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May 30, 2018

L. Francis Cissna
Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20529

Dear Director Cissna,

It has come to my attention that delays in processing visas for international medical graduates (IMG) who have accepted positions in U.S. graduate medical education (GME) programs could adversely affect patient care in rural and underserved areas. I urge you to expedite the review of pending applications and help ensure their timely approval.

International medical graduates play a critical role in our health care system to address unmet needs and improve access to health care for Americans. An estimated 25% of the physician workforce is foreign born. These doctors must meet all the same standards as American born and educated physicians, and fill jobs in areas where there is a shortage of physicians, including at Veterans Health Administration medical centers.

As you know, foreign born physicians entering GME residency programs must obtain a visa that allows clinical training to provide medical services. Many IMGs enter the U.S. on H-1B visas. It is my understanding that increased scrutiny regarding wage data has led to delays and denials of visas for a significant number of these incoming medical residents. Given that GME training programs in the U.S. start on or before July 1, 2018, continued delays would have a serious and immediate effect on health care access for Americans.

Unlike most occupations, the Department of Labor (DOL) does not have wage data for medical residents. For this reason, the DOL has historically permitted use of data from the Association of American Medical Colleges to fulfill this purpose. While I share your goal of ensuring the integrity of all US visa programs, given the existing precedent and critical need, I ask that you take into consideration the unique circumstances of H-1B applicants entering upcoming medical residency programs and avoid unnecessary delays in their processing.

We cannot afford to make physician workforce shortages worse or interrupt patient care. Thank you for your prompt attention to this critical issue to ensure timely approval of visas for incoming medical residents.

Sincerely,

Ami Bera, M.D.
Member of Congress



**U.S. Citizenship
and Immigration
Services**

June 27, 2018

The Honorable Ami Bera, M.D.
U.S. House of Representatives
Washington, DC 20515

Dear Representative Bera:

Thank you for your May 30, 2018 letter regarding delays in processing visas for international medical graduates.

Several stakeholders have recently inquired about U.S. Citizenship and Immigration Services' (USCIS) requests for evidence and decisions in certain H-1B cases where the prevailing wage identified in the certified labor condition application was based on a private wage survey. USCIS recognizes the use of valid, private wage surveys by petitioners to establish the prevailing wage for an H-1B petition. However, USCIS will continue to issue requests for evidence or denials, if appropriate, when officers determine that the petitioner has not established eligibility for the benefit sought. In keeping with the law as directed by the President's Buy American, Hire American Executive Order as well as the intention of Congress, ensuring that H-1B employers are complying with all eligibility requirements serves to safeguard the integrity of the program to protect the wages, working conditions, and jobs of U.S. workers.

We continue to review issues pertaining to private wage surveys and will consider issuing additional guidance to our officers in the future, if needed. If a petitioner has questions or concerns about its case, it may send an inquiry to USCIS through appropriate channels.

Thank you for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Francis Cissna".

L. Francis Cissna
Director