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WRD (Waiver Review Division) and Waiver Application Issues

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Submitted by Chief Editor on Nov 22nd 2011

Certain exchange visitors ^[2] (J-1) are subject to a two-year home-country physical presence requirement which requires you to return to your home country for at least two years at the end of your exchange visitor program. This is also known as the foreign residence requirement under U.S. law, Immigration and Nationality Act, section 212(e). If you are unable to return to your home country to fulfill the two-year requirement, you must obtain a waiver approved by the Department of Homeland Security prior to changing status in the U.S. or being issued a visa in certain categories for travel to the U.S.

Below are some issues and updates with regards to WRD and waiver applications.

WRD and waiver application issues

An email has to be sent to WRD via FMJvisas@state.gov ^[3] with a request to withdraw the pending case. The applicants case file and withdrawal requests will be updated by WRD on its online status checking system which is available on <http://travel.state.gov> ^[4].

On the other hand a successful withdrawal of a J-1 waiver application is posted on the WRD's online status checking system which again is available on <http://travel.state.gov> ^[4]. Request for Application Withdrawn, the date of the request, the type of waiver(Conrad, Hardship, IGA etc) request, the waiver case file number and the Department of State Decision: Withdrawn Per Request are posted by the system.

As for WRD coordinating waiver withdrawal with USCIS WRD makes a recommendation in a 212(e) waiver case and forwards its recommendation to DHS/USCIS. However further action on the case falls under the jurisdiction of USCIS. The applicant or attorney should contact USCIS and request that the waiver be withdrawn if WRD has recommended the waiver to USCIS. If a waiver application has been successfully withdrawn and WRD is notified by USCIS then the withdrawal information is entered in the database system by WRD. This information is available to the applicant or attorney on the website.

WRD's procedure for restoring the Conrad number

If the state has not surpassed its allotted 30 Conrad waivers for the fiscal year a state

Department of Health that requests withdrawal of a pending Conrad waiver application, and restoration of the Conrad number may reuse the number. A successful withdrawal can be checked online.

Applying for another J-1 waiver application

Applicants can apply for another waiver application in the future if the waiver has been applied and then withdrawn. However if WRD has recommended the waiver and forwarded its recommendation to USCIS then the applicant should contact USCIS regarding the withdrawal. Regardless how many times the applicant applied for a waiver or an advisory opinion the exchange visitor should use the same case file.

Previously granted waiver and applying for new waiver

Exchange visitors who participated in a new program that re-subjected the applicant to the INA 212(e) requirement may apply for a waiver again. But the visitor should have a previously granted waiver. The WRD adjudicates the first application that is complete and ready for adjudication if the exchange visitor submits multiple waiver applications. Waiver processing fee is non-refundable and for more details on fee one can visit the DOS website.

Two-year home residence requirement

The waiver will cover the J-2 derivative if the J-1 exchange visitor receives a waiver of the two-year home residence requirement. But a separate waiver is required to cover the J program in cases where J-2 changes status to principal J-1 exchange visitor and is subject independently to 212(e) based on the applicants J-1 exchange program activity.

Information sent to USCIS when WRD favorably recommends a J-1 waiver application

The WRD sends the waiver recommendation letter, DS-3035 and G-28 information to USCIS for no objection statements, interested government agency and state department of health applications.

Forms I-612 and I-613 are also sent for exceptional hardship and persecution cases.

The intent and purpose of the Mutual Educational and Cultural Exchange Act

The aim of the Mutual Educational and Cultural Exchange Act is to exchange ideas and persons and to bring about an understanding among people of different cultures. Exchange visitors are allowed to practice a program objective and upon completion of their goal are required to return to their home country with the acquired knowledge and skills.

No Objection Statement

Your home country government may issue a No Objection Statement through its embassy in Washington, DC directly to the Waiver Review Division that it has no objection to you not returning to your home country to satisfy the two-year home-country physical presence requirement and no objection to the possibility of you becoming a lawful permanent resident of the U.S. The No Objection Statement may also be issued by a designated ministry in your home country's government and sent to the U.S. Chief of Mission, Consular Section at the U.S. Embassy within that country. The U.S. Embassy would then forward it directly to the Waiver Review Division.

Important Notice: U.S. law does not permit foreign medical physicians who acquired exchange visitor (J-1) visa status on or after January 10, 1977, for the purpose of receiving graduate medical education or training to use this option. For more information about the relevant U.S. law, see [References ? U.S. Laws](#) [5], number 1.

For more information on Waiver issues please visit these links below

http://travel.state.gov/visa/temp/info/info_1296.html [6]

[Eligibility Information - Waiver of the Exchange Visitor Two-Year...](#) [7]

<https://j1visawaiverrecommendation.state.gov/> [8]

Nonimmigrant Visas:

[J-1 Visa](#) [9]

[J Visa](#) [10]

[Waiver](#) [11]

Agency:

[DOS](#) [12]

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Links:

[1] <https://immigration.com/news/j-1-visa/wrd-waiver-review-division-and-waiver-application-issues>

[2] <http://www.immigration.com/visa/j-visa/j-1j-2-visa>

[3] <mailto:FMJvisas@state.gov>

[4] <http://travel.state.gov/>

[5] http://travel.state.gov/visa/temp/info/info_1288.html#references

[6] http://travel.state.gov/visa/temp/info/info_1296.html

[7] http://travel.state.gov/visa/temp/info/info_1288.html

[8] <https://j1visawaiverrecommendation.state.gov/>

[9] <https://immigration.com/visa/nonimmigrant-visas/j-visa/j-1-visa>

[10] <https://immigration.com/visa/nonimmigrant-visas/j-visa>

[11] <https://immigration.com/visa/nonimmigrant-visas/waiver>

[12] <https://immigration.com/agencies/agency/dos>