

United States Senate
WASHINGTON, DC 20510

April 6, 2020

Kenneth Cuccinelli
Acting Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529

Dear Acting Director Cuccinelli:

We write to express our concerns about recent actions taken by U.S. Citizenship and Immigration Services (USCIS) that may impair access to health care in underserved areas during the current unprecedented public health crisis. On March 20, U.S. Citizenship and Immigration Services (USCIS) announced the immediate and temporary suspension of premium processing for all Form I-129 and I-140 petitions due to the coronavirus (COVID-19) pandemic. We are deeply concerned that this suspension will exacerbate physician shortages, particularly in rural areas, and at the leading academic and research organizations that depend on health care provided by physicians who graduated from foreign medical schools.

This processing freeze will undoubtedly prevent these physicians from practicing in underserved areas, and at providers of high-complexity care, leaving hospitals in these areas more short staffed than before the onset of this national health crisis. We ask that you follow your past practice and continue to offer premium processing for physicians seeking employment-based visas—including for resident physicians serving in teaching hospitals—in order to help ensure that rural and underserved areas can continue to receive quality and continuity of care in this time of extraordinary need.

Although 20 percent of the country's population resides in rural areas, fewer than 11 percent of physicians in the U.S. practice there.¹ As a result, over 20 million rural Americans live in federally designated health professional shortage areas (HPSAs) that have a provider-to-patient ratio of 1 to 3,500 or less.² Even in times when health care providers do not face serious shortages of medical equipment and supplies, too many rural Americans do not have adequate access to health care—and physicians in particular.

Since 1994, the Conrad State 30 program has been instrumental in helping to meet the health care needs of rural communities by making it easier to retain foreign physicians who have just completed their medical training in the United States. After completing medical residencies in the United States, most foreign doctors are required to return to their home countries for two years before they are able to return to the United States to work in medical facilities. Under the Conrad State 30 program, in exchange for three years of service in an underserved area, foreign doctors receive a waiver of the home return requirement and rural communities get the expertise

¹ Georgetown University Health Policy Institute, "Rural and Urban Health," (accessed March 26, 2020); <https://hpi.georgetown.edu/rural/>.

² *Id.*

and treatment they desperately need. Since its inception, the Conrad State 30 waiver program has supplied over 15,000 physicians to these underserved communities.³ According to the American Hospital Association, the Conrad State 30 program has been a “boon” to rural health care.⁴

The foreseeable effects of suspending premium processing of employment-based petitions are obvious. If physicians cannot work, hospitals will not be able to care for more patients. With rural areas already experiencing a physician shortage, they will be disproportionately affected by the coming wave of COVID-19 infections. The Conrad State 30 program has helped address chronic physician shortages in rural America and other underserved areas for over two decades. Programs like this were built for times like these. We urge USCIS to take actions to address its administrative needs and maintain the safety of its own staff without sacrificing access to health care in underserved areas.

We appreciate your attention to these important concerns.

Sincerely,



Amy Klobuchar
United States Senator



Bradley S. Schneider
Member of Congress



Susan M. Collins
United States Senator



Abby Finkenauer
Member of Congress



Jacky Rosen
United States Senator



Tom Cole
Member of Congress



Ron Wyden
United States Senator



Terri Sewell
Member of Congress

³ American Medical Association, “Conrad 30 reauthorization bill earns bipartisan support,” (May 18, 2017); <https://www.ama-assn.org/practice-management/physician-diversity/conrad-30-reauthorization-bill-earns-bipartisan-support>.

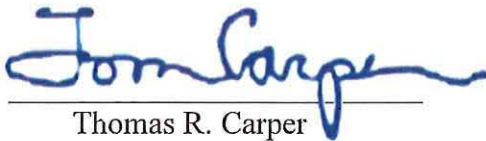
⁴ American Hospital Association, “Conrad 30 program is a boon to rural healthcare,” (April 17, 2017); <https://www.aha.org/news/blog/2017-04-17-conrad-30-program-boon-rural-care>.



Angus S. King, Jr.
United States Senator



Lisa Blunt Rochester
Member of Congress



Thomas R. Carper
United States Senator



Cindy Axne
Member of Congress

/s TammyBaldwin

Tammy Baldwin
United States Senator



Angie Craig
Member of Congress



Edward J. Markey
United States Senator



Mark Pocan
Member of Congress



Richard Blumenthal
United States Senator



Tom O'Halleran
Member of Congress



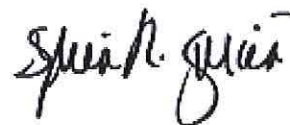
Jeanne Shaheen
United States Senator



Raja Krishnamoorthi
Member of Congress



Tom Udall
United States Senator



Sylvia R. Garcia
Member of Congress

/s Martin Heinrich

Martin Heinrich
United States Senator



Xochitl Torres Small
Member of Congress



Charles E. Schumer
United States Senator



Darren Soto
Member of Congress



Christopher A. Coons
United States Senator



Kamala D. Harris
United States Senator



Catherine Cortez-Masto
United States Senator



Patrick Leahy
United States Senator



Tina Smith
United States Senator



Richard J. Durbin
United States Senator



Elizabeth Warren
United States Senator

/s Kevin Cramer

Kevin Cramer
United States Senator



Margaret Wood Hassan
United States Senator



Tammy Duckworth
United States Senator



Dianne Feinstein
United States Senator



**U.S. Citizenship
and Immigration
Services**

May 14, 2020

The Honorable Amy Klobuchar
United States Senate
Washington, DC 20510

Dear Senator Klobuchar:

Thank you for your April 6, 2020 letter regarding premium processing during the coronavirus (COVID-19) pandemic. Mr. Cuccinelli has asked that I respond on his behalf.

The Department of Homeland Security has no greater responsibility than ensuring the safety and security of our country. Responding to the pandemic requires everyone to work within rapidly changing, complex circumstances that create a variety of situations and conditions unique to individuals and communities.

We recognize that there are immigration-related challenges that individuals, employers, and others face as a direct result of the national emergency. We carefully analyze these issues and leverage our resources to effectively address these challenges within our existing authorities. The Department continues to act to protect the American people and our communities and is considering a number of policies and procedures to improve the employment opportunities of U.S. workers during this pandemic.

It is important for us to emphasize that U.S. Citizenship and Immigration Services (USCIS) continues to accept and process petitions and applications for immigration benefits. Our primary goal is to ensure the safety of the public and our employees as the situation evolves. Therefore, we have temporarily suspended routine in-person services at our offices. Importantly, however, our workforce continues to perform mission-essential duties that do not involve face-to-face contact with the public, and we provide emergency services for certain situations.

Our website and outreach efforts provide guidance, resources, and information to the public on the actions and policies we are implementing through these uncertain times. On May 11, 2020, we introduced temporary policy changes for certain medical professionals during the COVID-19 pandemic. Further, as we announced in our public-facing website, several options are available to nonimmigrants to extend or change their status. For policy updates, operational changes, and COVID-19 information, please visit uscis.gov/coronavirus.

While Congress has granted DHS extensive statutory authority, it has also prescribed specific statutory limitations regarding many nonimmigrant visa programs, including in relation to extensions of status. I should note that when similar concerns arose in the aftermath of the 9/11 terrorist attacks, Congress passed legislation providing relief to impacted legal aliens.

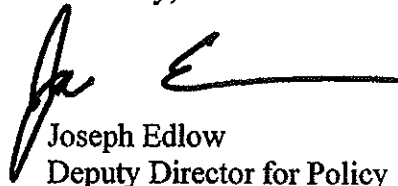
The Honorable Amy Klobuchar

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Section 422 of the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001," Pub. L. No. 107-56, provided automatic extensions of status, but only to those nonimmigrants lawfully present in the United States on September 1, 2001 who had been disabled as a result of the terrorist attacks (and family members). Such aliens could "remain lawfully in the United States in the same nonimmigrant status until the later of . . . the date such . . . status otherwise would have terminated . . . or 1 year after . . . the onset of disability" For those lawfully present nonimmigrants who had not been disabled, Congress provided only that "if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due." The House of Representatives passed similar legislation on a bipartisan basis by voice vote in the aftermath of Hurricane Katrina. *See* H.R. 3827, the "Immigration Relief for Hurricane Katrina Victims Act of 2005."

Thank you again for your letter and interest in this important matter. We will consider the recommendations you have put forward. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Edlow', written over a horizontal line.

Joseph Edlow
Deputy Director for Policy

cc:

The Honorable Bradley S. Schneider
Member of Congress

The Honorable Susan M. Collins
United States Senator

The Honorable Abby Finkenauer
Member of Congress

The Honorable Jacky Rosen
United States Senator

The Honorable Tom Cole
Member of Congress

The Honorable Amy Klobuchar
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The Honorable Lisa Blunt Rochester
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The Honorable Thomas R. Carper
United States Senator

The Honorable Cindy Axne
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The Honorable Tammy Baldwin
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The Honorable Angie Craig
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The Honorable Edward J. Markey
United States Senator

The Honorable Mark Pocan
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The Honorable Richard Blumenthal
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The Honorable Tom O'Halleran
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The Honorable Jeanne Shaheen
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The Honorable Raja Krishnamoorthi
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The Honorable Tom Udall
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The Honorable Kamala D. Harris
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The Honorable Catherine Cortez-Masto
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The Honorable Patrick Leahy
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The Honorable Tina Smith
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