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H-visa holders get one year extension

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Foreign medical graduates (FMGs) who have been admitted to the United States for employment or training as members of the medical profession (H-1, H-2, H-3) may now be granted one extension of stay in this country of up to one year on or after January 10, 1977.

This announcement was recently made by the Immigration and Naturalization Service after it had found that there are communities in the United States dependent for health care solely on the services of physicians presently in the United States who were admitted as non-immigrants under the H-1, H-2 and H-3 categories. Failure of the Service to permit one extension would have barred FMGs under these categories to work or train in those communities.

Under Title VI of the Health Professions Educational Assistance Act which took effect on January 10, 1977, FMGs coming to the United

States for employment or training as members of the medical profession would be ineligible to obtain H-1, H-2 or H-3 visas. Only one exception was provided under the law and this applies to FMGs under the H-1 category, coming to this country pursuant to an invitation to teach or conduct research or both at or for a public or non-profit educational or research institution.

The conditions for allowing one extension are specific, namely: (1) The FMG must be maintaining the H status under which he was admitted; and (2) he will continue the employment or training with the same employer or trainer for whom the last visa petition was approved.

An H-1 visa is given to an alien who is of distinguished merit and ability and is coming to the United States temporarily to perform services of an exceptional nature.

An H-2 visa is granted to an alien if he is coming to the United States

temporarily to perform temporary services and that there are no unemployed Americans capable of performing such services.

To be eligible for H-3 visa, the alien must be coming here to receive training, which is not available in his country of origin, and which will be utilized in foreign employment. Also the alien will not be engaged in productive employment which will replace an American laborer.

Earlier, the Federal Government had recommended that FMGs coming to the United States as exchange visitors (J-1) before June 30, 1978 would not be required to take the Visa Qualifying Examination (VQE). The one-year waiver of the examination requirement as provided for under the Health Professions Educational Assistance Act was necessary to avoid a substantial disruption in health services.

The same waiver is not, however, expected in the case of FMGs applying for immigrant visas. These FMGs are required to pass the Visa Qualifying Exam scheduled for the first time on September 7-8, 1977.