

UNCLASSIFIED 16 STATE 102390

SEP 14, 2016

SUBJECT: Expiration of the Extension of Conrad 30 Visa, Non-minister Special Immigrant Religious Workers, EB-5 Regional Center Immigrant Investor Program Authorities, and H-2B Returning Worker Program

1. Summary: Four visa programs are set to expire at the end of Fiscal Year 2016. Unless Congress takes action to extend these programs, authorization will expire on September 30, 2016. The four visa programs are the Conrad 30 waiver program, the non-minister special immigrant religious worker program (SR visa), the EB-5 Regional Center Immigrant Investor program (R51 and I51), and H-2B Returning Worker Program. The expiration also applies to accompanying spouses and children. End Summary.

Conrad 30 Waiver Program

2. The Conrad 30 waiver program authority will expire on September 30, 2016. The Conrad 30 waiver program, also known as the Conrad State 30 program, allows medical doctors on J-1 visas to apply for a waiver of the two-year home residence requirement (INA Section 212(e)) upon completion of the J-1 exchange visitor program. The program addresses the shortage of qualified doctors in medically underserved areas. The Visa Office's Waiver Review Division (CA/VO/DO/W) will cease processing Conrad 30 waivers for J-1 physicians who entered or were granted J-1 status after September 30, 2016. Applicants who entered or were granted J-1 status on or before September 30, 2016, may still apply for a waiver.

Non-minister Special Immigrant Religious Workers

3. Authorization for the SR visa will expire on September 30, 2016. The SR visa category is for professional and non-professional workers within religious vocation or occupation categories other than the vocation of a minister. Note that this expiration relates to immigrant visa recipients and their accompanying spouses and children only and does not affect any nonimmigrant categories such as R-1 visas. Individuals seeking SR visa status are required to have applied for such status and be admitted into the United States prior to September 30, 2016. The validity of any SR visa issued, therefore, must be limited to September 29, 2016, to coincide with the expiration of this classification. Posts that have issued SR visas in recent months should make efforts to inform the recipients that they must travel by September 29, 2016. Posts that issue SR visas in September should clearly inform the individual of the expiration date and necessity to travel before the expiration date. If the visa holder is not admitted into the United States before the program expires, replacement visas cannot be issued. Beginning September 30, 2016, posts are advised to hold in abeyance any pending SR applications.

EB-5 Regional Center Immigrant Investor Program

4. The EB-5 Regional Center Immigrant Investor program (visa categories R51 and I51) is set to expire on September 30, 2016. This EB-5 immigrant investor program sets aside up to 3,000 immigrant visas annually for aliens who make qualifying investments in commercial enterprises through "regional centers" in the United States. To ensure validity, all R51 and I51 visas must be issued by close of business September 30, 2016. The expiration date also applies to accompanying spouses and children. Beginning October 1, 2016, posts are advised to hold in abeyance any pending R51 and I51 immigrant investor applications. The employment creation immigrant investor programs for individuals not investing through a regional center (visa symbols T51 and C51) remain valid.

H-2B Returning Worker Program

5. Authorization to exempt certain H-2B applicants from the annual numerical limit is set to expire on September 30, 2016. The "returning worker" provisions for FY 2016 exempted from the annual H-2B fiscal year cap those aliens who were counted toward the H-2B numerical limit during any one of the three fiscal years preceding the fiscal year of the requested employment start date. H-2B visas will be limited to 66,000 for fiscal year 2017, and the "returning worker" provision will not apply. As the numerical limit is administered by the United States Citizenship and Immigration Services (USCIS), posts' H-2B visa processing will not be affected by this expiration. Posts should continue to adjudicate all H-2B applications accompanied by an approved I-129 petition.

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