EXCHANGE VISITORS: THE TWO-YEAR HOME RESIDENCY REQUIREMENT

This handout explains the two-year home-country residency requirement that affects some Exchange Visitors and their J-2 dependents. The intent of the requirements is to have the home country benefit from the Exchange Visitor's experience in the United States. The two year home residency requirement is usually noted on the visa page in the passport and on the bottom left hand corner of the DS-2019.

You are subject to the requirement if:
1. Your J-1 participation is or was funded in whole or in part, directly or indirectly, for the purpose of exchange, by your home government or the United States government.
2. As a J-1 visitor you have or are acquiring a skill that is in short supply in your home country, according to the U.S. government’s “Exchange Visitor Skill List.” The list, which originally appeared in 1972, was last published in full in the Federal Register on 12 June, 1984 (pages 24194-242), with brief revision on 30 September, 1986 (page 34701), 19 March, 1987 (page 87700), 16 December, 1988 (page 50619), and 28 July, 1993 (page 40466).
3. You have participated in a J-1 graduate medical education or training program, i.e., a residency, internship, or fellowship, sponsored by the Educational Commission for Foreign Medical Graduates: or,
4. You are the J-2 dependent of an Exchange Visitor who is subject to the requirement.

If you are subject to the requirement, you are not eligible for a change of status to an “H” (temporary worker), “L” (intercompany transferee), or permanent residency (green card). You may change your status to an “A” (home government diplomat) or “G” (representative to an international organization).

If you are unsure whether you are subject, contact your J-1 Responsible Officer, an immigration attorney, or write to the United States Information Agency, Waiver Review Branch, 301 Fourth Street, S.W., Washington, D.C. 20547.

Waiver of Requirement
There are four grounds for waiver of the two-year home residency requirement.
1. **Exceptional hardship** to your spouse or unmarried minor child who is a citizen or permanent resident of the United States.
2. **Fear of persecution** – if you can demonstrate that, because of race, religion, political opinions, or nationality, you would face persecution by your home government if you went back to your country.
3. **Interest of a United States government agency** – if your participation in research or a project sponsored by a U.S. agency is of sufficient importance to that agency, the agency can apply to the United States Information Agency (USIA) for a waiver for you.
4. **A no-objection statement** (not permitted for medical trainees). Your country’s embassy in Washington, D.C., can indicate in a direct letter to USIA that is has no objection to your receiving a waiver. A no-objection statement will usually not lead to a waiver if the visitor has received more than $2,000 in funding from the United States government.

A NOTE OF CAUTION
This handout summarizes some very complex and sensitive issues. It is intended only to help you understand the nature of the requirement, not to serve as a legal reference. Do not assume, from reading this sheet, that you are subject to the requirement – or that you are not. Consult a specialist.