



Congress of the United States
House of Representatives
Washington, DC 20515-0529

April 6, 2020

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20520

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
200 Independence Avenue, SW
Washington, DC 20202

Dear Acting Secretary Wolf and Secretary Pompeo:

We write to strongly urge the Department of Homeland Security (DHS) and the Department of State (State) to ensure that foreign physicians and healthcare workers are able to provide much-needed support to the domestic workforce in the fight against the Coronavirus (COVID-19) pandemic, including by providing critical care for patients suffering from COVID-19. Today, the United States has the most confirmed cases of COVID-19 in the world.¹ For weeks, state, local, and federal officials have focused their efforts on addressing the extreme shortage of medical supplies, including personal protective equipment (PPE) and ventilators, that has hindered our response to this national emergency. However, one critical shortage area that has thus far been overlooked is that of our healthcare workforce.

Long-before this pandemic emerged, the United States was already experiencing a shortage of medical workers.² As the number of COVID-19 cases continues to increase, so does the risk to U.S. doctors, nurses, and other critical care workers.³ As this crisis will undoubtedly continue to take its toll on these professionals, we must do everything in our power to build and retain a robust workforce.

More than 25 percent of doctors and 17 percent of medical workers in the United States are foreign-born.⁴ Many of these workers stand ready to serve our country but are unable to do so

¹ Bobby Allyn. *U.S. Surpasses China in Cases of Coronavirus*. 26 March 2020.

<https://www.npr.org/sections/coronavirus-live-updates/2020/03/26/822248693/u-s-surpasses-china-in-cases-of-coronavirus>

² Parija Kavilanz, *The U.S. Can't Keep Up with Demand for Health Aides, Nurses and Doctors*, CNN (May 4, 2018), <https://money.cnn.com/2018/05/04/news/economy/health-care-workers-shortage/index.html>.

³ Michael Schwartz. *Nurses Die, Doctors Fall Sick and Panic Rises on Virus Front Lines*. 30 March 2020. <https://www.nytimes.com/2020/03/30/nyregion/ny-coronavirus-doctors-sick.html>

⁴ Lisa Rapaport. *U.S. relies heavily on foreign-born healthcare workers*. 4 December 2018.

<https://www.reuters.com/article/us-health-professions-us-noncitizens/u-s-relies-heavily-on-foreign-born-healthcare-workers-idUSKBN1O32FR>

because of a lack of flexibility in their visa categories and other limitations in our immigration system. However, there are several steps that DHS and State could immediately implement to ease such restrictions and allow these workers to assist in the COVID-19 fight:

- **Expedited Adjudications:** USCIS should expedite the adjudication of petitions and applications filed by or on behalf of healthcare workers or, at a minimum, exempt such petitions and applications from the March 20, 2020 suspension of premium processing.⁵
- **Employment Authorization Documents (EADs):** USCIS should expedite the adjudication of EADs for healthcare workers, and automatically extend EADs for such workers, including those in J-2, E-2, L-2, and H-4 status.
- **Increased Mobility:** USCIS should suspend the requirements for amended petitions imposed by the July 21, 2015 guidance memo implementing *Matter of Simeio Solutions*, so that H-1B healthcare workers can quickly move to locations where their services are needed.⁶
- **Medical Licenses:** Consistent with the policy announcement by the White House on March 13, 2020, to allow doctors who are licensed in one state to assist with the COVID-19 response in another state, USCIS should similarly approve H-1B petitions to permit doctors who are licensed in one state to work in another state.⁷
- **Agency Teams:** Both USCIS and the State Department should assign employees to serve on teams to address immigration-related healthcare issues and expedite requests for petitions and applications filed by or on behalf of medical professionals.
- **Flexibility for J-1 Physicians:** State should issue a statement confirming that J-1 physicians are permitted to be redeployed to new rotations within the host training institution as needed to respond to the COVID-19 pandemic.
- **Visa Processing:** The State Department should provide emergency visa processing or other accommodations for physicians seeking to enter the United States to commence graduate medical education and training programs that begin on July 1.

Our healthcare system is being pushed to its limits in many areas of the country, while experts confirm that the peak of this crisis has not yet been reached.⁸ It is incumbent upon us to do everything we can to support U.S. physicians and healthcare workers who put their lives on the

⁵ U.S. Citizenship and Immigration Services, *USCIS Announces Temporary Suspension of Premium Processing for All I-129 and I-140 Petitions Due to Coronavirus Pandemic* (Mar. 20, 2020), <https://www.uscis.gov/working-united-states/temporary-workers/uscis-announces-temporary-suspension-premium-processing-all-i-129-and-i-140-petitions-due-coronavirus-pandemic>.

⁶ U.S. Citizenship and Immigration Services, *USCIS Final Guidance on When to File an Amended or New H-1B Petition After Matter of Simeio Solutions, LLC*, PM-602-0120 (Jul. 21, 2015), https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2015/2015-0721_Simeio_Solutions_Transition_Guidance_Memo_Format_7_21_15.pdf.

⁷ White House, *Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Conference* (Mar. 13, 2020), <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/>.

⁸ Mick Krever, Gina Yu, Nick Paton Walsh. *Coronavirus deaths in the US could reach peak in three weeks epidemiologist says*. 26 March 2020. <https://www.cnn.com/2020/03/25/health/coronavirus-death-peak-three-weeks-epidemiologist/index.html>

line every day in the COVID-19 battle and make sure that every American receives proper treatment. We urge you to act on these recommendations and respectfully request your position on these proposals by Wednesday, April 15, 2020.

Sincerely,


TONY CARDENAS
Member of Congress


ZOE LOFGREN
Member of Congress



Letter to DHS and State on Foreign Physicians and Healthcare workers

Co-leads: Rep. Tony Cárdenas and Rep. Zoe Lofgren

April 6, 2020

Additional signatories:

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