



October 21, 2020

Tony H. Pham  
Senior Official Performing the Duties of the Director  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, DC 20536

**Re: ICEB-2019-0006: Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media**

Dear Mr. Pham:

On behalf of the American Society of Nephrology (ASN), thank you for the opportunity to provide comments regarding “Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media” (proposed rule). Representing more than 21,000 physicians, scientists, nurses, and other kidney health professionals, ASN expresses appreciation for the Trump Administration continuing to seek public comment on proposed rules affecting the nation’s health care system. The society is deeply concerned that the proposed rule will have a chilling effect on the nephrology clinical and scientific workforce in the United States and would negatively affect access to care for the more than 37 million Americans living with kidney diseases.

ASN advocates for policies that ensure the millions of Americans with kidney diseases, kidney failure, and kidney transplants receive the highest-quality care possible. To accomplish this goal, ASN is committed to educating and training a robust and diverse workforce, including the nearly 50% of US nephrologists who are graduates of international medical schools<sup>1</sup>. The proposed rule will negatively impact the nephrology workforce and disrupt the care of the 37 million Americans living with kidney diseases. At a time when the federal government, across multiple agencies, is prioritizing kidney care through President Donald J. Trump’s Executive Order on Advancing American Kidney Health, this proposed rule will have a detrimental impact on the nation’s kidney health.

ASN firmly supports the dismantling of barriers that prevent foreign-trained doctors, nurses, and other health professionals from securing stable immigration status and providing care to the millions of Americans who desperately need it. The proposed rule from U.S. Immigration and Customs Enforcement (ICE) seeks to eliminate “duration of status” as an authorized period of stay for certain nonimmigrant visas (F, I, and J) and replace it with a specific end date and requirement to apply through the U.S. government each year to extend this date.

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<sup>1</sup> <https://www.aamc.org/data-reports/workforce/interactive-data/active-physicians-who-are-international-medical-graduates-imgs-specialty-2017>

The training of J-1 clinicians and scientists, the most common visa classification used by foreign national clinicians and scientists to participate in U.S. graduate medical education, will be significantly disrupted by this proposed rule and, in effect, the high quality of patient care they provide and research they conduct will be diminished. U.S. teaching hospitals and research institutions attract clinicians and scientists from around the globe because of their world-renowned programs and leading educators. There are more than 12,000 highly qualified foreign national physicians currently training at nearly 750 teaching hospitals across the United States on J-1 visa status<sup>2</sup>, and these physicians are providing critical care in our nation's teaching hospitals and fighting the COVID-19 pandemic on the front lines. Moreover, the proposed rule's impact on J-1 scientists will cripple the nation's research capacity as it attempts to address the COVID-19 pandemic.

Depending on the medical specialty or subspecialty, a clinical training program can last anywhere from one to seven years. J-1 physicians can currently extend their authorized stay in the United States for subsequent years of training when they renew their visa sponsorship annually with the Educational Commission for Foreign Medical Graduates (ECFMG) | Foundation for Advancement of International Medical Education and Research (FAIMER).

Under the proposed rule, completion of the rigorous ECFMG|FAIMER annual review process would not result in the extension of a J-1 physician's authorized period of stay. In order to secure an extension of authorized stay, J-1 physicians would be required to complete an additional and unnecessary step each year of applying to the U.S. government. J-1 physicians would either have to apply for an extension through a U.S. Citizenship and Immigration Service Center or leave the United States each year and apply for the extension through a U.S. consulate abroad. Both scenarios create impractical timelines that will jeopardize the ability for thousands of J-1 physicians to complete their training programs on time, and needlessly delay and disrupt care for millions of Americans living with kidney diseases, kidney failure, and kidney transplants.

Furthermore, unlike other nonimmigrant visa classifications, J-1 physicians are already carefully monitored by the U.S. Department of Homeland Security and U.S. Department of State through the joint database, Student and Exchange Visitor Information System (SEVIS). The proposed rule will not generate any additional or better information about a J-1 physician's last date of program participation or related visa status that does not already exist and is always visible in SEVIS.

The nation's health care system is already facing a growing physician shortage: The Association of American Medical Colleges estimates that the nation will be short nearly 122,000 physicians nationwide by 2023<sup>3</sup>. This proposed rule will place an additional and undue burden on the nation's strained health care and research system in the middle of an unprecedented global pandemic by disrupting both the education and training of J-1 clinicians and scientists, and non-J-1 clinicians and scientists. The loss of J-1 trainees resulting from this proposed rule would also needlessly increase responsibilities and workload on non-J-1 clinicians and scientists. In turn, this would threaten to decrease research productivity, disrupt patient care, and increase wait-times for children and adults with kidney disease, kidney failure, and kidney transplants across the United States.

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<sup>2</sup> <https://www.ecfm.org/protect-ds-for-J1s>

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

ASN strongly requests ICE to exclude J-1 clinicians and scientists from the proposed rule to eliminate “duration of status” as an authorized period of stay. If ICE finalizes the rule as proposed, the delivery of care at academic and community hospitals across the nation, and the nation’s research capacity will change for the worse. Moreover, with this rule, the supply of highly qualified clinicians and scientists in the United States will decline precipitously. Millions of Americans, including the more than 37 million with kidney diseases, will suffer unnecessarily.

Thank you for the opportunity to provide comments on this proposed rule. ASN stands ready to work with ICE on any of the issues raised in this comment letter. To discuss ASN’s feedback regarding the proposed rule, please contact ASN Senior Director of Policy and Government Affairs Rachel Meyer at [rmeyer@asn-online.org](mailto:rmeyer@asn-online.org) or (202) 640-4659.

Sincerely,

A handwritten signature in black ink, appearing to read "Anupam Agarwal", with a long horizontal line extending to the right.

Anupam Agarwal, MD, FASN  
President