

JONI K. ERNST
IOWA

VICE CHAIRMAN,
SENATE REPUBLICAN CONFERENCE

WASHINGTON, DC OFFICE
730 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
PHONE: 202-224-3254
FAX: 202-224-9369

WWW.ERNST.SENATE.GOV

United States Senate

COMMITTEES
ARMED SERVICES
AGRICULTURE, NUTRITION
AND FORESTRY
ENVIRONMENT
AND PUBLIC WORKS
JUDICIARY
SMALL BUSINESS
AND ENTREPRENEURSHIP

April 27, 2020

The Honorable Kenneth Cuccinelli
Senior Official Performing the Duties of Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue NW
Washington, DC 20529

Cc: The Honorable John Pallasch

Dear Acting Director Cuccinelli,

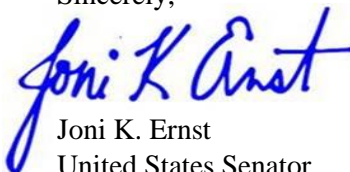
The United States continues to fight the spread of the COVID-19 virus, and our nation's health care workers are on the front lines. A shortage of health care workers would severely cripple our nation's ability to weather this pandemic. We need every willing and able health care worker to be utilized where communities and patients are in need. To avoid shortages, we must proactively strengthen our pipeline of qualified health care workers, including by temporarily removing any administrative barriers that prevent doctors who are here from practicing their skills during this pandemic.

It has been brought to my attention that medical doctors in Iowa, and throughout the United States, on an H-1B visa, and potentially those participating in the Conrad 30 Waiver Program under a J-1 visa serving rural areas, are currently unable to lend their skills in the most effective ways possible due to waiver program restrictions. Specifically, these doctors are prevented from providing care via telemedicine and limited by geographic restrictions.

During this pandemic, all qualified health care workers should have the ability to utilize their skills to respond to the needs of communities across the country. If an H-1B or J-1 visa medical doctor is not permitted to use telehealth or is unable to temporarily transfer locations to assist at a local primary care office, they are prevented from providing needed care—despite being more than willing to do so. In the past few weeks, my office has heard from numerous foreign doctors who feel helpless, because as the pandemic takes its toll on our health care system, they are unable to assist for fear of violating their employment contract and having their visa revoked.

I request that your agencies take appropriate action to address the current regulatory barriers which prevent doctors holding H-1B or J-1 visas from utilizing their skills. We must ensure all those who are qualified and willing are permitted to assist where help is critically needed, whether it be in our cities or our rural communities. We cannot get through this without our health care workers, and this step will aid Iowans, and Americans as a whole, as we combat the COVID-19 pandemic.

Sincerely,



Joni K. Ernst
United States Senator

DES MOINES OFFICE
733 FEDERAL BUILDING
210 WALNUT STREET
DES MOINES, IA 50309
PHONE: 515-284-4574
FAX: 515-284-4937

CEDAR RAPIDS OFFICE
111 SEVENTH AVENUE SE
SUITE 480
CEDAR RAPIDS, IA 52401
PHONE: 319-365-4504
FAX: 319-365-4683

DAVENPORT OFFICE
201 WEST SECOND STREET
SUITE 806
DAVENPORT, IA 52801
PHONE: 563-322-0677
FAX: 563-322-0854

SIoux CITY OFFICE
194 FEDERAL BUILDING
320 SIXTH STREET
SIoux CITY, IA 51101
PHONE: 712-252-1550
FAX: 712-252-1638

COUNCIL BLUFFS OFFICE
221 FEDERAL BUILDING
8 SOUTH SIXTH STREET
COUNCIL BLUFFS, IA 51501
PHONE: 712-352-1167
FAX: 712-352-0087



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

May 13, 2020

The Honorable Joni K. Ernst
United States Senate
Washington, DC 20510

Dear Senator Ernst:

Thank you for your April 27, 2020 letter. Mr. Cuccinelli asked that I respond on his behalf.

The Department of Homeland Security (DHS) 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. DHS 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.

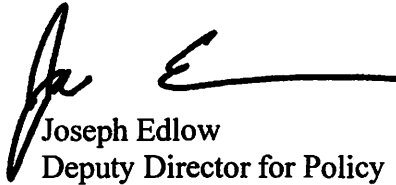
Our website and outreach efforts provide guidance, resources, and information to the public on the actions and policies we are implementing through these uncertain times. On May 11, 2020, we issued a policy memorandum on temporary policy changes for certain H-1B foreign medical graduates. In addition, 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.

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, which we appreciate and will consider the recommendations you have put forward. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Sincerely,



Joseph Edlow
Deputy Director for Policy