The Physician Immigration Book 2011-2012 Edition

Editor: Robert Aronson


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EDITOR

Robert Aronson is the Managing Attorney at Aronson & Associates, a Minneapolis-based immigration law firm serving a national and international clientele. For over the past 20 years, he has focused his practice on immigration legal matters for international physicians, academic institutions, and biomedical researchers. He is a frequent speaker and author on immigration law, having published over 70 articles in the professional literature. He was appointed as the immigration legal consultant to the office of the Secretary of Health and Human Services in its year-long study of IMG immigration policy; he co-founded and chaired (1992-2002) the IMG Taskforce, an affinity group of immigration lawyers and medical professionals for the advancement of immigration law and practice for international physicians; he chairs the Healthcare
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Robert C. Divine is the Chairman of the Immigration Group of Baker, Donelson, Bearman, Caldwell, & Berkowitz, P.C., a law firm of 560 lawyers and public policy advisors with offices in 14 cities from Washington, D.C. to New Orleans. Mr. Divine served from July 2004 until November 2006 as Chief Counsel and for a time Acting Director of U.S. Citizenship & Immigration Services (USCIS). He is the author of Immigration Practice, a 1,600 page practical treatise on all aspects of U.S. immigration law that is revised and reprinted annually to reflect the law's constant changes. He has practiced immigration law since 1986 and has served as Chair of various committees of the American Immigration Lawyers Association. He is Vice President of the Association to Invest in the USA (IIUSA), an association for EB-5 regional centers. His practice includes all aspects of U.S. immigration law, representing large and small international and domestic employers, family sponsors, investment regional centers, and individual foreign nationals. He has also litigated significant business matters, including class action employment discrimination, contract, commercial, product liability, antitrust, ERISA benefits, business torts (including RICO, misrepresentation, Consumer Protection Act), and
Goldie Domingue has practiced immigration law since 1987. She has been a solo practitioner since 1995, and has practiced immigration law in her hometown of Baton Rouge, Louisiana, since 1999. Prior to that time she practiced in Chicago. Goldie is a former Chapter Chair of the Greater Chicago AILA Chapter (American Immigration Lawyers Association), and the Chicago Bar Association Immigration Committee. She has spoken on general and business immigration topics at local, regional and national conferences. She is currently a mentor to AILA members on topics related to adjustment of status, and visas for health-care professionals, and is a volunteer attorney for the American Immigration Lawyers Association - Military Assistance Program (AILA-MAP).

Maria Fritzinger Elias is an Associate in the Immigration law firm of Goldblum & Hess and focuses her practice on employment-based immigration, primarily representing professionals and, particularly, university faculty and researchers, in obtaining permanent residence. A graduate of American University in International Studies, she received her law degree from the Temple University Beasley School of Law. Maria has co-authored several immigration articles, especially in the labor certification field. Maria also is Co-chair of the New Members Division of the Philadelphia Chapter of AILA.

Eleanor M. Fitzpatrick has served as the Manager and Responsible Officer of the J-1 Exchange Visitor Sponsorship Program at the Educational Commission for Foreign Medical Graduates (ECFMG) since 1996. Eleanor works directly with the U.S. Department of State (DoS) and the academic medical community to implement policies governing the training and immigration oversight of foreign national physicians in the United States. She contributes to national research and publications on International Medical Graduates (IMG) issues and conducts training workshops focused on visa policies and institutional compliance. Eleanor holds a Master of Arts in Latin American Studies from Georgetown University, and a baccalaureate degree in International Relations from St. Joseph's University.

Roberta Freedman is a Member and Co-Leader of the National Immigration Practice Group at Clark Hill PLC, where she practices exclusively in the area of immigration and nationality law. She is an active member of AILA and frequent speaker at AILA conferences and has been appointed to serve on numerous national committees, and served in the elected positions of Director and Chair of the Washington DC Chapter. She currently serves as a member of the AILA Healthcare Professional-Physicians Committee. She also currently serves on the Certification Board of the American International Recruitment Council (AIRC).

Kristen A. Harris is an attorney at the Law Offices of Rubman & Compernolle. Ms. Harris is a Phi Beta Kappa graduate of Yale University (B.A., M.A., anthropology) and holds a J.D. degree from the University of Michigan (1998). Her previous experience includes securities litigation at the Securities and Exchange Commission and international and domestic business transactions with Neal, Gerber & Eisenberg, a major Chicago law firm. She provides immigration expertise to professionals and their employers in the financial, healthcare, manufacturing and technology industries. She also represents individuals and families in green card and naturalization cases. She previously chaired the Chicago Bar Association’s Immigration and Nationality Law Committee, served on the USCIS Chicago District Director Liaison Committee, and currently serves on the U.S. Customs and Border Protection Liaison Committee. She is a native of Western Michigan. She speaks Spanish.
Wendy Hess is a founding partner in the Immigration law firm of Goldblum & Hess and has been practicing immigration law for over 30 years. She currently serves as co-chair of the AILA (American Immigration Lawyers Association) Philadelphia USCIS (U.S. Citizenship and Immigration Service) liaison committee and recently served as a member of the AILA U.S. Department of Labor Liaison Committee from June 2009-June 2010. A former staff Attorney with the U.S. Department of Justice, Board of Immigration Appeals, Wendy is a frequent speaker at national immigration conferences and the author of numerous immigration articles, especially in the medical and employer sanction fields. Her practice focuses on representing corporate employers in the medical, pharmaceutical, IT and university communities. She also serves as counsel to the Mexican Consulate in Philadelphia and as a weekly columnist for Al Dia, the largest Spanish language newspaper in the Philadelphia area. Wendy is listed in Best (Immigration) Lawyers in America for 2005, 2006, 2007, 2008, 2009, 2010 and 2011 as well as in Pennsylvania Superlawyers 2009 and 2010 and in the International Who's Who of Corporate Immigration Lawyers 2010.

Dayna Kelly received her law degree from the University of Michigan in 1991, where she was an editor of the Journal of International Law. Ms. Kelly also holds a Master of Arts and Bachelors degrees in Linguistics from Michigan State University. She is admitted to the North Carolina and Hawaii State Bars, and has been a member of the American Immigration Lawyers Association since 1993. After receiving her law degree, Ms. Kelly practiced employment law in Hawaii and then relocated in North Carolina. Since 1995, Ms. Kelly's practice has focused on physician immigration. She represents physicians and health care organizations in the areas of J-1 waivers, H-1B visa petitions, O-1 and other nonimmigrant visa matters, as well as permanent residence.

Khorzad Mehta bio to be provided

Jennifer A. Minear is a director with McCandlish Holton, P.C, where her business immigration practice focuses largely on the representation of physicians and their employers. A cum laude graduate of Cornell Law School, Jennifer is a frequent CLE panelist regarding the representation of foreign medical graduates. She is the author of "Getting a Green Card on the Five Year Plan: National Interest Waivers for Clinical Physicians," published in Immigration Options for Physicians (AILA, 3d edition, 2009); and co-author of "Clinical J-1 Waivers - A Primer," which appears in the 2009-2010 edition of American Immigration Lawyer's Association's Immigration & Nationality Law Handbook. She sits on AILA's Health Care Professionals Committee and plays a leadership role in the International Medical Graduate Taskforce, a group of medical and legal professionals dedicated to improving the delivery of healthcare to medically underserved areas of the United States.

Bruce Morrison is Chairman of the Morrison Public Affairs Group (MPAG), which he founded in 2001. His work involves advocacy both in Congress and the Executive branch, as well as building alliances within the private sector. He is an expert on immigration policy and practice and is an immigration consultant and lobbyist. Prior to founding MPAG, he was Vice Chairman of the Washington office of GPC International. From 1983 to 1991, Mr. Morrison represented the Third District of Connecticut (New Haven) in the U.S. House of Representatives. He also served on the Judiciary Committee, where he specialized in immigration, as well as intellectual property issues, bankruptcy law, and consumer protection policy, including privacy. As chairman of the Immigration Subcommittee, he led the passage of the Immigration Act of 1990, a comprehensive reform, which included expanded admission of skilled workers. In 1989, the Subcommittee sponsored the passage of the Immigrant Nurse Reform Act. After leaving Congress to run for Governor of
Connecticut in 1990, he established a law firm specializing in immigration representation of firms and individuals. He also served from 1992 to 1997 on the U.S. Commission on Immigration Reform, which conducted a comprehensive study of U.S. immigration law and practice and recommended far-reaching changes. During the Clinton Administration he served as Chairman of the Federal Housing Finance Board and as an informal advisor to the President on the Irish peace process. Mr. Morrison holds a bachelor's degree in chemistry from MIT and a master's degree in organic chemistry from the University of Illinois. He is a graduate of the Yale Law School.

George Newman has provided a full range of legal assistance in the field of immigration for over thirty years. His practice focuses in employment related visas, both temporary and permanent, and serves a clientele that includes several Fortune 500 companies, medium and smaller-sized corporations, research institutions, academic institutions, hospitals, medical clinics, private medical practices and individual physicians, law firms, engineering firms, and individuals. His background reflects several invited presentations and published articles about employment related visas, as well as numerous editorial appointments. He is a partner in Stinson, Morrison Hecker LLP and Head of the firm's Immigration Law Practice Group. He served over 25 years as a member of the Board of Governors of AILA, and has held faculty appointments at the law schools of Washington University and St. Louis University. He earned his J.D. at the College of William & Mary in 1970, where he published in the School's Law Review and chaired the Moot Court Board. He is listed in Best Lawyers in America (2010 "Lawyer of the Year") and An International Who's Who of Corporate Immigration Lawyers since Immigration Law listings began.

Elizabeth Neuwirth is Counsel at Murtha Cullina, located in New Haven, Connecticut. She provides assistance to numerous health clients. She has handled medical staff bylaws, corrective actions and credentialing issues for a number of hospitals and has extensive experience in devising physician and hospital financial relationships which will comply with the Stark and Anti-kickback statutes. She advises clients on corporate compliance issues, EMTALA, and HIPAA obligations under both the Privacy and Security Rules. Before becoming an attorney Ms. Neuwirth worked in behavioral healthcare, and has a unique understanding of hospital psychiatric and substance abuse treatment issues and hospital-managed care relationships. She holds were J.D. from Columbia University where she was a Stone Scholar.

Karen Pollins is an Associate in the Immigration law firm of Goldblum & Hess and focuses her practice on employment-based immigration, primarily representing physicians and researchers in obtaining non-immigrant visas, permanent residence and J-1 waivers of the two-year home residence requirement. A graduate of American University in International Relations and Latin American Studies/Spanish, she received her law degree from the Temple University Beasley School of Law. Karen has co-authored several immigration articles, especially in the medical field. She is listed as a Rising Star in Pennsylvania Superlawyers 2010.

Ana Potratz Acosta is a 2004 graduate of Columbia Law School and a member of the New York State Bar. Prior to moving to the Twin Cities in the fall of 2010, she was previously employed for six years, first as a staff attorney and later as a supervising attorney, at Lutheran Social Services of New York (LSSNY) - Immigration Legal Services Program, a non-profit organization representing low income immigrants in New York City. While at LSSNY Ms. Potratz Acosta served as one of the lead attorneys in Rajah v. Mukasey, the lead case in the Second Circuit Court of Appeals challenging the legality of the National Security Entry Exit Registration System (NSEERS) Special Call-In Registration Program. Additionally, she served for two years as the Immigration Advisor to the New York Disaster Interfaith Services (NYDIS).
9/11 Unmet Needs Roundtable and also served for nearly three years as the supervisor of the LSSNY Refugee Resettlement Program. In the wake of the January 2010 earthquake in Port au Prince, Haiti, Ms. Pottratz Acosta and her colleagues at LSSNY, in collaboration with the Haitian Family Support Center in Flatbush, Brooklyn, coordinated a weekly immigration legal clinic to assist the Haitian community in New York City affected by the earthquake. Ms. Pottratz Acosta was also active in the New York City Bar Association and served as the Secretary of the Immigration and Nationality Committee from 2009-2010.

**Jennell Prentice** is the Health Services Consultant of the Office of Rural Health and Community Health Systems in the Washington Department of Health. She joined the Office of Rural Health in October 2001 as the J1 Visa Waiver Program Manager. Her experience with rules and legislation has proved useful in the constantly changing field of immigration law. Jennell works closely with the Department's Recruitment Specialist to recruit physicians to medical practices in Washington State located in rural and urban underserved areas, focusing primarily on Federally Qualified Health Centers and Rural Health Clinics. She is the Washington State Primary Care Office contact for National Health Service Corps providing technical assistance to both employers and health care providers. Other programs Jennell oversees include the Volunteer Retired Provider Program, which pays the malpractice insurance fees for providers who volunteer their time at free clinics, and the State Project HOPE Program (Health Occupations Preparatory Experiences), which is a high school pipeline program into the health care field. Jennell is a board member of the National Rural Recruitment and Retention Network (3RNet) and an Ambassador for the National Health Service Corps.

**Elizabeth Quinn** a Shareholder with Maggio+Kattar, P.C. in Washington, DC, focuses her practice on business immigration matters, including the unique problems of J-1 exchange visitors. Her clients range from multinational corporations to start-up enterprises and non-profits, to families and individuals requiring innovative ideas in challenging situations. Elizabeth has written and lectured on a wide-range of immigration issues at national and local events for the American Immigration Lawyers Association (AILA), Immigration Lawyers on the Web (ILW), the District of Columbia Bar Association, and industry organizations. She currently serves on AILA's national Department of State liaison committee. Elizabeth has also been recognized as a top lawyer by The Best Lawyers in America, Who's Who Legal, Washingtonian magazine, and the Washington Post.

**Michelle Scimecca** bio to be provided

**Suzanne B. Seltzer** (Discussion Leader) heads the New York office of Klasko, Rulon, Stock and Seltzer, LLP. A graduate of the University of Pennsylvania (B.A., magna cum laude, 1989); Georgetown University Law Center (J.D., cum laude, 1993), Suzanne is also a staff Editor, Georgetown Immigration Law Journal She is well known for her representation of universities, hospitals and research institutions and their medical and research personnel in obtaining extraordinary ability and national interest waiver immigrant petitions, O-1 nonimmigrant visas, and waivers of the two-year home country residence requirement. Suzanne also was given the Cornerstone Award by the Lawyers Alliance for New York in recognition of her outstanding contributions to pro bono work on behalf of victims of human trafficking.

**Carl Shusterman** is the managing attorney of Law Offices of Carl Shusterman based in Los Angeles, CA. has been practicing immigration law for over 30 years, first as an INS Trial Attorney (1976-82) and then in private practice. His seven-attorney law firm has immigrated hundreds of Canadian physicians to the U.S. His son is a dual citizen of the U.S.
and Canada who practices medicine in Southern California. For those wishing more information on this subject, Mr. Shusterman recommends reading "U.S. Immigration for Physicians" at http://shusterman.com/physiciansusimmigration.html

**Greg Siskind** announced that it is working on a rule to create an electronic registration system for H-1B employers subject to the annual cap. Employers would first register an application and be allocated an H-1B cap number and then would file the case. The idea is that employers would need to register to claim an H-1B cap number first and then if they are selected, they then would prepare and file the case. Right now, employers have to go to all the trouble of preparing a case that may be rejected simply because the visa allocation is filled. I think the idea makes sense IF it is implemented in a fair way. I would be concerned that large volume H-1B employers would file to claim cap numbers and then ultimately not file a case, thus hurting smaller employers who have a real need for someone. Another thought - maybe a little out there - would be to have some kind of bidding process so employers where employers with the greatest need would have a better chance. Opponents of the H-1B program would likely have a weaker argument that the program is a funnel for cheap labor under such a system.

**Rita Sostrin** is a founding partner of Sostrin Immigration Lawyers, LLP in Los Angeles, CA. Ms. Sostrin focuses her practice on immigration of international physicians and researchers. Throughout her professional career, Ms. Sostrin has represented a diverse array of clients across the United States and abroad, handling all aspects of employment-based immigration for leading academic institutions, hospitals, and scientific laboratories. She frequently receives invitations to speak at national and regional conferences and to write for legal publications. Ms. Sostrin is included in The International Who's Who of Corporate Immigration Lawyers and Chambers USA. She was honored by AILA's Presidential Award for her service as Chair of the California Service Center Liaison Committee in 2008. She was Associate Editor of AILA's 2nd and 3rd Editions of Immigration Options for Physicians and is Senior Editor of the Immigration & Nationality Law Handbook.

**Tim Skinner** is the Executive Director of the National Rural Recruitment and Retention Network (3RNet), which is a non-profit initiative dedicated to enhancing healthcare coverage in rural areas of the United States. Prior to joining the 3RNet, he was involved in medical staff development and physician recruitment and retention for over 20 years. He is past President of the Association of Staff Physician Recruiters (ASPR) and remains involved in ASPR, NRHA, and other organizations. Tim has presented across the country on topics related to medical staff development and physician recruitment and retention. Tim lives and works in La Crosse, Wisconsin on the beautiful upper Mississippi River - where they can eat the fish and swim in the river.

**Sarah Strensrud** bio to be provided

**Margaret Stock** bio to be provided

**Hamel Vyas** joined The Mount Sinai Medical Center located in New York City in January 2005 and is currently the Director of International Personnel in the Human Resources Department. She received a Bachelors of Arts in Political Science (with honors) from York University, Toronto, Canada in 1992 and her Juris Doctor from the Widener University School of Law, Wilmington, Delaware in 1995. Ms. Vyas began her immigration law career as an attorney in Buffalo, New York in 1997. In 2006, she served as Vice-President and Chair of the Advocacy Committee on the South Asian Bar
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Tracy Wallowicz joined the staff of the Educational Commission for Foreign Medical Graduates' (ECFMG) J-1 Exchange Visitor Sponsorship Program (EVSP) in 1995. Currently, Tracy serves as EVSP’s Senior Advisor and Department of State Case Manager. In this capacity, she works directly with the U.S. Department of State (DoS) on various issues concerning ECFMG-sponsored physicians’ participation in U.S. Graduate Medical Education. Additionally, Tracy regularly contributes to publications focusing on EVSP’s J-1 program and IMGs. Tracy holds a Bachelor of Arts in Public Relations and Communications from Westminster College.

David Ware has practiced immigration law since 1981 and has 29 years of experience in representing universities and their students, faculty, and staff, as well as companies and individuals. His firm is one of only a handful in the nation with a consistent focus on academia, while also handling business, family, removal, asylum, and nationality cases. He has for many years been selected to the Bar Register of Preeminent Lawyers, and has been selected as one of the Best Lawyers in America since 2000. For ten years, Mr. Ware has been selected as among the top immigration attorneys in Louisiana by New Orleans Magazine, and in 2005 and 2008, City Business Magazine selected him as one of the top 50 "Leaders in Law" in Louisiana, the only immigration attorney so chosen. In 2008, he was elected to Who's Who International's Top Corporate Immigration Attorneys - one of only 300 in the US and the only in Louisiana. Mr. Ware is a recognized leader among immigration attorneys in practice areas of interest to universities, and he currently serves as a mentor in these areas for other immigration attorneys through AILA. He has been active in NAFSA since 1985. In addition to holding several AILA and NAFSA leadership positions, he has received numerous awards for outstanding service to NAFSA. His firm is one of only three NAFSA Global Law Firm Advocates. He regularly serves as an expert speaker at both AILA and NAFSA national and regional conferences, and at the meetings of other academically-oriented organizations such as NACE and CUPA.

Nathan Waxman served as expert witness before the Board of Alien Certification Appeals and the Executive Office of Immigration Review on labor certification and employment-based immigration matters. He has served on numerous local and national AILA committees and has participated in the drafting and submission of comments to the Department of Labor and the former Immigration and Naturalization Service, in response to proposed rulemaking regarding key issues in employment-based immigration law. He has been the author of numerous articles on topics ranging from the National Interest Waiver through H-1 portability and cap issues to the representation of alternative health care practitioners. He has served on AILA’s New Ideas Committee and is Adjunct Professor of Business Immigration at the School of Professional Studies, City University of New York.

Andrew Wizner is a Partner with Leete, Kosto & Wizner, LLP in Hartford, CT where he practices employment-based immigration law. Andrew is a member of the International Medical Group Taskforce liaison committee, Chair of the Connecticut AILA/Hartford USCIS liaison committee, a former member of AILA’s USCIS Benefits Policy Liaison Committee, past member of AILA’s CIS Ombudsman Liaison Committee, and past Chair of the Connecticut AILA
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Robert Whitehill is an immigration attorney in Pittsburgh, PA. He is Chair of the Immigration Practice group at the national law firm, Fox Rothschild, LLP. A graduate of Tulane University and University of Pittsburgh, School of Law, Mr. Whitehill teaches immigration law and co-directs the Immigration Clinic at the West Virginia University, School of Law. He serves on the Board of Directors of the Hebrew Immigrant Aid Society (HIAS) as a Vice Chair and has been recipient of the Allegheny County Bar Association’s Pro Bono Award among other awards.

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