



J-1 visa rules are changing; watch new deadlines, stay proactive

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Compliance

If you have providers who are in the U.S. on a J-1 visa, be aware that the Department of Homeland Security (DHS) is tightening its rules, which some observers believe will force some providers to leave the U.S. before their course of medical study, perhaps sooner than you expected to lose them.

The J-1 Exchange Visitor non-immigrant visa allows foreign medical residents to enter the U.S. for training, which often includes residency in a hospital or other clinical work arrangements. J-1 visas are used for residents in clinical medical training and research, explains Alison P. Hitz, member of the Clark Hill law firm in San Francisco, and employed by universities, teaching hospitals and research institutions.

Some J-1 docs may also work in physician practices in Health Professional Shortage Areas (HPSA) via the CONRAD-30 program waiver, which is one of a few conditions under which they may circumvent a foreign-residence requirement that requires J-1 visa holders to leave the U.S. for two years and reapply to come back ([PBN 7/10/23](#)).

Physicians also may work in the U.S. under the H-1B visa, which has preferable terms, but this became a less attractive option after President Trump raised the fee that sponsors would pay for such visas to \$100,000 in a 2025 executive order ([PBN 3/30/26](#)).

Richard T. Herman, an immigration lawyer and founder and president of the Herman Legal Group in Cleveland, notes that courts, most recently the Court of Appeals for the First Circuit, have blocked the order and the fee pending further litigation. However, "H-1B sponsorship is not a simple substitute," Herman adds, as it has conditions such as prevailing-wage obligations and government filing fees that employers must meet.

Also, Herman says, J-1 physicians who are subject to the two-year foreign-residence requirement "cannot simply change to H-1B status without first satisfying that requirement or obtaining a waiver."

DHS says in the rule, finalized on July 17, that while a J-1 or other J visa "generally corresponds with the principal's period of admission" — what's known as duration of status, or D/S — "so long as the dependents are also complying with the requirements of their particular classifications," the Department is switching to an arrangement with "a specific date upon which an authorized stay ends."

For most J-1 physicians that would be a maximum of four years from entry. The rule's effective date is Sept. 15, 2026.

DHS says they expect visa-holders "will be able to complete their respective activities within their period of admission. However, those who are unable will generally be able to request an extension of their period of admission from an immigration officer."

Commenters to the proposed version of the rule referred to the "shortage of healthcare workers in the United States in various fields and raised concerns on the potential impacts of the rule to the U.S. healthcare system, including decreasing participation of physicians in the J-1 program."

To these comments, DHS responds that "the rule allows J-1 nonimmigrants who have timely filed for EOS [extension of stay] ... to continue employment and training activities, consistent with the exchange program, for up to 240 days beyond the expiration of their authorized period of admission," according to the final rule.

To other commenters who said the physician J-1 program has multiple checkpoints and "J-1 physicians are among the most vetted visa holders," DHS responded that it "disagrees that the current system provides sufficient oversight over the J-1 physicians and that recognizing the work of J-1 sponsors would be an effective mechanism to prevent fraud and abuse of the nation's immigration system."

Can your doctor stay?

The American Association of Medical Colleges (AAMC) notes in response to the rule that "approximately 16,000 residents and fellows — or 1 in 10 residents nationwide — utilize J visas to undergo training at U.S.-based academic health systems every year." AAMC adds: "At a time when the nation is facing a shortage of physicians and growing international

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competition for its top scientific minds, it is inadvisable to actively reduce our capacity to effectively train the health care workers and biomedical researchers that Americans rely on."

Hitz notes that J-1 physicians "will be able to request an extension of their period of admission by filing an extension application with USCIS [U.S. Customs and Immigration Service]," and hopes that USCIS "would understand that, for example, a cardiologist needs at least three years of internal medicine plus three years of cardiology training to be qualified for the job; therefore, they would understand the need for the extension and would grant it."

But Sheryl Thomas, a labor and employment counsel with the Snell & Wilmer firm in Phoenix, says that beyond the four-year problem "the transition rules are more complex than most media coverage suggests. Physicians already in the U.S. under duration of status will keep the 'D/S' notation on their I-94 [immigration form] after September 15, but that doesn't mean their situation is unchanged. The key date is the DS-2019 [J-1] program end date. Once that date passes, if training isn't complete, the physician must file for an extension with USCIS, regardless of what their I-94 says. Hospitals can't rely solely on the D/S notation; they need to track each physician's DS-2019 end date directly."

Also, Thomas notes, if a J-1 physician travels internationally after September 15 — to visit family, for example — they'll get a new I-94 "with a fixed expiration date, even if their DS-2019 remains valid. This means hospitals must now monitor both the DS-2019 end date and the I-94 expiration date."

Will they still come?

It remains to be seen how USCIS will treat reasonable extension requests for J-1 physicians going forward.

Thomas says that she "expect[s] most well-documented cases to be approved ... the greater concern is timing. While USCIS aims to process J-1 extensions in about three months, actual processing times can be much longer due to significant backlogs."

Hitz notes that that Educational Commission for Foreign Medical Graduates (ECFMG), which runs Intealth, the organization that helps certify foreign-educated physicians and coordinate their credentialing in the U.S., has already started up training programs about the changes, and the larger medical organizations "have in-house international offices that specialize in immigration issues and will work to ensure J-1 visa holders can obtain the training and conduct the research that is needed."

Thomas advises that medical organizations with J-1 physicians start a "thorough inventory" now, making sure to:

- Track the DS-2019 end date for every J-1 physician, not just the I-94 notation, as the DS-2019 date triggers the extension requirement.
- Identify physicians transitioning between programs or whose training will extend beyond their current DS-2019 end date, regardless of their I-94 status.
- Flag anyone with upcoming international travel, as reentry after September 15 will result in a fixed I-94 expiration date.
- File extension requests as early as possible and incorporate this lead time into annual contracting and credentialing processes.
- Remember to include J-2 visa dependents of J-1 holders in extension filings, as their status is tied to the principal physician.

Thomas adds that further guidance from USCIS, ICE and DHS is expected before the September 15 effective date, so "keep your compliance procedures flexible to adapt as new information becomes available."

Resources

- Final rule, Department of Homeland Security, "Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media," July 17, 2026: www.federalregister.gov/documents/2026/07/17/2026-14439/establishing-a-fixed-time-period-of-admission-and-an-extension-of-stay-procedure-for-nonimmigrant
- American Association of Medical Colleges (AAMC), "AAMC Statement on Duration of Status Final Rule," July 17, 2026: www.aamc.org/news/press-releases/aamc-statement-duration-status-final-rule



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