

TWO-YEAR HOME RESIDENCE REQUIREMENT

What is the requirement?

Some J-1 exchange visitors and their dependents are required to return either to their country of nationality or country of legal permanent residence and to live there for a period of two years at the end of their J-1 program. The purpose of this requirement is to provide the home country with the benefit of the exchange visitor's experience in the United States.

Who is subject to the requirement?

You are subject:

- if your J-1 participation is funded in whole or in part, directly or indirectly, for the purpose of exchange, by your home government or the United States government. (Payment from Eastern Illinois University usually is not government funding);
- if your field of work appears on the "Exchange Visitor Skills List" for your country. This means that your field is considered to be in short supply in your home country. (Some countries, such as the countries of Western Europe, do not appear on the list at all. Other countries are on the list and nearly all possible fields of work are considered to be in short supply for those countries.) The U.S. Embassy/Consulate where you apply for your visa should be able to tell you if the Skills List applies to you;
- if you participated as a J-1 in a graduate-medical education or training program, i.e., a residency, internship, or fellowships, sponsored by the Educational Commission for Foreign Medical Graduates; or
- if you are the J-2 dependent of an exchange visitor who is subject to the requirement.

If you have ever been subject to the requirement in the past, and have neither obtained a waiver nor fulfilled it by spending two years in your country, it still applies to you—even if a great deal of time has passed and a more current form DS-2019 indicates that you are not subject to this requirement. Changing your citizenship to that of another country also does not eliminate your two-year requirement.

NOTE: The visa stamp in your passport, your DS-2019, or both, may indicate that you are or are not subject to this requirement. These indications are usually accurate but are not legally binding. U.S. consular officers and Immigration inspectors sometimes make mistakes. After you arrive in the U.S., if you are not sure if you are subject, the Office of International Students and Scholars can help you make a determination. It is sometimes necessary to write to the State Department for an opinion.

Your restrictions if you are subject

If you are subject to this requirement you may not:

- change your status inside the U.S. from J to any other nonimmigrant classification except A or G
- change to permanent resident (green card) status
- enter from abroad with H, L or immigrant status

Waivers of the requirement

There are four grounds for obtaining a waiver of the two-year home residence requirement:

- A "no-objection" statement (not permitted for medical trainees). Your country's embassy in Washington can indicate in a direct letter to the State Department that it has no objection to your receiving a waiver, or the foreign ministry in your capitol at home can write to the U.S. embassy there. A "no-objection" statement will usually not lead to a waiver if the exchange visitor has received more than \$2,000 in funding from the U.S. government. More information on this type of application is available from the Office of International Students and Scholars.
- Interest of a U.S. government agency. If your participation in research or a project sponsored by a U.S. government agency is of sufficient importance to that agency, it can apply to the State Department for you in its interest, not yours.
- Fear of persecution. If you can demonstrate that because of your race, religion, political opinions, or nationality you would face persecution by your home government if you went back to your country, you might qualify for a waiver by applying to the United States citizenship and Immigration Services.
- Exceptional hardship. If you can demonstrate that exceptional hardship to a U.S. citizen or permanent resident spouse or child of the exchange

visitor would be caused by the exchange visitor's departure from the U.S. and residence abroad, you can apply for a waiver to the United States Citizenship and Immigration Services. Examples include inability to obtain necessary medical treatment abroad for an illness or subjection of the spouse or child to persecution or discrimination abroad.

Please note that it can be very difficult and in some cases impossible to obtain a waiver, especially based on fear of persecution or exceptional hardship. When you obtain a waiver, you essentially abandon your status as a J-1 exchange visitor. After obtaining a waiver recommendation from the U.S. State Department you are no longer eligible to extend your J-1 status or transfer to another J-1 program.