#### ***Hawai'i***

On March 15, 2017, the U.S. District Court for the District of Hawai'i entered a temporary restraining order (TRO) in a case filed by the State of Hawai'i and an individual plaintiff. The TRO enjoins the enforcement, on a temporary basis and pending further court proceedings, of Section 2 (six-country entry suspension) and Section 6 (suspension of U.S. refugee admissions program). The TRO is a nationwide order, and expressly covers all U.S. borders and ports of entry.

On March 29, 2017, the U.S. District Court for the District of Hawai'i extended the nationwide TRO until the state's lawsuit is resolved. After the U.S. Government appealed, the U.S. Court of Appeals for the Ninth Circuit held a hearing and on June 12, 2017 substantially affirmed the district court's injunction on statutory grounds.

#### ***Maryland***

On March 16, 2017, the U.S. District Court for the District of Maryland issued a preliminary injunction in a case filed by the International Refugee Assistance Project and others, prohibiting enforcement of Section 2 (six-country entry suspension) on a nationwide basis. After the U.S. Government appealed, the U.S. Court of Appeals for the Fourth Circuit, sitting en banc, held a hearing and on May 25, 2017 substantially affirmed the district court's injunction under the Establishment Clause.

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### Where may I access official Federal agency information on these topics?

<i>Supreme Court</i>	<a href="https://www.supremecourt.gov/">https://www.supremecourt.gov/</a>
6/26/17 Decision	<a href="https://www.supremecourt.gov/opinions/16pdf/16-1436_16hc.pdf">https://www.supremecourt.gov/opinions/16pdf/16-1436_16hc.pdf</a>
<i>White House</i>	<a href="https://www.whitehouse.gov/">https://www.whitehouse.gov/</a>
6/14/17 Memorandum	<a href="https://www.whitehouse.gov/the-press-office/2017/06/14/presidential-memorandum-secretary-state-attorney-general-secretary">https://www.whitehouse.gov/the-press-office/2017/06/14/presidential-memorandum-secretary-state-attorney-general-secretary</a>
Executive Order 13780	<a href="https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states">https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states</a>
<i>Department of Homeland Security</i>	<a href="http://www.dhs.gov">www.dhs.gov</a>
6/29/17 Q/A:	<a href="https://www.dhs.gov/news/2017/06/29/frequently-asked-questions-protecting-nation-foreign-terrorist-entry-united-states">https://www.dhs.gov/news/2017/06/29/frequently-asked-questions-protecting-nation-foreign-terrorist-entry-united-states</a>
6/26/17 Press Release:	<a href="https://www.dhs.gov/news/2017/06/26/dhs-statement-us-supreme-court-decision-president-s-executive-order-protecting">https://www.dhs.gov/news/2017/06/26/dhs-statement-us-supreme-court-decision-president-s-executive-order-protecting</a>
Executive Order In Focus:	<a href="http://www.dhs.gov/executive-orders-protecting-homeland">www.dhs.gov/executive-orders-protecting-homeland</a>
3/6/17 Q/A:	<a href="http://www.dhs.gov/news/2017/03/06/qa-protecting-nation-foreign-terrorist-entry-united-states">www.dhs.gov/news/2017/03/06/qa-protecting-nation-foreign-terrorist-entry-united-states</a>
3/6/17 Fact Sheet:	<a href="http://www.dhs.gov/news/2017/03/06/fact-sheet-protecting-nation-foreign-terrorist-entry-united-states">www.dhs.gov/news/2017/03/06/fact-sheet-protecting-nation-foreign-terrorist-entry-united-states</a>
<i>Department of State</i>	<a href="http://www.state.gov">www.state.gov</a>
6/29/17 Alert:	<a href="http://travel.state.gov/content/travel/en/news/important-announcement.html">travel.state.gov/content/travel/en/news/important-announcement.html</a>
6/26/17 Press Release	<a href="https://www.state.gov/r/pa/prs/ps/2017/06/272184.htm">https://www.state.gov/r/pa/prs/ps/2017/06/272184.htm</a>

### Where may I find resources designed for IMGs potentially affected by the Executive Order?

<i>ECFMG</i>	<a href="http://www.ecfm.org">www.ecfm.org</a>
Executive Order:	<a href="http://www.ecfm.org/news/executive-order">www.ecfm.org/news/executive-order</a>

### Executive Order 13679

#### **What happened to Executive Order 13769 and the related lawsuits?**

Executive Order 13769 was revoked by Executive Order 13780, effective March 16, 2017. The parties to cases challenging Executive Order 13769 have made various filings as to how and whether the cases should proceed; those filings are pending in the courts.

### Executive Order 13780

#### *Implementation*

#### **When did Executive Order 13780 take effect?**

Executive Order 13780 went into effect on Thursday, March 16, 2017, except with respect to Section 2 and 6 which have been the subject of court injunctions, and which the Supreme Court has allowed to take effect as to certain individuals while the case is pending.

#### **Whose travel would be suspended under Executive Order 13780?**

Travel to the United States by nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen was to be suspended beginning March 16, 2017, for 90 days. Iraq, which was included in the first order, is not included, although Iraqi nationals could be subject to additional scrutiny.

As of publication of these FAQs, the Executive Order 13780 applies to foreign nationals of the six countries who: (i) were outside the United States as of June 26, 2017; (ii) did not have a valid visa to enter the United States on January 27, 2017 at 5pm EST, AND (iii) do not have a valid visa to enter the United States on or after June 27, 2017.

For additional exemptions, see above, Update on Implementation of Executive Order 13780.

#### **Whose travel is not suspended under Executive Order 13780, even if they are from one of the six designated countries?**

Executive Order 13780 did not maintain the prior order's suspension of travel by individuals who have travelled recently to one of the six countries.

Among other exceptions, Executive Order 13780 exempts lawful permanent residents (green card holders) and dual nationals traveling on a passport from a country that is not one of the six affected by the order.

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### *Waivers*

Section 3 of Executive Order 13780 permits a consular officer or U.S. Customs and Border Protection official to issue a waiver to an otherwise affected individual on a case-by-case basis. Executive Order 13780 provides a non-exhaustive list of circumstances in which a waiver may be granted. The burden is on the individual applicant to demonstrate to the officer's satisfaction that: (a) the waiver should be granted to avoid causing undue hardship; (b) the requesting individual would not pose a threat to U.S. national security; and (c) the individual's entry would be in the national interest of the United States.

Some of the waiver circumstances enumerated in the order include: if the individual...

- Has previously been admitted to the United States for a continuous period of work, study, or other long-term activity and seeks to reenter the United States to resume that activity;
- Has previously established significant contacts with the United States but is outside the United States on March 16, 2017 for work, study or other lawful activity abroad;
- Seeks to enter for significant business or professional obligations, and denial of entry during the 90-day period would impair those obligations;
- Seeks to visit or reside with a close family member who is lawfully in the United States;
- Is an infant, young child or adoptee, an individual needing urgent medical care, or other special circumstance;
- Is a landed Canadian immigrant who applies for a visa at a location within Canada; or
- Is traveling as a United States Government-sponsored exchange visitor.

The AAMC is exploring how agencies and consular officers would implement and apply these waivers, specifically as it relates to medical residents seeking to start programs on specific state dates.

### **What is the impact on an individual from one of the six countries who has a valid visa?**

Executive Order 13780 confirmed that no visa issued before March 16, 2017 will be revoked as a result of the order. Therefore, if an individual already had a valid visa – including H-1B (temporary employment in a specialty occupation), J-1 (exchange visitor), or F-1 (student) – there should be no immediate change for that individual, provided that the visa is not expiring or a change of status or visa category is not needed.

However, the State Department has broad authority to revoke visas. All foreign nationals traveling with a visa must satisfy all admissibility requirements for entry or re-entry into the United States.



### **Traveling abroad for individuals from one of the affected countries under Executive Order 13769 was generally discouraged, even for those with valid visas. Is traveling abroad under Executive Order 13780 also discouraged?**

All foreign nationals traveling with a valid visa or green card must satisfy all admissibility requirements for entry or re-entry into the United States. Admissibility is determined by the U.S. Customs and Border Protection, [www.cbp.gov](http://www.cbp.gov). Executive Order 13780 does not include policy statements or guidance as to admissibility requirements.

Travelers who do not have a valid visa due to its expiration while abroad must obtain a new valid visa prior to returning to the United States.

### **Why those six countries? And could more be added to the list?**

Executive Order 13780 provides information, taken in part from the State Department's Country Reports on Terrorism 2015 (June 2016), as to why the countries of Iran, Libya, Somalia, Sudan, Syria, and Yemen are included in the current suspension. It also provides a brief explanation as to why Iraq is not included.

The Executive Order authorizes relevant members of the Cabinet to recommend adding countries to the list in the event a country does not comply with requests for information regarding its nationals who are seeking entry into the United States.

### **Are there other provisions of Executive Order 13780 that apply to immigrants and nonimmigrants from countries other than the six countries designated in the order?**

Yes. Although much of the attention has been focused on the suspension of entry of the six identified countries (Section 2), the Executive Order also includes other provisions of interest to our community.

#### ***Uniform Screening Standard***

Both Executive Order 13769 (Section 4) and Executive Order 13780 (Section 5) direct administration officials to make changes to the adjudication process for immigration benefits to identify individuals who have the intent to cause harm. The adjudication process would appear to apply to extension of status petitions for a vastly greater number of individuals than are subject to the 90-day suspension of entry to the United States. Several federal agencies will work together to develop and implement uniform screening and vetting standards for all immigration programs. This could have the effect of slower processing times for change of status petitions and extension of status petitions for those individuals already in the United States in nonimmigrant status.

#### ***Suspension of the Visa Waiver Interview Program***

In addition, both the prior and current Executive Order (in Sections 8 and 9, respectively) immediately suspend the Visa Waiver Interview Program subject to "specific statutory exceptions" for all foreign

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nationals, regardless of nationality. This change is anticipated to result in visa appointment backlogs due to increased demand for visa interviews. The Visa Waiver Interview Program in place immediately prior to the Executive Order 13769 had permitted consular officers to waive the in-person interview requirement for certain visa applicants whose visa had expired within the immediately prior 48 months. Per the Executive Orders, this program is no longer in place. However, prior to the program, statutory provisions had been enacted and corresponding regulations adopted that remain in place permitting waiver of in-person interview for certain applicants whose visas have expired within the immediately prior 12 months. This provisions remain in place. The State Department has not issued guidance as to whether it will deem the existing 12-month period to constitute a “specific statutory exception”.

### *Impact on Academic Medicine*

#### **Why are fair, predictable, and reasonably efficient immigration processes critical to academic medicine’s ability to prepare a healthcare workforce to meet the nation’s needs?**

The nation’s medical schools, teaching hospitals, and other institutions sponsoring programs in graduate medical education are responsible for preparing a healthcare workforce drawn from around the world to care for an increasingly diverse population both in the United States and abroad. Additionally, medical researchers are relied upon to discover cures for diseases that know no national boundary.

Historically, our healthcare institutions have drawn the best and brightest from around the world as learners, trainees, researchers, and faculty, some of whom ultimately provide care to underserved communities throughout the country. Nearly one in four physicians in the United States is an IMG. IMGs who are not U.S. citizens must comply with a variety of U.S. immigration processes, and academic medicine as a whole relies on a reasonably efficient and predictable immigration system. The changes made by Executive Order 13780, including its directive to make further modifications to the visa issuance process (Section 5) have caused uncertainty about the future vibrancy of the medical and research workforces in the United States.

#### **How many individuals in the academic medicine community are directly subject to the Executive Order 13780’s suspension of entry to the United States?**

We believe that the Executive Order directly affects thousands of medical students, residents, fellows, faculty members, physicians, scientists, and others employed by the academic medicine community.

#### **What parts of Executive Order 13780 most directly and immediately impact the academic medicine community?**

The Executive Order directly affects medical students, residents, fellows, faculty members, physicians, scientists, and others associated with the six specified countries, as well as their family members. In

particular, the ability to complete visa processing (either application or change of status) of residents and fellows in advance of their GME program state dates is of great importance.

### **How might Executive Order 13780 affect the selection of applicants to GME residency and fellowship programs?**

Executive Order 13769 was issued weeks before the submission of rank order lists by residency applicants and programs. Executive Order 13780 was issued immediately before the Supplemental Offer and Acceptance Program (SOAP) which fills positions left open after the Match. The Supreme Court stay decision was issued shortly before the commencement of the Postgraduate Year. Accordingly, whether and how the recent order impacted the availability of applicants to begin a program on or about July 1, 2017, is not fully known at this time.

### **What is the typical immigration-related process for non-U.S. citizens applying to medical school and residency?**

For medical school, non-U.S. citizens who do not have a green card typically obtain a student visa (F-1 visa) which allows them to remain in the United States while they are attending medical school.

For residency and fellowship programs, non-U.S. citizens who are not lawful permanent residents (LPRs) typically secure a nonimmigrant visa status that allows for clinical training activities, such as H-1B (specialty occupation) status sponsored by a petitioning GME program, or J-1 (exchange visitor) status sponsored by ECFMG.

### **If I need individualized advice with whom should I consult?**

We are not in a position to provide individualized advice or assistance. You should consult a support office within your institution if available and an attorney if you need legal advice or representation.

### **How can our institutions support those experiencing emotional distress (e.g., anxiety, fear, confusion, uncertainty, anger) related to Executive Order 13780?**

Individual members of the medical community may experience the impact of the Executive Order on a profoundly personal level. Therefore, it is important to encourage students, faculty, researchers and staff to seek appropriate resources on campus or within their institution that can offer psychological support. For students, student mental health services should be made available with little to no wait-time. Faculty, researchers and staff should be referred to an Employee Assistance Program (EAP) if available or to the appropriate service provider in the particular community.

### **What questions remain in the academic medicine community about implementation of Executive Order 13780?**

- a. Will the Executive Order constrain the ability of individuals from the six affected countries to travel to the United States to sit for licensing exams required for them to practice medicine in the U.S.?
- b. Will the Executive order constrain the ability of individuals from the six affected countries to travel to the United States to interview for admission to medical school or for selection to a GME program?
- c. What process and criteria will consular officers use in applying the definitions of “undue hardship”, “threat to national security,” “national interest” and “significant contacts with the United States” if requests for waivers are made by physicians in connection with residency and fellowship training in U.S. GME programs?
- d. Will consular officers consider visiting a family member or otherwise tending to personal or professional matters outside the United States to constitute “other lawful activity” under the waiver process?
- e. Will consular officers deem an absence/departure from the United States authorized by a physician’s employer to be included as part of a “continuous period of work, study or other long-term activity” under the waiver process?
- f. What documentation will consular officers give consideration to in evaluating the questions noted above?
- g. To prevent disruption in patient care, will U.S. Citizenship and Immigration Services facilitate the timely consideration of a change of status application filed by a physician who has matched to a residency program with a specific start date?
- h. To prevent disruption in patient care, will the State Department facilitate the timely consideration of a visa application filed by a physician who has matched to a residency program with a specific start date?
- i. To prevent disruption in patient care, will U.S. Citizenship and Immigration Services facilitate the timely consideration of cap-exempt H-1B petitions filed on behalf of a physician who has matched to a residency program with a specific start date?

## BACKGROUND

### *Academic Medicine Acronym Glossary*

<b>AAMC</b>	Association of American Medical Colleges administers the MCAT exam and operates the centralized application service for medical school (AMCAS) and residency programs (ERAS).
<b>ACGME</b>	Accreditation Council for Graduate Medical Education sets standards (the Institutional and Program Requirements) for U.S. Graduate Medical Education (GME) programs (residency and fellowship) and the institutions that sponsor them, and makes accreditation decisions based on compliance with these standards.
<b>ECFMG</b>	Educational Commission for Foreign Medical Graduates certifies the readiness of international medical graduates (IMGs) for entry into U.S. graduate medical education by assessing their qualifications, including primary-source verifying certain credentials (ECFMG Certification). ECFMG is relied upon to provide authoritative information to residency programs, medical boards, and hospitals and serves as the Dean's Office for IMGs while they apply to residency programs through the ERAS system. Additionally, ECFMG sponsors physicians as participants in the J-1 Visa Exchange Visitor Program.
<b>ERAS</b>	Electronic Residency Application Service is the centralized online application service for obtaining a residency and is operated by the AAMC.
<b>GME</b>	Graduate Medical Education refers to medical training and education that occurs after the medical degree is awarded. This includes residencies and fellowships.
<b>IMG</b>	An International Medical Graduate is an individual who completed medical school in a country other than the United States and Canada. An IMG can be a U.S. citizen or a foreign national.
<b>NRMP</b>	National Resident Matching Program operates the Match for residency and fellowship positions.

### *Immigration Terminology*

#### **What are the different lawful statuses a person can have under U.S. immigration law?**

A person can be in the United States in lawful status in one of three main categories: (1) nonimmigrant (such as J-1 or H-1B); (2) lawful permanent resident (LPR), or a “green card” holder; or (3) U.S. citizen.<sup>2</sup>

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<sup>2</sup> Some people are in the United States without accruing unlawful presence pursuant to alternative categories, such as Temporary Protected Status or a Period of Stay Authorized by the Attorney General (POSABAG). These categories are not typical of most non-U.S. citizens in GME.

### **What is the difference between a nonimmigrant and an LPR?**

While both nonimmigrants and LPRs may be referred to as “aliens,” there are differences in how “permanent” their stay in the United States is expected to be.

Generally, a nonimmigrant has permission to stay in the United States only temporarily. An example of a nonimmigrant is someone with a visa, such as H-1B (temporary employment in a specialty occupation), J-1 (exchange visitor), or F-1 (student). In addition, J-1 status and F-1 status do not permit an individual to have “immigrant intent,” meaning the intent to reside in the United States permanently.

An LPR has been granted permission to live in the United States on a permanent basis. LPR status extends beyond the expiration date on a given LPR card, or “green card”. The government is required to take proactive measures if it seeks to revoke LPR status.

### **What do the terms “foreign national” and “alien” refer to?**

A foreign national is a person without U.S. citizenship or nationality. An alien is any person who is not a citizen or national of the United States.

The terms as used in the Executive Order essentially mean the same thing. Each refers to an individual who is neither a citizen nor a national of the United States. Generally, the term “alien” is used in statutes and the term “foreign national” is used elsewhere.

### **What is the difference between citizenship and nationality?**

Citizenship is a legal status reflecting a set of rights and duties as between an individual and a political unit, such as a country. Nationality refers to the country where an individual was born.

### **What are the differences between an H-1B visa and a J-1 visa?**

An H-1B temporary employment visa allows a foreign national sponsored by an employer (such as a hospital) to work in a specialty occupation (such as medicine) in the United States for a specific period. An H-1B visaholder is permitted to have “dual intent”, meaning both an intent to carry out a temporary stay and a long-term intent to later remain in the United States permanently. It is not uncommon for H-1B visaholders to subsequently pursue lawful permanent residence and obtain a green card.

A J-1 training visa is designed to foster global understanding through educational and cultural exchanges, with the general expectation that the visaholder will return to his or her home country. Medical residents on a J-1 visa are sponsored by ECFMG to participate in approved GME programs conducted at ACGME-accredited host institutions.

### **What is the Conrad State 30 J Waiver Program?**

All J-1 physicians sponsored for participation in U.S. GME are subject to a two-year “home country return requirement.” J-1 physicians must return to their home countries for a period of two years before being eligible to apply for certain other U.S. visa statuses. The Conrad State 30 J Waiver Program allows a limited number of J-1 physicians to obtain a waiver of that requirement if recommended by a state health department to practice medicine full-time in H-1B status in a medically underserved community [i.e., Medically Underserved Area (MUA), Health Professional Shortage Area (HPSA), or Medically Underserved Population (MUP)] for a minimum of three years. The Conrad 30 J Waiver program supports both primary care physicians and specialists.