



After deported M.D. case, keep alien providers safe, especially if they travel

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The recent revocation of a physician's visa, and her expulsion from the United States, spotlights a potential concern for practices employing providers who are foreign nationals.

Rasha Alawieh, M.D., a kidney transplant expert and an assistant professor at Brown University in Providence, R.I., was denied reentry to the U.S. when returning from a trip to her home country of Lebanon on March 13. Despite a judge's order to delay her deportation, Alawieh was forcibly removed to Lebanon. Legal action to allow her return to the U.S. is pending.

The U.S. Department of Homeland Security (DHS) posted on social media site X on March 17 that Alawieh had "traveled to Beirut, Lebanon, to attend the funeral of Hassan Nasrallah — a brutal terrorist who led Hezbollah, responsible for killing hundreds of Americans over a four-decade terror spree. Alawieh openly admitted this to CBP officers, as well as her support of Nasrallah."

Thus, DHS claimed, Nasrallah was "glorifying and supporting terrorists who kill Americans," which they said was "grounds for visa issuance to be denied."

The New York Times reported that DHS "did not say how it knew that Dr. Alawieh had attended the funeral, which was held in a sports stadium and attracted tens of thousands of people. It also did not respond to questions about whether Dr. Alawieh has been accused of a crime or immigration violation."

Reports by Reuters and other outlets said the U.S. Department of Justice (DOJ) had told the judge that Alawieh had "sympathetic photos and videos' of the former longtime leader of Hezbollah [Nasrallah] and militants in her cell phone's deleted items folder."

Alawieh held an H1-B visa, a "specialty occupation" work visa. This is different from the J-1 visa, which allows foreign knowledge workers to come to the U.S. and train as part of a cultural or professional exchange between countries but also requires the holder to return to their home country for two years before they can come back to the U.S., unless they get a waiver. It's also distinct from the green cards held by resident aliens ([PBN 7/10/23](#)). H1-B holders may apply for a green card.

Given that many hospitals, schools and practices employ foreign nationals who hold U.S. visas, especially in Health Professional Shortage Areas (HPSA) where native-born clinicians are hard to find, the prospect of a sudden deportation of medical staff may be a concern.

Legal, enforcement issues

While the specific circumstances vary, all U.S. visas as well as green cards are subject to revocation. Experts agree that there has been no recent significant change in the laws and regulations concerning these revocations.

"The overall risk seems higher because of what is being reported," says Kate M. McCarroll, an immigration and nationality law attorney and member of the Kerr Russell firm in Detroit, "but because there is no change in policy, there really is no specific additional risk."

Henry M. Mascia, partner with the Rivkin Radler firm in New York City, says he has not seen immigration officials coming after foreign national doctors at worksites "and we don't necessarily expect it either."

What has changed, Mascia says, is the aggressiveness with which authorities are pursuing such cases under the Trump administration. "While I don't think physicians will be subject to increased scrutiny," he says, "I do think Homeland Security is going to use national security grounds of admissibility a lot more aggressively than we've seen in the past."

Some possible legal bases for deportations such as Alawieh's can be seen in 8 U.S.C. § 1182, "inadmissible aliens." For example, the law designates as inadmissible any alien who is "associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States."

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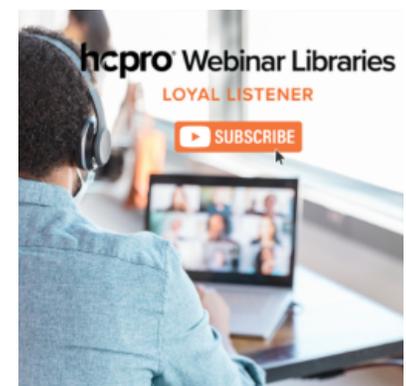
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Perhaps more to the point, the law also casts as inadmissible aliens “whose entry or proposed activities in the United States the Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States,” and “any immigrant who is or has been a member of or affiliated with the Communist or any other totalitarian party (or subdivision or affiliate thereof), domestic or foreign.”

“I could see CBP [U.S. Customs and Border Protection] interpreting ‘totalitarian party’ quite broadly,” Mascia says.

Travel trouble

The Alawieh case suggests two issues for visa-holding physicians: travel outside the U.S. and, given DOJ’s citation of files on her phone, items the physician may carry in and out of the country, especially digital items.

“We are not advising our clients not to travel,” McCarroll says, “but certainly, at this time I would refrain from international travel that is not critical. This increased ‘enforcement’ is still new, and there is a lot we do not yet know, nor do we have enough data to identify patterns.”

McCarroll adds, “it also seems to be the case that there are particular nationalities that are being targeted, as well as where the individual has traveled.”

While the Middle East connection here is obvious, Mascia points out that “the United States has recently [applied] terrorist designations to various entities, including drug cartels and things of that nature.”

In February the State Department designated some “international cartels” based in Central and South America as terrorist organizations, including Tren de Aragua (TdA), to which the U.S. claimed dozens of foreign nationals it controversially sent to an El Salvadoran prison camp belonged.

If the provider must travel, McCarroll says, “it is advisable that they contact immigration counsel. The attorney will obviously not be able to make any promises, but he/she can advise on the specifics of that provider’s immigration situation, if there are any concerns.”

The inspection of Alawieh’s phone, including the alleged deleted files, presents another warning, says Mascia: “You can see how CBP could find evidence to say, ‘here’s someone we think is adverse to U.S. foreign policy.’ So you have to be very cautious when you’re crossing the border and expect that anything on your phone will be seen by the officer and can be used in their process and decision to admit you.”

“Travelers should not take anything with them that they do not need,” McCarroll advises. “A review of social media, emails, texts, etc., prior to travel is absolutely critical to ensure that, if [immigration] officers were to do a deep dive, they would find nothing they believed suspicious. Finally, make sure that someone in the practice is aware of the provider’s travel plans and that the provider is able to reach that person at all times, should they need to.”

Don’t forget visa terms

Whether or not physicians travel, it remains important to make sure foreign nationals’ visa requirements, including those that change over time, be kept up to date. The U.S. Immigration and Customs Enforcement agency, aka ICE, has authority, albeit with some legal limits, to audit the records that both the provider and the practice must maintain for such employees ([PBN 2/3/25](#)).

Hashim G. Jeelani, Esq., principal attorney at the Jeelani Law Firm PLC in Baltimore, suggests the practice take care to ensure visa conditions, such as the J-1 waivers, are filed on time to avoid gaps in status and, in cases where the employee is eligible, “sponsor providers for permanent residency” by assisting with green card applications.

Resources

- Post, U.S. Department of Homeland Security, X, March 17, 2025: <https://x.com/DHSgov/status/1901668299793899705>
- New York Times, “Brown University Professor Is Deported Despite a Judge’s Order.” March 17, 2025: www.nytimes.com/2025/03/17/us/rasha-alawieh-brown-university-doctor-deported-hezbollah.html
- Reuters, “Doctor deported to Lebanon had photos ‘sympathetic’ to Hezbollah on phone, US says,” March 17, 2025: www.reuters.com/world/us/doctor-deported-lebanon-had-photos-sympathetic-hezbollah-phone-us-says-2025-03-17/
- U.S. State Department, “Designation of International Cartels,” Fact Sheet, Feb. 25. 2025: www.state.gov/designation-of-international-cartels/



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