

## J-1 Conrad Waivers: Should I Stay or Should I Go?

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As another year of medical residency registration begins across the U.S., J-1 physicians in their final year of training find themselves at a critical crossroads: they can return to their respective home countries at the conclusion of their training, as required by Section 212(e) of the Immigration and Nationality Act (INA), or they can attempt to get the two-year home residency requirement waived. If the decision is to pursue a waiver, it is a critical time to proceed.

The most popular waiver option, the “Conrad Waiver” or “Conrad State 30 Program,” comes with a few strings attached. In order to qualify, the J-1 physician must be sponsored by a state health department and must commit to practice for three years in a medically underserved area. For the 1,500 physicians (30 from each state) fortunate enough to secure one of these waivers, they will be eligible to change from J-1 to H-1B status typically and remain in the United States (U.S.) while working in a medically underserved area. Such a period of service may not be every J-1 physician’s long-term career goal, but for many such physicians, the three-year Conrad Waiver commitment can be a meaningful service opportunity, while providing quality healthcare to some of our nation’s most deserving communities.

### **The Waiver Application Process**

Applying for a J-1 Conrad Waiver is a multi-step process that begins when the J-1 physician submits an online application to the U.S. Department of State (DOS) Waiver Review Division (WRD) to obtain a waiver number. The physician must then submit an application, accompanied by significant employer input, to the relevant state health department in order to be considered for sponsorship. Each state has its own specific rules, procedures, preferences and deadlines. For example, the Arizona Department of Health Services opens its application cycle each October and closes the cycle on November 30, while the Texas Health and Human Services accepts applications between September 1<sup>st</sup> and September 14<sup>th</sup> 2018.

Once the state health department selects the 30 applications it wishes to sponsor, it will forward favorable recommendations in support of each application to the DOS. The DOS will match up the physician’s application with the state health department’s recommendation, complete its review, and then forward the application with its own favorable recommendation to the United States Citizenship and Immigration Services (USCIS) for final approval. USCIS then issues the final, official waiver approval notice. After the Conrad Waiver is approved (or recommended by DOS), the employer may file an H-1B petition with the USCIS on behalf of the physician, which if approved, grants the physician work-authorized status for an initial period of three years.

The entire waiver approval process can take anywhere between 6-10 months depending on whether premium processing is used with USCIS. Therefore, when applying for a waiver in the fall, physicians should plan to start working for the sponsoring employer the following summer. In fact, USCIS regulations require physicians *to agree to begin* full-time employment at the health care facility within 90 days of receipt of the waiver, something that should be carefully considered.

### **Qualifying Locations**



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Conrad Waiver physicians may only work in health care facilities located in an area designated by U.S. Department of Health and Human Services (HHS) as a Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Medically Underserved Population (MUP) typically. Such facilities must be operational and have been providing patient care for at least six months at the time of the waiver application. They must also accept state Medicaid (AHCCCS) and Medicare assignments, and in many states, they must use a sliding fee scale for patients who are uninsured or below 200% of the Federal poverty level.

States generally fill the bulk of their 30 waiver slots with primary care physicians and psychiatrists, leaving a smaller number available for specialists.

### **Conclusion**

For J-1 physicians who do not wish to place their careers on hold with a two-year detour to their home countries, the Conrad Waiver could be a realistic option with the right employer.

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