**Section 591.180 National Interest Waiver**

A foreign national physician who wishes to initiate the application process for permanent residence in the U.S. shall have an approved labor certification and a job offer and the physician's employer shall file an Immigrant Petition for Alien Worker form with the U.S. Department of Homeland Security, Citizenship and Immigration Service. In certain circumstances, the labor certification may be waived through the approval of a National Interest Waiver (NIW) by the Department of Homeland Security.

a) To be eligible for an NIW, the physician shall:

1) Agree to work full time in a medical facility for five years. The five-year commitment may occur prior to filing the NIW petition, be ongoing at the time the petition is filed, or commence after the petition is filed (provided that the Department confirms that the work was, is or will be in the public interest). Medical care provided in an HPSA, MUA or MUP that was part of the physician's medical education may be credited toward the five years, provided that the physician was in a lawful status other than J-1 during that time;

2) Agree to work in primary care, psychiatry or other medical specialty;

3) Agree to serve in a medical facility that is located in an HPSA, MUA, or MUP; and

4) Obtain an attestation letter from the Department stating that the physician's work is in the public interest. The request form is available at: https://dph.illinois.gov/content/dam/soi/en/web/idph/files/forms/niw-letter-request-form-042816.pdf.

b) A request for an attestation letter from the Department regarding the NIW shall contain the following:

1) The physician's full name;

2) The name of the physician's practice;

3) The address of the physician's practice;

4) The physician's specialty;

5) A copy of the physician's H1B waiver or waivers for the date or dates of service;

6) A copy of the physician's Illinois medical license;

7) An affirmation letter from the physician's employer stating that:

A) The physician has provided services as a primary care, psychiatric or specialty physician, full time (40 hours per week) at a clinical practice located in an HPSA, MUA or MUP, including the specific address where services were provided;

B) The practice is in the public interest in Illinois, including information that the physician served underinsured or uninsured patients as evidenced by acceptance of Medicaid and Medicare, and use of a sliding/discount fee scale for those without insurance in the designated underserved area. This is not required for forensic pathologists who apply for a J-1 waiver and propose to work at a medical examiner’s office;

8) Contact information for the physician and the physician's authorized representative legal counsel, if the physician is represented.

c) The Department will review all information submitted to determine if responses meet the criteria of this Section. The Department will contact the physician or the physician's authorized representative if additional or clarifying information is needed.

d) The physician or the physician's authorized representative will be notified in writing of the approval or denial of the NIW request. If the request is approved, the Department will provide an attestation letter notifying the federal authority that the physician will work in an underserved area and that the medical services provided will be in the public interest.

(Source: Amended at 47 Ill. Reg. 3093, effective February 21, 2023)