

PREFACE

Central to the provision and promise of health care is a supply of physicians who can provide that care. The United States competes on a world stage for the talent necessary to meet the existing (and continuously looming) crisis of physician shortages and increased demand for services. When foreign physicians seek to enter the United States to share talents honed by years of education and training, one would think that the door would be open, wide and welcoming. Instead, physicians are met with a complex system of immigration and licensure rules designed especially for, and frequently against, the healers who seek to come to our aid.

Immigration Options for Physicians, 3rd Edition, is designed to assist immigration practitioners in working through that maze to avoid common pitfalls that are peculiar to foreign physician cases. It should be a working guide to determining case strategy, both short and long term. We note that the *2nd Edition* contains articles of continuing utility and we commend it as a companion guide.

In this *3rd Edition*, we start with both historical and current perspectives on the need for physician services in the United States and move to other articles that probe the J-1 program's purposes, opportunities and obstacles. An historical perspective on the Conrad 30 program from its innovative birth yields an important insight into the creative energy that brought it from concept to fruition—all a result of critical need, creative lawyering, and well-balanced legislation. The article by H. Sam Myers is offered as a suggestion of possibilities, there for the making.

Beyond the historical perspectives, this volume contains several practical guides to securing waivers through the various interested government agencies, including the Appalachian Regional Commission, the Delta Regional Commission, the Veterans Administration, and the Department of Health and Human Services (for both clinicians and researchers), as well as the various states' Conrad programs. Invaluable information about each state's Conrad program will provide a useful guide to those who seek to evaluate competing job opportunities for physicians in different states. For those whose placement in one area turns sour, information on opportunities to change sponsors provides a possible outline for an escape hatch from an untenable situation. For those unable to secure waivers, an article relating to the return to home country gives a different option for planning.

Beyond the J-1 program and its joys and (mostly) sorrows, this book contains numerous practical guides that focus on the use of various nonimmigrant visa categories to secure the services of physicians in the United States and particular strategies useful in those categories.

Additionally, articles that focus on the various paths to permanent residence include an innovative piece on the traditional (rather than physician-based) National Interest Waiver (NIW) route, a strategic guide on the physician-based NIW route, a physician-focused article on PERM Labor Certifications, and new ideas for Outstanding Researcher/Teacher cases.

Last, articles on New York's current licensure scheme and a blueprint for overturning its unconstitutional provisions is included for those who choose to bless my home state with their talents.

The authors of this book are among the most highly skilled lawyers nationally who focus their attention on the issues faced by foreign physicians. They bring to this practice creative ideas, skillful

representation, zealous advocacy, and exquisite attention to timing and detail. The success of this book is due to these talented lawyer-authors, who have so generously contributed articles, both new and updated, at times when their busy practices pulled them in other directions. We are deeply grateful that they have shared their time and wisdom with us. It is one thing to volunteer; it is another to treat the task with the level of focus so artfully given to the cause of clients.

Additionally, special thanks go to Rita Sostrin, who is not only one of the contributing authors, but who also assisted in editing articles from a deep substantive knowledge base and with thoughtful insight. Very sincere thanks go to the talented and patient Danielle Polen, Associate Director of AILA Publications, for her blend of understanding, tenacity and drive and for juggling her numerous other AILA publication deadlines while keeping us on task with this edition. Maintaining the focus of a team of volunteer lawyers, not an easy crew to harness, and getting this book to publication were no small tasks. Finally, thanks to AILA's Director of Publications, Tatia L. Gordon-Troy, for permitting me the privilege of working on this latest edition, and to the rest of the AILA Publications staff, for working their magic behind the scenes and marshalling the book through production.

Immigration Options for Physicians, 3rd Edition, is a comprehensive collection of insights and guidance for representing doctors and their employers. It will be to our great delight that other immigration practitioners will advance their own art in work to achieve a national system of superb health care for our families, friends and neighbors and to use our collective talents to begin the ripple effect of change, case by case.

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