

Extension Beyond the Maximum Duration of Stay



The U.S. Department of State (DOS) authorizes Intealth to sponsor foreign national physicians in accredited programs of graduate medical education and training. Duration of participation in these programs is limited to the time “typically required to complete a program,” as defined by the Accreditation Council for Graduate Medical Education (ACGME) and/or one of the specialty boards of the American Board of Medical Specialties (ABMS). Per the U.S. Code of Federal Regulations, duration is further limited to a maximum stay of no more than seven years. Specifically, the regulations state:

“Duration of participation is limited to seven years unless the alien physician has demonstrated to the satisfaction of the Secretary of State that the country to which the alien physician will return at the end of additional specialty education or training has an exceptional need for an individual with such additional qualification.” [22CFR§62.27(e)(2)]

“The responsible officer [Intealth] seeking a program extension on behalf of an exchange visitor...shall: (1) Adequately document the reasons which justify such extension; and (2) Secure the prior written approval of the Department of State for such extension.” [22CFR§62.43(c)]

In keeping with these requirements, any physician seeking to extend his/her participation in Intealth-sponsored training beyond seven years must file a formal extension request for review by Intealth and the DOS **prior to attaining the end of the seven-year period**. The documentation listed below is the minimum required to file such a request.

Required Documentation for Exceptional Extension Request

All required documentation must be uploaded by the TPL and/or applicant through MyIntealth at the time of application.

- **COMPLETE APPLICATION FOR CONTINUED INTEALTH SPONSORSHIP**

The standard continuation application documents are required in addition to the documents outlined below. View the application checklist here: <https://www.ecfm.org/evsp/continuation-accredited.pdf>.

- **LETTERS OF SUPPORT FROM APPLICANT’S CURRENT AND PROPOSED PROGRAM DIRECTORS**

Both the current and proposed program directors must each provide a letter of support for the applicant on institutional letterhead. Letters of support do not need to be lengthy but must focus specifically on the clinical value of the proposed training, how the physician will benefit from the clinical skills and knowledge to be acquired, and how the current program relates to the proposed training activity. The two letters cannot be identical and must be signed by the appropriate program director. If the program director is the same, one strong letter is sufficient. In drafting the letters, it is important to be aware that the J-1 visa is a temporary, nonimmigrant visa reserved for educational and cultural exchange, and thus carries with it the expectation that physicians will return to their home country at the end of their training.

- **STATEMENT OF EDUCATIONAL OBJECTIVES (SEO) FROM APPLICANT**

Completion of SEO Form. In the form, the applicant should provide justification as to why the proposed clinical training is being pursued and why an exceptional extension is necessary. The SEO Form is available at <https://www.ecfm.org/evsp/applicant-SEO.pdf>.

- **LETTER OF “EXCEPTIONAL NEED” FROM THE HOME COUNTRY GOVERNMENT**

The letter of “exceptional need” is a letter of support signed by either the home country’s Ambassador to the United States or the home country’s Minister of Health confirming an “exceptional need” for the applicant to be trained in the field of medicine being pursued. By obtaining this letter, the applicant reaffirms his/her intent to return to his/her home country at the end of his/her clinical training in the United States. The DOS requires the letter to state the exact words “exceptional need” and provide some detail regarding the need for physicians trained in that specialty/subspecialty. (This letter is separate from and required in addition to the Statement of Need generally required of all applicants. **See below for additional detail/explanation about letters of exceptional need.**)

- **INTEALTH APPLICATION FEE OF \$370.00**

The standard \$370.00 application fee must be paid through MyIntealth at the time of application submission.

- **DOS CASE PROCESSING FEES OF \$567.00**

After the application is determined to be a DOS case, the applicant will be invoiced an additional \$567 (\$200 Intealth review and preparation fee + \$367 DOS processing fee). Once received, Intealth will submit the \$367 processing fee to DOS on the applicant’s behalf.

Please contact JProgram@intealth.org with questions about the exceptional extension process.

Exceptional Extension Requests — What to Expect

- **Intealth and the U.S. Department of State are mindful of clinical training start dates** and work collaboratively to reach a decision **before the start date whenever possible**.
- Once a request is complete and under review, **status updates are generally not available**. We recognize that waiting can be stressful and appreciate your patience.
- Applicants and TPLs will be **notified promptly by email** as soon as there is an update or a decision to share.
- **Exceptional extension requests are reviewed individually**, based on each applicant's circumstances. While every request receives careful consideration, **approval cannot be guaranteed**.
- If an applicant has applied for a waiver of the two-year home-country physical presence requirement or has otherwise demonstrated immigrant intent, this information will be considered as part of the overall review.
- Only one exceptional extension may be granted per applicant. Additional or subsequent extension requests cannot be considered.

The DOS requires Intealth to notify all applicants that, should an extension of stay be approved on the basis of an exceptional need in the home country, the approval will weigh heavily in any future consideration of a request for a waiver of the two-year home country physical presence requirement of Section 212(e) of the Immigration and Nationality Act, as amended.

Additional Detail about Letters of Exceptional Need

In a letter dated July 27, 1997, the United States Information Agency (USIA), now part of the DOS, wrote the following to Intealth:

"Both the Exchange Visitor Program Regulations (22CFR 62.27 9(e)(4)) and the authorizing statute (8 U.S.C. 1182(j)(1)(D)) are very specific and limit the duration of participation for alien physicians to the time typically required to complete a specific program of graduate medical education. The duration of participation is determined by the United States Information Agency based upon criteria promulgated by the Secretary of Health and Human Services, which takes into consideration the requirements of the various medical specialty boards. The criteria are published in the American Medical Association Graduate Medical Education Directory which is recognized as the official listing of programs accredited by the Accreditation Council for Graduate Medical Education (ACGME). The Agency utilizes this directory to determine if a medical program (specialty/subspecialty) has been accredited by the ACGME and the length of time determined by ACGME as necessary prerequisites to be eligible to sit for the exams leading to board certification.

Pursuant to statute, the duration of the exchange visitor program is limited to seven years unless the alien physician can demonstrate to the satisfaction of the Agency that the country to which he/she will be returning at the end of their specialty education or training has an "exceptional need" for an individual with such added qualification. The specific regulation governing this aspect of program participation is set forth at 22 CFR 62.27(e)(2).

In reviewing this regulatory requirement, it has been determined that the government to whom the alien physician will be returning after receiving the proposed additional education/training must provide a letter signed by either the Minister of Health or Ambassador to the United States. This letter must state that there is an "exceptional need" for the applicant to be trained or educated in the field that has been requested and provide brief detail about the need. This letter should be submitted to the Exchange Visitor Program Services office through ECFMG as part of the documentation in support of the request."

In addressing the 1997 directive, as well as the spirit and intent of the Exchange Visitor Program Regulations, the DOS instructed Intealth that, without exception, letters of "exceptional need" must explicitly state that there is an "exceptional need" and go on to provide detail as to how and why such a need exists. The DOS expressed concern that, in recent years, many of the letters of "exceptional need" received by their offices lacked sufficient detail and provided them with little information on which to adequately evaluate petitions for extensions of sponsorship beyond seven years. It is, therefore, Intealth's understanding that the DOS is holding the letters of "exceptional need" to a very high standard and is, in all cases, requiring that such letters provide at least a brief overview of circumstances and health care needs in the home country as they relate to the applicant's field of study/training. If such information is unavailable and/or there does not exist an exceptional need in the home country for specialists in the field being pursued, the DOS will not consider a request for an extension of stay. The DOS feels strongly that an extension beyond seven years should be granted only in cases where there is a clear and well-documented need in the home country.

It is important to remind all interested parties that the letter of "exceptional need" is required only of applicants requesting an extension of J-1 sponsorship beyond seven years and is not required with most applications for Intealth sponsorship. The letter of "exceptional need" is separate from the Statement of Need (SoN) required of all Intealth sponsorship applicants. The language prescribed by federal regulation for the SoN (issued by the Ministry of Health of the country of citizenship or most recent legal permanent residence) remains the same. Applicants for extensions of sponsorship beyond seven years are required to provide *both* the general Statement of Need and the letter of "exceptional need."