

State Department Issues Cable on Extension of Three Visa Programs

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On Oct. 5, 2016, the ***U.S. Department of State (DOS)*** issued an unclassified cable on the Continuing Resolution signed into law on Sept. 29, 2016 that extends several important immigration programs, including the Conrad State 30 Program, the non-minister special immigrant religious worker program (SR visa), and the EB-5 Regional Center program. The [House and Senate passed the Continuing Resolution on Sept. 28, 2016](#), and the president signed the bill into law on Sept. 29, 2016 (H.R.5325; P.L. 114-223).

The DOS cable explains that the EB-5 Regional Center program (immigrant visa categories R51 and I51) now is set to expire on Dec. 9, 2016. The DOS has clarified that all EB-5 immigrant visas based upon investments made in regional center projects must be issued by close of business Dec. 9, 2016; the expiration date also applies to dependent spouses and children. The DOS has instructed all visa issuing posts to hold in abeyance any pending R51 and I51 immigrant visa applications beginning on Dec. 10, 2016, if there is no extension of the EB-5 Regional Center program on or before that date. The cable also clarifies that immigrant visas for investors not investing through a regional center (T51 and C51), *i.e.*, the “direct” or “non-regional center” program, can continue to be issued as that program remains valid beyond Dec. 9, 2016.

In addition, the DOS cable confirms that extension of the EB-5 Regional Center program through Dec. 9, 2016 will allow priority dates to immediately become “current” for October for all countries except mainland China. The “current” priority date for China-mainland born I5 and R5 applicants is Feb. 22, 2014. Accordingly, China mainland-born investors with an I-526 Petition filed after Feb. 22, 2014, do not have immigrant visas immediately available to them and they must wait until the priority dates in the Visa Bulletin advance further.

The cable further discussed the expiration of the Conrad State 30 Program, which also will expire on Dec. 9, 2016. The Conrad 30 program allows medical doctors on J-1 visas to apply for a waiver of the two-year home residence requirement under INA §212(e) upon completion of the J-1 exchange visitor program. The cable clarifies that applicants who entered or were granted J-1 status on or before Dec. 8, 2016, may still apply for a Conrad State 30 waiver.

Finally, DOS stated in the cable that authorization for the SR visa, which is for professional and non-professional workers within religious vocation or occupation categories other than the vocation of a minister, will expire on Dec. 9, 2016. 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 Dec. 9, 2016. DOS has instructed visa issuing posts that the validity of any SR visa issued, therefore, must be limited to Dec. 8, 2016, to coincide with the expiration of this classification. Posts that have issued SR visas in recent months should consider informing the recipients that they must travel by Dec. 8, 2016. Moreover, Posts that issue SR visas in December should consider informing the individual of the expiration date and necessity of traveling 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 Dec. 9, 2016, posts are advised by the DOS to hold in abeyance any pending SR application.

The cable also explains that the DOS Visa Office (VO) will continue to provide guidance as the appropriations process continues. In December, following the federal elections, Congress is expected to reconvene for a “lame duck” session. At that time, Congress will once again consider the extension of these vital visa programs.

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