

July 24, 2017

The Honorable John F. Kelly
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Kelly:

On behalf of the physician and medical student members of the American Medical Association (AMA), I am writing to express our continued concern regarding the implementation of the executive order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States," which was reinstated after the Supreme Court ruling on June 26, 2017.

The Supreme Court clarified that, while the travel ban could take effect, it should not prevent entry for individuals who have a "bona fide relationship to a person or entity in the United States." We agree with the Court and subsequent guidance that this should explicitly allow students; including medical students, those with offers of employment; such as medical residents, fellows, and other physicians; and lecturers to be admitted to the United States. We, however, remain concerned that this guidance may not be sufficiently broad and is still creating confusion for international medical graduates (IMGs), scientific researchers, those attending medical conferences, and others in the medical community who provide important health care services to American patients.

We are also concerned that the order will have a chilling effect on patients from the six identified countries who are seeking critical medical care. The Department has stated that, in addition to the exemptions noted above, it has discretionary authority to grant case-by-case waivers when an individual demonstrates denial of entry would cause undue hardship, would not pose a threat to national security, and would be in the national interest. Yet, it is not clear if this authority would apply to all individuals seeking medical care. In addition, we lack details about the process and timeline for these waivers and whether relatives of a prospective patient could also obtain entry. Without a clearer sense of this process, we are concerned that the waiver authority may be implemented in an arbitrary manner that creates inequities for those validly seeking entry and access to our nation's health care system.

While we understand the importance of a reliable system for vetting individuals entering the United States, we do not believe this should negatively impact patients or those who offer critical services to our communities. Our physicians need to engage with diverse health care leaders to promote better outcomes and our patients rely on IMGs to provide critical care services, especially in underserved areas. Accordingly, additional clarity is needed from the Administration to ensure individuals can continue to work, educate, and provide care for our nation's health care system. We note that we are aware that the Supreme Court will once again consider this issue but urge the Administration to act in a more expedited fashion to avoid creating any unnecessary barriers to care.

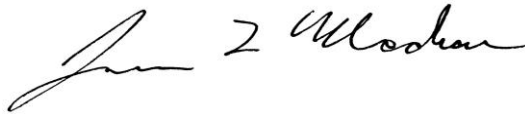
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Thank you for considering our concerns. If you have any questions or would like to discuss this further, please contact Margaret Garikes, Vice President of Federal Affairs, at 202-789-7409 or margaret.garikes@ama-assn.org.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Madara". The signature is written in a cursive style with a large initial "J" and a distinct "L" and "M".

James L. Madara, MD