

United States Senate

WASHINGTON, DC 20510-3205

June 2, 2026

The Honorable Robert F. Kennedy Jr.
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Kennedy,

I write to express my serious concern regarding significant processing delays at the Department of Health and Human Services (HHS) for J-1 visa waiver recommendations under the HHS Exchange Visitor Program.¹ The current administrative bottleneck within the Office of Global Affairs (OGA) is preventing hundreds of qualified, foreign-trained physicians from beginning their service around the United States², including at healthcare facilities in some of New York's most rural and medically underserved areas. Particularly as New York relies more heavily on international medical graduates than nearly every other state³, this backlog disproportionately impacts the ability of my constituents to access necessary care in a timely manner. I urge you to address these delays and provide a clear path forward for these essential medical professionals to support our healthcare system.

New York faces a severe physician shortage that is particularly acute in its rural and medically underserved communities. A 2025 report highlights that 16 of the state's rural counties face alarming gaps in care, with several counties lacking even a single pediatrician or OB-GYN.⁴ On average, these counties have only four primary care physicians per 10,000 residents, which is less than half the statewide ratio.⁵ To bridge this gap, New York hospitals rely on the J-1 visa waiver program, which allows international medical graduates to waive their two-year home residency requirement⁶ and stay in the United States if they commit to working in a Health

¹ U.S. Department of Health and Human Services, "Exchange Visitor Program," accessed May 8, 2026, <https://www.hhs.gov/about/agencies/oga/about-oga/what-we-do/exchange-visitor-program/index.html>.

² CBS News, "Delays in Visa Program Threaten Placement of Hundreds of Doctors in Underserved Areas," May 1, 2026, <https://www.cbsnews.com/news/h1b-visa-program-doctors-delays/>.

³ Association of American Medical Colleges (AAMC), "2025 State Physician Workforce Data Report: Key Findings," May 4, 2026, <https://www.aamc.org/data-reports/data/2025-key-findings>.

⁴ New York State Comptroller Thomas P. DiNapoli, "Rural Counties Face Shortage of Health Professionals," August 11, 2025, <https://www.osc.ny.gov/press/releases/2025/08/dinapoli-rural-counties-face-shortage-health-professionals>.

⁵ *Ibid.*

⁶ U.S. Department of State, "Waiver of the Exchange Visitor Two-Year Home-Country Physical Presence Requirement," accessed May 8, 2026, <https://travel.state.gov/content/travel/en/us-visas/study/exchange/waiver-of-the-exchange-visitor.html>.

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Professional Shortage Area as designated by the Health Resources and Services Administration. Over one third of New York's physicians are international medical graduates, more than nearly every other state, making it an essential tool in addressing the state's physician workforce crisis.⁷

The impact of the current delay is substantial. My office has received multiple reports from New York hospitals and constituent physicians who have received employment offers from major hospital systems but have remained in administrative limbo for months without clear guidance from HHS. These administrative hurdles are not merely inconvenient; they threaten the stability of our healthcare system and the well-being of New Yorkers who face delays in treatment or an inability to access care altogether.

The timing of these delays is particularly perilous because many physicians currently finishing their residency programs face a July 30th deadline to avoid a mandated return to their home countries.⁸ If their waivers are not recommended by HHS in time for subsequent processing by the State Department and U.S. Citizenship and Immigration Services, these doctors may be forced to leave the country and New Yorkers will bear the consequences.⁹ These vacancies are historically difficult to fill, and under the impending deadline, it would be nearly impossible to recruit a candidate that does not require visa support or trigger significant financial consequences for these New York hospitals. Under the Presidential Proclamation of September 19, 2025, titled "Restriction on Entry of Certain Nonimmigrant Workers," if a physician's status lapses, the employer must pay a new \$100,000 fee to re-initiate the hiring process for each candidate seeking^{10, 11} This is plainly infeasible for New York's rural and safety-net hospitals, many of which already experience severe labor shortages.

Prior correspondence from HHS to my office dated April 13, 2026, acknowledged OGA is processing a large volume of applications while implementing procedural improvements, but the agency has not given an estimated timeline for these improvements. In the immediate term, more must be done to address the timeliness of application processing. The lack of case-specific timelines presents significant difficulty for New York hospitals creating staffing plans for the upcoming year. Given that the OGA has historically reviewed these cases in a one-to-three-week timeframe¹², the current months-long delay is untenable.

⁷ See note 3 above.

⁸ See note 2 above.

⁹ *Ibid.*

¹⁰ The White House, "Presidential Proclamation: Restriction on Entry of Certain Nonimmigrant Workers," September 19, 2025, <https://www.whitehouse.gov/presidential-actions/2025/09/restriction-on-entry-of-certain-nonimmigrant-workers/>.

¹¹ U.S. Citizenship and Immigration Services, "H-1B FAQ: Proclamation Requiring \$100,000 Payment for New H-1B Visa Petitions," September 21, 2025, <https://www.uscis.gov/newsroom/alerts/h-1b-faq>.

¹² See note 2 above.

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New York's healthcare providers cannot afford to lose qualified doctors to administrative red tape. I request answers to the following questions by June 15, 2026:

1. How many J-1 waiver applications are currently pending a recommendation from the HHS Exchange Visitor Program?
2. Of the total pending applications, how many involve physicians committed to working at facilities located in New York State?
3. What is the current average processing time for a J-1 waiver recommendation from HHS, and how does this compare to the average timeframe from previous fiscal years?
4. What specific process improvements is the OGA currently implementing, and what is the estimated date by which these changes will result in a return to standard processing speeds?
5. Given the impending July 30 deadline, will HHS commit to implementing an expedited review or emergency batch processing for physicians with signed contracts in high-need areas?

Thank you for your attention to this matter. I look forward to your timely response.

Sincerely,



Kirsten Gillibrand
United States Senator

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