



Office of Global Engagement

Waiver of the Two – Year Home Residence Requirement

Exchange visitors may be subject to the two-year foreign residence requirement of Section 212(e) of the Immigration and Nationality Act, as amended, for one or more of the following reasons:

1. They received funding from the United States government, their own government, or an international organization in connection with their participation in the Exchange Visitor program.
2. The education, training, or skill being pursued in the United States appears on the Exchange Visitor Skills List for their country.

Exchange visitors who are subject to, but do not wish to comply with the two-year home residency requirement, may apply for a waiver of that requirement under any one of the applicable grounds provided by US immigration law. These grounds are limited to:

1. “No Objection Statement” from the home government:

The Exchange Visitors home country government has no objection to the EV not returning to the home country to satisfy the INA 212(e) two-year foreign residence requirement and does not object to the possibility of the EV becoming a resident of the US.

Note: The law precludes the use of this option by foreign medical physicians.

2. Request by an interested US Government Agency of IGA:

If an exchange visitor is working on a project for or of interest to a US Federal Government Agency, and that agency has determined that the visitor’s departure for two years to fulfill the INA 212(e) requirement will be detrimental to its interest, the agency may request an IGA on behalf of the Exchange Visitor for sake of public interest.

3. Persecution:

If an Exchange Visitor believes that he/she will be persecuted based on his/her race, religion, or political opinion if he/she were to return to his/her country, the Exchange Visitor may apply for a persecution waiver.

4. Exceptional Hardship to a United States citizen (or permanent resident) spouse or child or visitor:

If an Exchange Visitor can demonstrate that his/her departure from the US would cause exceptional hardship to his/her US citizen or legal permanent residence spouse or child, he/she may apply for an exceptional hardship waiver. (Please note that mere separation from family is not considered to be sufficient to establish exceptional hardship.)

IMPORTANT NOTE: J-1 Exchange Visitors who apply for and receive a waiver of the two-year home residence requirement forfeit all further benefits that require issuance of an updated DS-2019. Therefore, benefits such as J-1 Program Extension, Program Transfer, and Academic Training are not generally available to recipients of this waiver.

Procedures for 212(e) Waiver Application

Step 1: To apply for a recommendation for a waiver of the two-year foreign residence requirement, applicants must complete Form DS-3035 online. Upon completing the form online, your information will be downloaded into a barcode and you will be immediately issued a waiver case number and further instructions. This method saves time because you will not have to wait for further instructions from the Waiver Review Division before you can begin the waiver process. If you choose not to use the online system and you fill out the form by hand, you will have to wait until the Waiver Review Division receives your application and then mails back to you a waiver case number with further instructions.

Along with your DS-3035 you will need to send the following supporting documents:

- a. Application fee of \$215 per J-1 applicant payable to THE U.S. DEPARTMENT OF STATE. Include your name, date, and place of birth on your form of payment. Be sure to put your waiver case number on the check.
- b. Statement demonstrating why the exchange visitor is eligible to receive a waiver of the two-year home country requirement of the exchange visitor program. Be sure to include your waiver case number on this letter.
- c. Copies of all DS-2019 forms.
- d. Notice of Entry of Appearance as Attorney or Representative (G-28 form), if the exchange visitor is represented by an attorney.
- e. Copy of the data page of the exchange visitor's current passport containing name and birth date.
- f. Two self-addressed, stamped envelopes.

Please send your documents to the following:

Postal Service

U.S. Department of State
Waiver Review Division
PO BOX 952137
St. Louis, MO 63195-2137

Courier Service

U.S. Department of State
Waiver Review Division
(BOX 952137)
1005 Convention Plaza
St. Louis, MO 63101-1200

Step 2: It is your responsibility to submit all requested documents and ensure that required documents are sent on your behalf by third parties. The Waiver Division will NOT follow up on documents that have not yet been received. It will be your responsibility to make sure your file is complete. Once you have your waiver case number, you should check on the status of your application by visiting the J-Visa Waiver Division website: <http://j1visawaiverstatus.state.gov/>. We recommend that you submit ALL of the requested documents at the same time. Some letters (such as "No Objection" statement from your government) must be submitted directly to the Waiver Review Division by the Embassy.

Step 3: At the conclusion of the review process, the Waiver Review Division will forward its recommendation directly to the United States Citizenship and Immigration Services (USCIS) in the Department of Homeland Security. You will receive a copy that recommendation at the address you listed on your Form DS-3035 or the most current address we have for you if you reported a change of address. USCIS has the responsibility for making the final determination on your waiver request. USCIS will notify you directly, whether your waiver application is denied or approved.