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 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 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 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 available to recipients of this waiver.