

July 1, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin L. King Avenue, SE
Washington, DC 20528

Re: DHS Docket No. USCIS-2022-0002, Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Renewal Applicants

Dear Secretary Mayorkas:

On behalf of the physician and medical student members of the American Medical Association (AMA), I appreciate the opportunity to comment on the Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Renewal Applicants temporary final rule.¹ With the growing backlog of cases within the Department of Homeland Security (DHS) negatively impacting both immigrants and U.S. businesses, the AMA applauds the temporary final rule (TFR) and asks that this same extension be provided to physicians so that they can maintain their lawful immigration status while DHS is working on streamlining their extensions on employment authorization.

The TFR will provide an automatic extension of 360 days, beyond the normal 180-day period (for a total of 540 days) for individuals who must file Form I-765. This TFR will apply to three groups of people: first, renewal applicants eligible for the automatic extension who already have filed their renewal Form I-765 application, which remains pending as of the date this rule goes into effect, and whose employment authorization document (EAD) has not expired or whose current up to 180-day auto-extension has not yet lapsed; second, the rule applies to new renewal applicants who file Form I-765 during the 18-month period following the rule's publication to avoid a future gap in employment authorization and/or documentation; and third, it will apply to those renewal applicants who already are experiencing a gap in employment authorization and/or EAD validity.

The AMA applauds this temporary automatic extension. This TFR is clearly needed considering the lack of funds within DHS, the lack of employees available to process Form I-765, and the extraordinarily long projected processing time of 14.2 months for Form I-765.² For those refugees, asylees, and other individuals who must file Form I-765, a lack of ability to work could be devastating and cause not only economic hardship for their employers but could be the difference between their family being able to pay for basic necessities and going hungry. Additionally, we are glad that these extensions will apply to H-4

¹ <https://www.federalregister.gov/documents/2022/05/04/2022-09539/temporary-increase-of-the-automatic-extension-period-of-employment-authorization-and-documentation>.

² <https://www.federalregister.gov/documents/2022/05/04/2022-09539/temporary-increase-of-the-automatic-extension-period-of-employment-authorization-and-documentation#footnote-142-p26632>.

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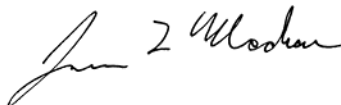
visas, those held by physicians' partners. We would like to urge the Administration to extend this TFR to international medical graduate (IMG) physicians who are most commonly on H-1B visas.

Prior to the COVID-19 pandemic, the U.S. was already facing a serious shortage of physicians, largely due to the growth and aging of the general population and the impending retirement of many physicians.³ Non-U.S. citizen IMGs play a critical role in providing health care to many Americans, especially in areas of the country with higher rates of poverty and chronic disease. Nearly 21 million people live in areas of the U.S. where foreign-trained physicians account for at least half of all physicians.⁴ Moreover, approximately one-quarter of non-U.S. IMGs training in the U.S. do so on H-1B visas.⁵ Research shows that certain states and employers rely heavily on H-1B visa physicians to provide health care services to their U.S. patients, especially those with chronic conditions. However, due to slower processing times, for the same reasons noted in the TFR, IMGs have been experiencing uncertainty and the threat of having to return to their home country if their H-1B visa extensions are not granted in a timely manner. The lengthened wait times for application renewals has placed enormous emotional strain on our IMG physicians, and the employers they work for, during a time when they are already under immense pressure due to staffing shortages that have been compounded by the ongoing pandemic.

As such, we urge DHS to include IMG physicians in this TFR, or create a similar extension for our IMG physicians, so that they and their employers can have security surrounding their H-1B visa extensions. This would allow thousands of active IMG physicians to securely provide needed health care services to Americans.

The U.S. health care workforce relies upon physicians from other countries to provide high-quality and accessible patient care.⁶ As such, we urge DHS to include IMG physicians in the extension provided by the TFR. If you have any questions, please contact Margaret Garikes, Vice President for Federal Affairs, at margaret.garikes@ama-assn.org, or by calling 202-789-7409.

Sincerely,



James L. Madara, MD

³ <https://www.aamc.org/news-insights/press-releases/new-findings-confirm-predictions-physician-shortage>.

⁴ <https://www.americanimmigrationcouncil.org/sites/default/files/research/foreign-trained-doctors-are-critical-to-serving-many-us-communities.pdf>

⁵ <https://www.semanticscholar.org/paper/Graduate-Medical-Education%2C-2017-2018.-BrothertonEtzel/f22fe6ec8b17aa79ae8ab849ae5838563a14a676>.

⁶ https://www.supremecourt.gov/DocketPDF/17/17-965/40128/20180327105855912_17-965%20Amicus%20Br.%20Proclamation.pdf.