

MEDICAL TOURISM VISAS

Successfully Tackling Immigration Issues



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Passport and visa considerations are faced by everyone seeking medical treatment outside their home country. Simply stated, if you cannot get into the country, you cannot receive the care you seek.

While each government has its own regulations and requirements for visas for medical tourists, understanding general principles about such visas is essential if you fall into the following categories:

- Facilitator helping clients receive care in another country;
- Health care provider recruiting patients from other countries to use your services;
- Government policy maker identifying visa issues; or
- Person seeking medical care in another country.

Despite its flaws and frustrations, a great deal can be learned from the US immigration system about obtaining a visa for medical treatment and the particular steps followed by tourists. The process and documentation required by the US system, while perhaps more extensive than other countries, is a role model for medical tourists traveling anywhere for medical care. Let's examine which documents are needed to gain legal entry into the United States for the purposes of medical tourism as well as the application process itself.

What Travel Documents are Needed?

Travel into the United States by nationals of other countries requires that the individual have two documents: a valid passport and a valid visa. If you do not have a passport, immediately apply to your local passport authority. If you do have a passport, check its expiration date to make sure it is valid or apply for a passport renewal. In general, to enter the US, a passport should be valid for 90 to 180 days from either the date of entry or the date of intended departure. Clarify the passport validity requirements with the local US Consulate as the requirements differ based on the person's nationality.

A visa is a certificate issued to an individual and placed in the person's passport by a duly authorized governmental agent verifying that permission has been granted to enter the country for a specific period of time and for a specific purpose. Visas are typically issued by the US Consulate with jurisdiction over the person's place of residence; however, some countries allow their citizens to apply for a visa at any US Consulate. For example, a citizen of Rio de Janeiro, Brazil can apply for a visa at any US Consulate in Brazil

even though the Consulate in Rio de Janeiro is the closest to the city where the person lives. In addition, a person may be able to obtain a visa at a US Consulate in any other country of which he is not a foreign national. Listings of all US Consulates are available on the internet at: www.usembassy.gov.

Requirements to Obtain a US Visitor Visa for Medical Treatment

Under US immigration law, medical tourists are considered to be visitors and must meet the requirements for obtaining a visitor visa, also called a B-2 visa. When contacting the US Consulate to apply for a B-2 visitor visa, keep in mind that the applicant must prove all of the following elements to qualify for the visa:

- The purpose of the trip is to receive medical treatment;
- The stay in the United States will be of a limited and defined period of time;
- The Applicant has sufficient funds to cover all expenses including the cost of medical care while in the US;
- Evidence of financial and social ties to the home country; and
- Evidence of a residence outside the US to which the applicant will return once the purpose of the trip is concluded.

Before starting the application process, it is essential to collect the documentation needed to prove each of the five itemized points as well as holding a valid passport. While each application is unique, here are some suggestions for the types of documentation needed to satisfy the B-2 visa requirements.

To prove the purpose of the trip is to receive medical treatment, obtain a letter from each doctor or hospital in the US that is going to provide medical care from initial evaluation to testing to surgical procedures to rehabilitation services. Each letter should be on business stationery, signed and dated by the doctor and state the diagnosis, course of treatment, estimated costs and length of treatment. An explanation as to why the person is coming to the US for treatment must be provided. If possible, have the person's doctor in the home country provide a letter supporting the patient's decision to get medical treatment in the United States.

Documenting the period of time that an individual will stay in the US can be accomplished by a round trip airline ticket, travel itinerary including hotel accommodations, and doctor's letter specifying the length of treatment including recuperation. It is reasonable to ask for a period of time before and after the medical treatment to remain in the United States in order to arrive and recover from jet lag as well as to relax for a few days before heading back home. Factor these extra days into the period of time that you request to be allowed to stay as a medical tourist.

Often times medical tourists will come to this country and stay with a friend or relative who is referred to as a "sponsor". In this situation, a letter of invitation from the sponsor is needed that spells out how long the medical tourist is expected to stay as well as any financial arrangements made on behalf of the tourist. For example, a sponsor's letter of invitation may state "My aunt, Susan Miller, is invited to stay with me for one month at my home. During her stay, I will provide food and transportation for her as well as any miscellaneous expenses."

Along with the letter of invitation, the sponsor should complete Form I-134, Affidavit of Support, which is available on the internet at www.uscis.gov and click on "Immigration Forms". Financial information from the sponsor like the most recent Federal Tax Return, pay stub, or bank statement should be attached to the Affidavit of Support. The sponsor must have legal status in the United States and submit documentation to prove it.

The US government is extremely concerned about individuals coming to the US for free medical care so be prepared to carefully document the ability of the medical tourist to pay for all aspects of medical treatment and other expenses during the visit. Proof of the individual's financial ability to pay for the medical care can

When does an individual go from being a "tourist" to a "medical tourist"?

The answer to that question depends on the primary purpose of the visit. If the reason a person travels to the US is to obtain medical treatment, then it is appropriate to apply for a visitor visa as a medical tourist. If the medical treatment is incidental to the visit such as a dental or medical checkup with the majority of time being spent sightseeing or being with family, then the person probably is a visitor and not a "medical tourist".

The distinction is important in terms of the documentation needed when applying for the tourist visa. Medical tourists must provide substantially more documentation.

consist of bank statements or documents showing the amount of cash on hand, investments, loans, and other assets. A copy of a contract detailing financial arrangements between the US health care provider and medical tourist should be supplied as part of the visa application process.

Under US immigration laws, there is a presumption that every visitor has the intention to stay in the US indefinitely so medical tourists must prove that they have financial and economic ties to their home country that are strong enough to compel return to the home country. Documentation to meet this requirement includes a deed or lease on a place of residence; foreign bank accounts; employment; immediate relatives; assets such as a car, business, and other property.

In general, it is better to have too much documentation rather than too little when preparing to apply for a visitor's visa for medical purposes.

The Visa Application Process

Once you have collected the necessary documentation, contact the appropriate Consulate to download Form DS-156 (available on the Consulate's website) and to schedule an appointment. Consular websites, found at the US Department of State's website www.usembassy.gov, contain instructions about payment of the visa application fee as well as logistical issues such as date and time of interview, photographs, fingerprinting, and additional security screening.

A security clearance must be completed before the individual will be issued the visa. Following the tragedy of September 11, 2001, heightened security can cause lengthy delays or result in visas being denied. Expect delays. Perhaps you will be pleasantly surprised but hopefully not disappointed.

What happens if the visa is denied? If the visa application is denied, get as much detail as possible about the reasons it has been refused including the section of the immigration laws justifying the denial. Ask the interviewer what additional documents can be submitted to have the application reconsidered. You may be able to get additional information to satisfy the interviewer or the decision may stand with no option to appeal.

At the successful completion of the application process, a visa certificate or visa stamp will be placed in the passport allowing the tourist to begin the journey to the United States for medical

treatment. The visa certificate will be a valid for a defined period of time so that entry in the US must take place during the specified dates of validity. The visa may allow a single entry or multiple entries. Read the visa stamp carefully to be clear on these details.

Visa Issues at the Time of Entry into the United States

The immigration issues do not end when the visa stamp is issued at the Consulate.

Every individual who comes to the United States must demonstrate to a US Citizenship and Immigration Services (USCIS) officer at the time of entry into the US that the person intends to maintain their legal status for any authorized period of stay. In other words, when an individual such as a medical tourist arrives in the United States and presents his or her passport and visa stamp to an immigration officer, the officer must believe that the person intends to be in the US as a medical tourist to receive medical treatment, has the financial ability to pay for that treatment, and has sufficient ties to return home at the end of treatment.

At the time of entry into the US, the immigration officer has three options. She can admit the person for a limited and defined period of time up to six months, hold the person for additional questioning, or deny entry into the United States and compel the person to return immediately to their home country. To ensure the best outcome, medical tourists should travel to the United States with the supporting documentation detailed above to ensure entry into the US for the intended medical treatment.



When admitted to the United States as a B-2 medical tourist, the immigration officer will stamp the passport showing that the person has been admitted in B-2 status and the length of time granted for the visit. Medical tourists may be confused that the visa stamp issued by the Consulate is valid for a certain period of time while the stamp issued at the time of entry is for a different period of time. The validity dates of the visa issued by the Consulate indicate the time period during which an individual may attempt to enter the United States; however, it is the immigration officer at the port of entry that determines how long the person may remain. The length of stay given by the immigration officer at the time of entry, not the validity dates of the visa, is the period of time the person is authorized to remain legally in the United States.

Visitors may be granted an initial period of stay for up to six months. An extension of another six months is possible. Under certain extreme circumstances, a medical tourist may be authorized to remain in the US for additional medical treatment for a period beyond one year but the situation must be extraordinary and compelling.

Beware of claims from unscrupulous insurance companies selling policies that pay for medical expenses in the United States for medical tourists.

Insurance policies typically do not cover prearranged medical treatment but are designed to pay for medical care resulting from an emergency or accident. Before buying any health insurance associated with medical tourism, make sure you understand what medical services are covered and which are not.

An educated consumer is the best protection against misrepresentation or fraud.

When planning to depart from the US to return home after medical treatment, it is wise to set a departure date at least two days before the authorized period of stay is due to expire. Overstaying a visa is a serious offense and cause for the USCIS to refuse entry the next time the person wants to come to the US for any reason. Waiting to leave until the last day of authorized stay can result in unfortunate circumstances such as a cancelled or delayed flight or missing the flight which causes the person to overstay the visa. Remaining in the United States for even one day past the date of authorized stay is a violation of the visitor visa status and will almost certainly interfere with future trips to the US.

Lessons for Medical Tourists to Other Countries

While some of this information is strictly related to the US system, the basic principles behind the visitor visa requirements apply generally to the process for obtaining medical tourism visitor visas to other countries. For example, India has created a category of visas specifically for medical tourists. While much “friendlier” than the US application process, the Indian medical tourist visa does look at similar issues such as the availability of medical treatment in the home country, the type of medical treatment to be provided in India, where treatment will be provided, and related issues. The application process and much of the documentation is similar to the US system. India, like the US, is concerned about abuses of the visa system but has adopted a pro-medical tourism policy that is lacking in the United States. The policies and processes behind medical tourism visas in many other countries is a variation on the theme set by the United States.

The US system for issuing visitor visas for medical tourists provides insights as to policies and documentation needed for medical tourists of any nationality traveling to any country for medical services. Regardless of the destination for medical treatment, make sure to verify the passport and visa requirements of the country where treatment will be provided as well as the documentation needed to obtain the necessary visa. With planning and preparation, the immigration issues should go smoothly so that the focus of the trip can be on obtaining medical treatment and returning to good health. ■

The information contained in this article is for general informational purposes and is not intended to constitute legal advice. Consult a qualified immigration attorney for advice pertaining to specific situations as each case is unique and may require attention.

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