



## INFORMATION ON THE TWO-YEAR HOME PHYSICAL PRESENCE REQUIREMENT J-1 STUDENTS & SCHOLARS ONLY

### What is the two-year home country physical presence requirement?

This requirement is a part of the J Exchange Visitor Program that prevents J exchange visitors from obtaining an H (temporary worker) visa, an L (intracompany transferee) visa, or a U.S. Permanent Residence in the United States, until that exchange visitor has returned to his/her home country for at least two years after finishing the J program. **(Please note:** The two-year requirement does not prevent a J exchange visitor from returning to the U.S. on an F-1 student visa or a B-1/B-2 tourist or business visitor visa.)

### Who is subject to this two-year home country physical presence requirement?

J exchange visitors and their immediate family members will become subject to the two-year requirement if either one of the following situations applies to the exchange visitor:

- **U.S. or home government funding:** Participation in the program in the United States was funded in whole or in part by an agency of the United States government or by the home government directly. [Note: Students on a research assistantship or grants paid to the university are NOT considered to have received U.S. government funding.] OR
- **Study or research in a specialized skill:** Certain countries have established with the United States Department of State a list of specialized knowledge or skills needed by the home country. That list is known as the Exchange Visitor Skills List. This list of countries and skills can be accessed by logging onto the U.S. Department of State Exchange Visitor Program web site using the URL <http://exchanges.state.gov/education/jexchanges/> [Note: This list became effective on March 17, 1997.]

### How can I know if I am subject to the two-year home residence requirement?

If any of the above circumstances apply to you, then you are subject to the two-year home residence requirement. The Consulate or Embassy official who issues the J-1 visa may show that you are subject to this requirement on the visa stamp in your passport and on the lower left-hand side of your DS-2019. The DHS officer at the port of entry into the U.S. may also show whether or not you are subject to this requirement with a stamp in your passport by the visa page. This is usually shown as "section 212(e) does apply". If these notes are not made and the above conditions apply, you can still be subject to the two-year home residence requirement. U.S. officials have made and do make mistakes when marking or not marking these documents so please check and be aware. If you think that there has been a mistake, you should request an advisory opinion from the U.S. Department of State.

### How do I request an "Advisory Opinion"?

You may receive an advisory opinion from the U.S. Department of State by sending copies of all DS-2019 forms and J-1 visa stamps issued to you to:

U.S. Department of State  
CAVO/LW, Visa Services  
2401 E Street, NW, (SA-1)  
Washington, DC 20547

The processing time for an advisory opinion is approximately 4 months. The State Department has the final word on whether you are subject to the two-year home residence requirement no matter what the visa stamp or DS-2019 notes show.

NOTE: If you are subject to the two-year home residence requirement and wish to apply for a waiver of the two-year home physical presence requirement, you must contact an immigration attorney.