



U.S. Citizenship
and Immigration
Services

HQ 70/6.2.10

Interoffice Memorandum

To: Regional Directors
Service Center Directors
District Directors
National Benefits Center Director
Chief, Service Center Operations
Chief, Field Operations

From: Mike Aytes /s/
Associate Director of Domestic Operations
U.S. Citizenship and Immigration Services
Department of Homeland Security

Date: January 29, 2007

Re: **Public Law 109-477 – Two-Year Extension of Conrad State 30 Program**

1. Purpose

The purpose of this memorandum is to notify U.S. Citizenship and Immigration Services (USCIS) officers that the Conrad State 30 Program has been extended until June 1, 2008 (the program was set to expire on June, 1, 2006). This change became effective on May 31, 2006. The following guidance details the effect of this two-year extension on the adjudication of Form I-612, Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, and Form I-129, Petition for Nonimmigrant Worker.

2. Background

Section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (INTCA)¹ established the Conrad State 20 Program (later changed to the “Conrad State 30 Program”²) to

¹ Pub.L. No. 103-416, 108 Stat. 4305. INTCA § 220 amended section 212(e) of the Immigration and Nationality Act (INA), and added a new subsection to INA § 214(k). The subsection was subsequently amended further and changed to INA § 214(l) in 2002. 21st Century Department of Justice Appropriations Authorization Act, Pub. L. No. 107-273, § 11018, 116 Stat. 1758 (2002).

² 21st Century Department of Justice Appropriations Authorization Act, Pub. L. No. 107-273, § 11018(a), 116 Stat. 1758 (2002).

address the shortage of qualified physicians in medically underserved areas. In 2004, Congress amended the Conrad State 30 Program to make the J-1 waiver physicians H-1B cap exempt. In addition, specialists now qualified for the waiver.³ Under the Conrad State 30 Program, each state health department may recommend waivers of the two-year home residency requirement provided for in INA § 212(e) for up to 30 foreign medical graduates who are present in the U.S. in J-1 nonimmigrant status. To obtain a waiver under the Conrad State 30 Program, a foreign medical graduate must agree to practice medicine for at least three years in a geographic area or areas designated by the Department of Health and Human Services (HHS) as having a shortage of health care professionals. Each state must designate one agency as its Department of Public Health or equivalent for purposes of applying for waivers under Conrad State 30 Program.⁴

3. Public Law 109-477

On January 12, 2007, through enactment of Pub.L. 109-477, Congress extended the Conrad State 30 Program until June 1, 2008. The two-year extension became effective retroactively on May 31, 2006.

4. Procedural Impact

USCIS officers should continue to accept and adjudicate all Form I-612 applications and Form I-129 petitions pertaining to J-1 physicians who are seeking a waiver under the Conrad State 30 Program.

5. Questions

Questions regarding this memorandum may be directed through appropriate channels to Service Center Operations or Regulations and Product Management.

6. Notice

This memorandum is intended solely for guiding USCIS personnel in performance of their professional duties. It is not intended to be, and may not be relied upon, to create any right or benefit, substantive or procedural, enforceable at law by any individual or other party in removal proceedings, in litigation with the United states, or in any other form or manner.

³ Pub.L. No. 108-441, 118 Stat. 2630 (2004).

⁴ 60 Fed. Reg. 16785, 16786 (Apr. 3, 1995).