

# United States Senate

WASHINGTON, DC 20510

April 14, 2020

Kenneth Cuccinelli  
Senior Official Performing the Duties of Director  
U.S. Citizenship and Immigration Services  
20 Massachusetts Avenue NW  
Washington, DC 20529

Dear Mr. Cuccinelli:

We write to express our concern that regulations for the H-1B and J-1 visa programs are standing in the way of our nation's having the strongest possible medical response to COVID-19. Medical professionals holding these visas are generally not permitted to provide medical care at locations or in specialties other than those specifically approved for their immigration status. We urge you to waive such restrictions during the public health emergency to increase the number of physicians available to respond to COVID-19.

As you know, H-1B visas are available to workers in "specialty occupations," which includes licensed physicians. Hospitals and health care providers across the nation, and particularly those in rural regions, rely on this visa program to fill critical vacancies at their facilities. As part of the visa approval process, providers must submit to U.S. Citizenship and Immigration Services (USCIS) Form I-129, which requires employers to identify where and for how long the visa holder will work for the duration of their status. Any changes require a new I-129 per guidance issued by USCIS in 2015.<sup>1</sup> Similarly, physician residents and fellows on J-1 visas are assigned to a specific employer, location, and specialty, and changes are practically impossible during an approved program year.

While these policies are well intended, the current public health crisis requires a robust and timely medical response that begins with getting physicians to the front lines. Health care workers on H-1B and J-1 visas—including physicians in the Conrad State 30 program, which helps retain U.S.-trained physicians who work in underserved areas—are a key resource in this process. State and local governments as well as health care providers have found that the site-specificity for work authorization has prevented physicians holding an H-1B or J-1 status from transferring to hospitals and facilities that are overwhelmed with COVID-19 patients or are experiencing staff shortages due to quarantine requirements. Even telemedicine programs, which can provide needed surge capacity to underserved and rural areas, often cannot employ these physicians to serve patients. Moreover, there are concerns among providers that H-1B and J-1 visa holders may not even be permitted to provide services outside the medical specialty, even if they are otherwise qualified to do so.

We therefore urge you to grant health care providers relief as soon as possible so that our nation's critical resources can be effectively deployed. USCIS should immediately waive the requirements of the

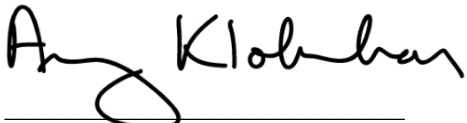
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<sup>1</sup> [https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2015/2015-0721\\_Simeio\\_Solutions\\_Transition\\_Guidance\\_Memo\\_Format\\_7\\_21\\_15.pdf](https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2015/2015-0721_Simeio_Solutions_Transition_Guidance_Memo_Format_7_21_15.pdf)

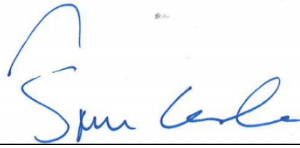
2015 *Simeio* guidance for health care providers seeking changes in previously approved employment or new concurrent employment during the current public health emergency. Such a decision would give our nation's health care providers the flexibility that is needed to mount an adequate response during this emergency. Doctors need to be able to act now to use their knowledge and training to save lives without fear of the loss of their immigration status.

Thank for your attention to this important matter. We look forward to your prompt response.

Sincerely,



Amy Klobuchar  
UNITED STATES SENATOR



Tom Cole  
MEMBER OF CONGRESS



Abby Finkenauer  
MEMBER OF CONGRESS



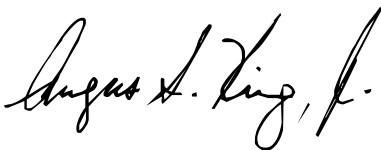
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Kevin Cramer  
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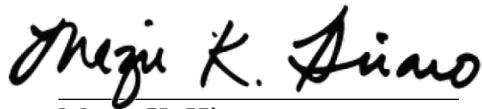
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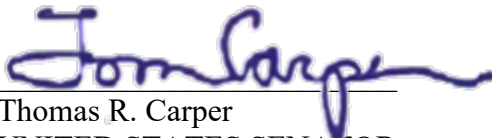
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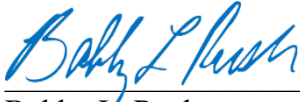
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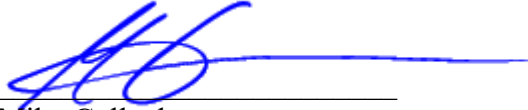


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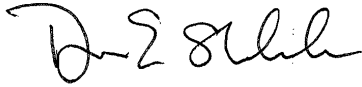
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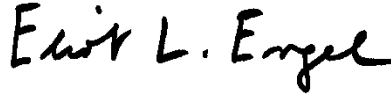
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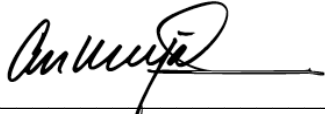
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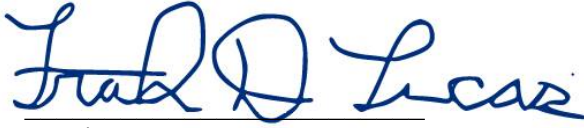
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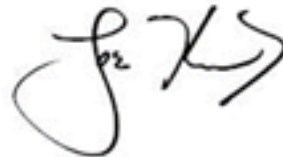
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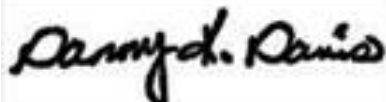
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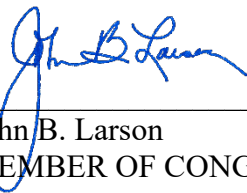
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