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# FOREIGN PHYSICIAN CANDIDATES QUICK REFERENCE GUIDE

	Currently Holding J-1 Status	Currently Holding H-1B Status
<b>Current Employment</b>	Residency / Fellowship	Residency / Fellowship or practicing physicians
<b>When Available</b>	Typically July 1 following completion of J-1 Waiver process and H-1B sponsorship	Any time upon filing of USCIS petition
<b>Unique Limitations</b>	<p>Waiver of 2-year home requirement must be initiated during summer / fall prior to start date. Waiver typically requires employment service in a medically underserved area for 3 years. Waiver application typically requires vetting by state Department of Health, U.S. Department of State and U.S. Citizenship and Immigration Services.</p> <p>Following waiver approval, H-1B petition is prepared and filed. All H-1B petitions are employer, position and location specific.</p>	All H-1B petitions are employer, position and location specific.
<b>Duration</b>	Initial approval valid for 3 years; 3-year extension available for 6-year maximum period of stay. Additional H-1B time may be available with timely initiated permanent residence sponsorship.	Initial approval valid for 3 years; 3-year extension available for 6-year maximum period of stay. Additional H-1B time may be available with timely initiated permanent residence sponsorship.
<b>Employment contract</b>	Subject to unique contract provisions required for J-1 Waiver service period.	Employment limited to usual H-1B wage and location obligations.
<b>H-1B Sponsorship</b>	<p>USCIS filing seeking “change of status” from J-1 to H-1B.</p> <p>H-1B petition must be <b>approved</b> prior to physician beginning employment.</p>	<p>USCIS filing seeking “change of employer” from current H-1B employer to new H-1B employer. H-1B petition must be <b>filed</b> prior to physician beginning employment.</p>

*These materials are intended for general information purposes only and do not constitute legal advice. The materials should not be used or relied upon as a substitute for a review of applicable statutes, regulations, rulings and court decisions. The reader should consult legal counsel to determine how laws apply to specific situations. These materials were prepared in August 2017, and, consequently, will not reflect changes in law subsequent to that date.*  
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