

U.S. Department of Justice
Immigration and Naturalization Service
425 1 Street NW
Washington, , DC 2036

APR 30, 1998

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HQ 50/5-12 96 ACT.069

MEMORANDUM FOR: All District Directors
All Officers-in-Charge
All Service Center Directors
All Regional Directors
All Regional Counsels
All District Counsels
Director of Training-Artesia, NM
Director of Training- Glynco, GA

FROM: Joseph R. Greene
Acting Associate Commissioner
Programs

SUBJECT: **Temporary Admission of Foreign Health Care Workers**

The purpose of this memorandum is to clarify the procedure for the temporary admission to the United States of nonimmigrant foreign health care workers prior to the publication of regulations implementing section 343 of the Illegal Immigration Reform and immigrant Responsibility Act of 1996 (IIRJPA).

This is the fourth memorandum written concerning this particular issue. The prior memoranda were dated January 28, 1997, June 6, 1997, and August 2-7, 1997 respectively. Copies of the prior memoranda are attached for your reference.

The January 28 memorandum provided that the Immigration and Naturalization Service (INS) and the Department of State (DOS) agreed to exercise discretion pursuant to section 212(d)(3) of the Immigration and Nationality Act in granting a blanket waiver of inadmissibility under section 212 (a)(5)(C) for nonimmigrant health care workers lacking the required certificate until such time as appropriate certification procedures *have* been put in place. The Service also waived inadmissibility under section 212(a)(5)(C) pursuant to section 212(d)(3)(3) for aliens already in possession of nonimmigrant visas or who are visa-exempt aliens, including Canadians applying for admission as TNs.

The memorandum went on to state that any otherwise admissible nonimmigrant health *care worker who* receives a waiver for section 212(a)(5)(C) inadmissibility, shall be authorized admission into the United States with a single-entry Form I-94 with a validity date of six (6) months. Otherwise admissible dependents covered by the blanket policy will also be authorized admission into the United States for a time consistent with that of the principal alien.

The June 6 memorandum provided additional guidance. The memorandum notified Field Offices that the waiver should be granted without the filing of a formal application or fee. Further, that memorandum indicated that any otherwise admissible nonimmigrant health care worker granted a waiver of this provision shall be authorized admission into the United States with a single-entry Form I-94 valid for six (6) months except in the case of aliens who reside in and commute from contiguous territories. These aliens shall be issued a multiple-entry Form I-94 valid for six (6) months.