

THE UNIVERSITY OF IOWA
OFFICE OF FACULTY AND STAFF IMMIGRATION SERVICES

INFORMATIONAL BULLETIN
CONRAD 30 PROGRAM FOR J-1 WAIVERS
(Updated February 9, 2018)

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Introduction

Foreign Medical Graduates (“FMGs”), who have obtained post-graduate medical training in the United States, and who were in “J-1” Status for such training, are subject to the “Two-Year Home Return Rule” (sometimes referred to as “Rule 212(e)” based on the provision of the Immigration and Naturalization Act imposing this requirement). Rule 212(e) mandates that the FMG may not (i) change his/her nonimmigrant status, (ii) obtain an H-1B visa, or (iii) apply for permanent residency, until s/he has spent an aggregate of twenty-four months in his or her home country.

The purpose for this rule is to return some measure of the benefit received by the FMG in the way of advanced medical training to the FMG’s home country. The rule has no exceptions. As a result, FMGs wishing to accept employment in the United States without satisfying Rule 212(e) are forced to seek a “waiver” from the “Two Year Home Return Rule” (referred to as “Rule 212(e) Waivers”).

The Conrad 30 Program

The “Conrad 30” Program was designed to address the chronic shortage of rural primary care physicians by making available a limited number of Rule 212(e) Waivers to IMGs. Although the program is a federal one, it is almost entirely administered by each state’s Department of Public Health. The key features of the Conrad 30 Program are as follows:

- Each State may sponsor a total of thirty **new** IMGs each federal fiscal year (October 1 to September 30) for a Rule 212(e) Waiver;
- Eligibility is based upon a **three-year** term of service with a medical facility **physically located** in:
 - a federally designated Health Protection Shortage Area (HPSA);
 - a federally designated Medically Underserved Area (MUA); or
 - a non-HPSA or non-MUA **if the IDPH determines that the physician’s clinical service would meet the needs of a medically underserved population.**

1. ***Physicians Working in Non-HPSA, Non-MUA Locations***

The UIHC is not located in either an HPSA or an MUA. Under a 2004 amendment to the Conrad 30 Program, each State Department of Public Health was authorized to utilize ***up to ten*** of its thirty slots per year for physicians practicing at a clinic that is not located in either a HPSA or a MUA. These slots are referred to as “FLEX” slots.

2. ***Application Process for “FLEX” Slots***

a. Submission to CCOM

If a CCOM Department wishes to apply for a Conrad 30 slot in a ***non-MUA/HPSA*** location (i.e., at the UIHC), the first step in the process requires the sponsoring Department to submit a Conrad 30 Waiver Application to the College of Medicine. The form is attached to this Memorandum. In completing the Application, please bear in mind that the Application must be approved by the ***sponsoring Department DEO*** and submitted by the ***sponsoring Department***. Applications received directly from the IMG will be rejected.

The completed Conrad 30 Waiver Application should be submitted to Lois Geist (230 CMAB; lois-geist@uiowa.edu).

Applications may be submitted ***prior to August 1*** for Conrad 30 Waiver Applications to be submitted to the Iowa Department of Public Health in that calendar year.

Please note that Conrad 30 Waiver Applications received in the current year should be for physicians to begin work the following year: that is, an application submitted on August 1, 2018 should be for a physician to begin work on or about July 1, 2019.

Applications will be considered based on date of application (i.e., “first come, first served”), subject to:

- The availability of other Rule 212(e) Waivers to the candidate, e.g., sponsorship by the Veterans Affairs Medical Center

NOTE: the sponsoring Department should exhaust the possibility of VAMC sponsorship before pursuing a Conrad 30 Waiver Application. Questions regarding the VAMC Waiver process should be directed to the University of Iowa Office of Faculty and Staff Immigration Services (randall-ney@uiowa.edu).

- The availability of O-1 Status to the candidate
NOTE: candidates with an extensive record of published scholarship may be eligible for O-1 status, which, if successful, would be valid for 3 years (renewable annually thereafter). Thus, O-1 status is an option to obtain employment authorization for the candidate at the University while awaiting a Conrad 30 slot to become available.
- The number of Conrad 30 Applications submitted by the University on behalf of the sponsoring Department in the current or immediately prior year; and
- The overall staffing needs of the CCOM.

**IMPORTANT NOTES REGARDING ELIGIBILITY CRITERIA FOR A CONRAD 30
WAIVER:**

1. The sponsoring Department must have engaged in a *national* search for the position to be filled by the sponsored physician **continuing up through a date at least six months prior to the Application’s submission** to the IDPH (i.e., *the national search must conclude no earlier than April 1st of the year in which the Conrad 30 Application will be submitted to the IDPH*), and that the sponsoring Department must demonstrate that it was unable to attract “a suitable replacement for the physician through traditional recruitment methods”
2. The physician’s services will meet the needs of “medically underserved patients,” that is, patients who are: (i) covered by Medicaid / Medicare; (ii) medically indigent; or (iii) resident in a federally designed “Medically Underserved Area” in Iowa.
3. The physician must apply for Iowa Medical Licensure
4. The physician must be eligible for H1b status, which requires passage of USMLE Parts I, II and III.

b. *Determination by Carver College of Medicine*

The CCOM will notify the sponsoring Department as soon as practicable after receipt of the completed Conrad 30 Waiver Application as to the status of the candidate under the following rubric:

Denied; or

Accepted as:

- **Phase I Candidate No. ____ :**

NOTE: the IDPH accepts “Phase I” Applications from September 1 to October 31. The University of Iowa will submit no more than five (5) Applications to the IDPH in Phase I;

- **Phase II Candidate No. ____ :**

NOTE: if slots remain in the Conrad 30 program at the conclusion of Phase I, the IDPH accepts “Phase II” Applications from November 1 until all 30 Conrad 30 slots are exhausted.

c. *Submission to IDPH*

Once the College of Medicine has made its determination, the following steps will need to be taken before the sponsored physician may begin work at the U of I:

- (i) *Submission of DS 3035 Application to Department of State:* This step involves the completion of a fairly simple on-line application by the sponsored physician,

working closely with the U of I Office of Immigration Services. This step also involves the payment of a **\$120 application fee** by the sponsored physician to the Department of State (this fee must be paid by the sponsored physician in the form of a money order or cashiers check – the sponsoring Department may then reimburse the sponsored physician for this fee). The Department of State then issues a “J-1 Waiver Number” that will be utilized throughout the remainder of the process. Ideally, this step would be done in **August**.

- (ii) *Submission of Conrad 30 Application to IDPH:* this step involves the assembly of a Conrad 30 Application to the Iowa Department of Public Health by the Office of Faculty and Staff Immigration Services, working closely with the sponsoring Department. Ideally, the Conrad 30 Application would be submitted to the IDPH **on or about September 1, but no later than October 30**.
- (iii) *Payment of Administrative Fee to UI FSIS:* the sponsoring Department will be charged a \$3,000 administrative fee, payable to the Office of Faculty and Staff Immigration Services at the time the Conrad Application is submitted to the IDPH;
- (iv) *Issuance of Recommendation Letter from IDPH:* **On or about December 12**, the IDPH will notify the University if the application has been approved. If IDPH approves the application, that entity will issue its letter of recommendation to the Department of State, indicating that the IDPH will sponsor the physician for a Rule 212(e) Waiver;
- (v) *Issuance of Recommendation Letter from Department of State:* Typically **within 4 to 6 weeks** after the issuance of the IDPH recommendation letter, the Department of State will issue its letter of recommendation to the United States Immigration and Citizenship Service (“USCIS”), indicating that the Department of State recommends that the USCIS approve a Section 212(e) Waiver for the physician. The physician should receive a copy of this letter directly from the Department of State;
- (vi) *Issuance of I-612 Waiver by USCIS:* Typically **within 6 to 8 weeks after the issuance of the Department of State recommendation letter (i.e., typically by the end of February in the year following the initiation of the waiver process)**, the USCIS will issue the I-612 Waiver Approval. The physician should receive the I-612 Waiver Approval directly from the USCIS.
- (vii) *Filing of H1b Petition by The U of I with the USCIS:* Immediately upon receipt of the USCIS I-612 Waiver Approval, the Office of Faculty and Staff Immigration Services will file the University of Iowa’s H-1B Petition on behalf of the sponsored physician. Upon approval of the H-1B Petition (15 days under expedited processing [\$1225 fee to USCIS]), the sponsored physician may begin his/her employment at the U of I and begin the three-year required term of service to obtain the Section 212(e) waiver.

Given the fairly inflexible timelines that the necessary processing times will take, the sponsoring Department and the sponsored physician should understand that the very earliest possible date the physician could begin work would be March 1 of the year following the commencement of the application process. Ideally, the sponsoring Department would be recruiting a physician who will not complete his/her residency or fellowship until July 1 of the following year.

Rule 212(e) WAIVER APPLICATION
CONRAD 30 PROGRAM

Submit no later than August 1

Date:

Department Name:

Department Contact Information

Department Contact Name:

E-mail Address:

Foreign National Information

Name:

Current Employer:

Country of Birth:

E-mail Address:

Position Information

Anticipated Employment Start Date:

Job Title:

Brief Description of Anticipated Job Duties:

Brief Description of Difficulty in Recruiting to Fill the Position:

The sponsoring Department pay a \$3,000 administrative fee the Office of Faculty and Staff Immigration Services at the time the Conrad Application is submitted to the IDPH by interdepartmental transfer using MFK No.

Department Chair or Executive Officer

Date

Submit the Completed Application to:

*Lois Geist
230 CMAB*

lois-geist@uiowa.edu