

# Augmenting Your Workforce with Foreign Health Care Providers

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**VARNUM**



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- 25+ years experience as an immigration-focused attorney.
- Works with corporate officers and general counsel to formulate long-term immigration plans and short-term solutions for U.S. and international companies.
- Expertise includes non-immigrant and immigrant business visas, PERM filings and National Interest Waivers.

# About Varnum LLP

- 180+ lawyers across six offices in Michigan and Florida
- Client base ranges from publicly-traded corporations to privately-held businesses, as well as high-net-worth individuals
- Full-service firm with strong health care experience and capabilities:
  - Accreditation, licensing and certification
  - Contractual relations
  - Immigration
  - Internal investigations
  - Labor and employment
  - Patient care issues
  - Privacy and HIPAA
  - Professional and medical staff issues
  - Quality assurance and risk management
  - Regulatory enforcement
  - Reimbursement issues



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# The Players

- U.S. Department of Labor (USDOL)
- U.S. Citizenship and Immigration Services (USCIS)
- U.S. Customs and Border Protection (CBP)
- U.S. Department of State (DOS)
- U.S. Immigration and Customs Enforcement (ICE)

# Physicians/Dentists/Allied Health

- **Physicians**

- J-1 waivers

- What are they?

- INA § 212 (e)

- 2-year Foreign Residence Requirement after completion of GME

# Physicians/Dentists/Allied Health

- USDHHS waiver
  - Primary Care Physicians only
    - Family Medicine, Internal Medicine, Pediatrics, OB/GYN, & Psychiatry
    - Recent graduates – Start date cannot be more than 12 months from GME completion
  - Worksite
    - Must have a HPSA score of at least 07
    - No MUAs
  - Availability
    - Unlimited amount of waivers can be issued
    - Waivers available all year long

# Physicians/Dentists/Allied Health

- Michigan Conrad 30 Waivers
  - Physicians cannot be eligible for USDHHS waiver
    - For specialists (or primary care providers that do not qualify for USDHHS)
    - Only 30 waivers available
    - 2-month annual filing window, approx. Sept. 01 – Nov. 01
  - MUAs and Flex locations allowed

# Physicians/Dentists/Allied Health

## ■ **Dentists/Allied Health Professionals**

- No J-1 Waiver issue
- Usually on an F-1 visa/OPT or already in H-1B status
- H-1B visa status
  - The most common work visa status
    - Up to 6 years of work authorization
    - Dual intent – can seek permanent residency
  - Cap-exemption
    - Nonprofits affiliated with a college or university
    - Year-round availability



# Physicians/Dentists/Allied Health

United States-Mexico-Canada Agreement (USMCA – formerly NAFTA)

- Can be used for:
  - Dentists
  - Registered nurses
  - Pharmacists
  - Dieticians
  - Nutritionists
  - Social workers
- Only available to Canadians or Mexicans
- 3-year stay with unlimited extensions
- Canadians can make same day application/U.S. Entry

# Nurses

- Visas for Nurses

- Nonimmigrant visas

- Very limited options
- H-1B – Advance practice nurses
- USMCA – Registered nurses – Canada and Mexico only

- Immigrant Visas

- More options. An option for:
  - Certified nursing assistants
  - Licensed practical nurses
  - All other nursing occupations
- Cons:
  - CNAs/LPNs require USDOL PERM
  - Expensive and a multi-year process

# Final Thoughts

- When doesn't immigration matter?
  - Aliens who have blanket work authorization:
    - Green Card holders
    - Temporary Protected Status
    - Asylees
    - Refugees

Must still meet state of Michigan requirements for the job

- Questions and Answers

# Thank you !!



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