

Two-Year Home Country Physical Presence Requirement

The purpose of the Exchange Visitor Program is to provide you with opportunities to participate in educational and cultural programs in the United States, encourage Americans to participate in educational and cultural programs abroad, and for you to return home and share your cultural exchange experiences.

Some J-1 Exchange Visitors and their accompanying J-2 dependents are subject to Section 212(e) also known as the two-year residence requirement.

Who Is Subject?

- Exchange Visitors who receive any indirect or direct funding (including nominal travel grants) for their Exchange Visitor Program from their government, certain international organizations, or a U.S. government agency.
- If the country of citizenship or of permanent residency and field of work are identified by the home government as being in short supply and consequently listed on the U.S. State Department's Exchange Visitor's "[Skills List](#)."
- J-2 dependents are automatically subject if the primary J-1 Exchange Visitor is subject.

How to Fulfill?

To satisfy the home residence requirement, the individual subject to 212(e) must reside in the country of nationality or last legal permanent residence or be physically present in those locations for at least two years. It can also be an aggregate amount of two years if the person departed and returned to the country at various times. The two-year time periods begins after the completion of the J1 program and the Exchange Visitor's departure from the United States.

Exchange Visitors who are subject may return to the U.S. while they are still subject in other non-immigrant categories including but not limited to F-1 student, J-1 Exchange Visitor, B visitor and the O-1 foreign national of extraordinary ability.

Exchange Visitors that are subject:

- Cannot pursue a change of status in the U.S. (with certain exceptions).
- Apply for H, L, or K visa.
- Change status in US to a legal permanent resident/immigrant visa.

Exchange Visitors interested in applying for a waiver of the Two Year Residence Requirement can find more information on the Department of State's website:

<https://travel.state.gov/content/travel/en/us-visas/study/exchange/waiver-of-the-exchange-visitor.html>