

Dear Congressman/woman X,

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I am writing to you today to bring your attention to a sudden and alarming delay at the US Department of State (DoS) in the processing of waivers for the J-1 visa 2-year home residency requirement under Section 212(e) of the Immigration and Nationality Act (“J-1 waiver” henceforth). This delay is threatening to upend the lives of several of your constituents, including myself, who work as researchers in the fields of Science, Technology, Engineering, Art, and Math (STEAM). The Biden administration has repeatedly stated their desire to attract and retain highly qualified talent in these areas. However, delays in processing J-1 waiver cases at the DoS will invariably cause the loss of a large number of researchers in these areas, hurting immigrants, but also hurting America’s standing at the forefront of science, technology and the arts. A detailed explanation is provided below followed by possible ways to resolve this issue.

The J-1 visa is used often by graduate students, postdoctoral researchers, and other teaching and research staff in university environments to live and work in the US. In many cases, the J-1 visa requires the recipient to return to their home country for 2 years at the end of the J visa. Those covered by this requirement are not allowed to apply for permanent residency of the United States or change to most other visas (e.g, H-1) without obtaining the J-1 waiver. A subset of J-1 waivers is covered under the “No Objection Statement (NOS)” basis. Under this basis, the DoS issues the waiver once the visa recipient obtains a No Objection Statement from their home country. The DoS website (<https://travel.state.gov/content/travel/en/us-visas/study/exchange/waiver-of-the-exchange-visitor/how-to-apply-waiver.html>) mentions 12–16 weeks as the typical processing time for these cases. This timeline was recently revised from 8–12 weeks, adding up to a 4-week delay. An additional issue is that applications to the DoS for the J-1 waiver under the NOS basis must be pre-processed at a facility in St. Louis, MO before being forwarded to the Waiver Review Division in Washington D.C. The 12–16-week clock only starts when these materials reach the Waiver Review Division. Pre-processing at the St. Louis facility has also started to incur serious delays. When I received no update for materials that were delivered to the St. Louis facility over 4 weeks ago, I sent the DoS an inquiry. In response, I was told that the pre-processing step itself may at least 12 weeks (email attached), after which an additional processing time of 12–16 weeks may be needed. The total processing time is thus likely to exceed 7 months, more than twice the processing time prior to this delay, and approximately twice the processing time listed on the DoS website. Even expedited processing can only be applied for once the St. Louis facility has finished processing case materials. The additional 12-week pre-processing delay is not announced publicly, providing no warning to potential applicants that their applications may not be processed on time. In practice, the delay at the St. Louis facility is even longer – online immigration forums are replete with stories of applicants whose materials were delivered in October 2021 and only registered on the online system in February 2022. Please refer to - <https://www.visajourney.com/forums/topic/734107-j1-waiver-2020-nos-update-timeline/page/107/#comments>

The result of this delay is that many of us J-1 visa holders seeking the waiver face the threat of being evicted from the US waiting for the waiver to be processed. The irony of the matter is that the vast majority of these waivers will eventually be granted, as the applicants have obtained the required No Objection Statement from their home countries prior to sending materials over to the DoS. However, in many cases, the waiver will arrive too late, upending the lives of J-1 visa holders for no fault of theirs. After enduring four years of anti-immigrant policies under the Trump administration and two years of a global pandemic, the potential loss of livelihood and way of life is a source of great stress. An overwhelming number of those waiting for this waiver are highly qualified individuals, with several working in positions of national interest, conducting path-breaking research in STEM areas. The loss of these researchers is not just a story of many personal tragedies, but also harmful for the United States.

I request you to use the powers of your office to help resolve this difficult situation. Some ways in which the situation may be remedied are:

1. Granting an extended grace period for J-1 visa holders whose J-1 status expires while waiting for the J-1 waiver to be processed, so that their lives are not abruptly and irreversibly altered
2. Increasing staffing at the St. Louis, MO facility and the Waiver Review Division in Washington D.C. for faster processing of J-1 waiver cases
3. Introducing premium processing for J-1 waiver cases

For your reference, my J-1 waiver case number at the State Department is XXXXXX. I can be reached at any time using the contact information provided with this letter. I am happy to talk to your office and explain the situation in further detail. I hope that your involvement in this matter will bring relief to the numerous research scholars stuck in a difficult position.

Thank you very much for your time.

Sincerely,

<SIGN OFF>