

Protecting, Maintaining and Improving the Health of All Minnesotans

March 27, 2020

The Honorable Chad F. Wolf
Acting Secretary of Homeland Security
Washington, DC 20528

Dear Mr. Secretary,

As our nation continues to fight the COVID-19 pandemic, the Minnesota Department of Health urges the federal government to invoke a Special Immigrant-Based Adjustment of status as described in Chapter 5, Volume 7 of the U.S. Citizenship and Immigration Services Policy Manual¹. We believe this would be an important action to eliminate barriers to practice for International Medical Graduates (IMGs) who have completed graduate medical education in the U.S. and ensure our country has sufficient health care staffing resources available during this health emergency.

According to the American Medical Association, there are about 216,000 IMGs, which make up 22.7% of all licensed doctors in the United States². A significant number of those IMGs, around 12,000 can be utilized to allow more health care providers to combat COVID-19. Currently, work permits and Visas only allow these providers to work within their designated worksite. During this public health emergency, if each physician works just one extra day where need exist, our country would have upwards of 10,000 additional physician-days available upon invoking Chapter 5. This would be a tremendous asset to medical facilities overwhelmed by the coronavirus pandemic.

Invoking Chapter 5 has been done during past public health disasters, none of them reaching the level that we currently face. Please give this proper consideration and take swift action to allow for thousands more health care providers to take on a larger role in the fight against COVID-19.

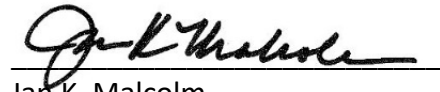
In addition to invoking Chapter 5, MDH urges Congress to pass S. 948 and H.R.2895, the “*Conrad State 30 and Physician Access Reauthorization Act*”. These bills have not advanced past introduction. If enacted into law, they will permit J-1 medical doctors to apply for a waiver for

¹ USCIS Policy Manual – Volume 7; Chapter 5
<https://www.uscis.gov/policy-manual/volume-7-part-f-chapter-5>

² How IMGs have changed the face of American medicine
<https://www.ama-assn.org/education/international-medical-education/how-imgs-have-changed-face-american-medicine>

the 2-year residence requirement upon completion of the J-1 exchange visitor program³, allowing these graduates to stay in the United States rather than return to their home country.

Sincerely,



Jan K. Malcolm
Commissioner

CC: Vice President Mike Pence
US Senator Amy Klobuchar
US Senator Tina Smith
Congressman Jim Hagedorn
Congresswoman Angie Craig
Congressman Dean Phillips
Congresswoman Betty McCollum
Congresswoman Ilhan Omar
Congressman Tom Emmer
Congressman Colin Peterson
Congressman Pete Stauber

³ Conrad 30 Waiver Program

<https://www.uscis.gov/working-united-states/students-and-exchange-visitors/conrad-30-waiver-program>



U.S. Citizenship
and Immigration
Services

May 14, 2020

Jan K. Malcolm
Commissioner
Minnesota Department of Health
625 Robert Street N.
St. Paul, Minnesota 55164

Dear Commissioner Malcolm:

Thank you for your March 27, 2020 letter. The Acting Secretary has asked that I respond on his behalf.

The Department of Homeland Security (DHS) has no greater responsibility than ensuring the safety and security of our country. Responding to the pandemic requires everyone to work within rapidly changing, complex circumstances that create a variety of situations and conditions unique to individuals and communities.

We recognize that there are immigration-related challenges that individuals, employers, and others face as a direct result of the national emergency. We carefully analyze these issues and leverage our resources to effectively address these challenges within our existing authorities. The Department continues to act to protect the American people and our communities and is considering a number of policies and procedures to improve the employment opportunities of U.S. workers during this pandemic.

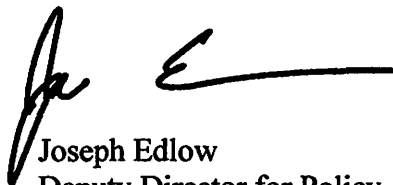
It is important for us to emphasize that U.S. Citizenship and Immigration Services (USCIS) continues to accept and process petitions and applications for immigration benefits. Our primary goal is to ensure the safety of the public and our employees as the situation evolves. Therefore, we have temporarily suspended routine in-person services at our offices. Importantly, however, our workforce continues to perform mission-essential duties that do not involve face-to-face contact with the public, and we provide emergency services for certain situations.

Our website and outreach efforts provide guidance, resources, and information to the public on the actions and policies we are implementing through these uncertain times. On May 11, 2020, we introduced temporary policy changes for certain medical professionals during the COVID-19 pandemic. Further, as we announced in our public-facing website, several options are available to nonimmigrants to extend or change their status. For policy updates, operational changes, and COVID-19 information, please visit uscis.gov/coronavirus.

While Congress has granted the Department extensive statutory authority, it has also prescribed specific statutory limitations regarding many nonimmigrant visa programs, including in relation to extensions of status. I should note that when similar concerns arose in the aftermath of the 9/11 terrorist attacks, Congress passed legislation providing relief to impacted legal aliens. Section 422 of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001," Pub. L. No. 107-56, provided automatic extensions of status, but only to those nonimmigrants lawfully present in the United States on September 1, 2001 who had been disabled as a result of the terrorist attacks (and family members). Such aliens could "remain lawfully in the United States in the same nonimmigrant status until the later of . . . the date such . . . status otherwise would have terminated . . . or 1 year after . . . the onset of disability" For those lawfully present nonimmigrants who had not been disabled, Congress provided only that "if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due." The House of Representatives passed similar legislation on a bipartisan basis by voice vote in the aftermath of Hurricane Katrina. *See* H.R. 3827, the "Immigration Relief for Hurricane Katrina Victims Act of 2005."

Thank you again for your letter and interest in this important matter. We will consider the recommendations you have put forward.

Sincerely,

A handwritten signature in black ink, appearing to be 'J Edlow', written over a horizontal line.

Joseph Edlow
Deputy Director for Policy