

Two-year Home-country Physical Presence (Foreign Residence) Requirement

When you agree to participate in an Exchange Visitor Program and your program falls under the conditions explained below, you will be subject to the two-year home-country physical presence (foreign residence) requirement. This means you will be required to return to your home country for two years at the end of your exchange visitor program. This requirement under immigration law is based on Section 212(e) of the Immigration and Nationality Act, as amended, and Title 22 [Part 40](#) and [Part 41](#) in the Code of Federal Regulations.

Two-year Home-country Physical Presence Requirement Conditions - An exchange visitor is subject to the two-year home country physical presence requirement if the following conditions exist:

- **Government funded exchange program** - The program in which the exchange visitor was participating was financed in whole or in part directly or indirectly by the U.S. government or the government of the exchange visitor's nationality or last residence;
- **Graduate medical education or training** - The exchange visitor entered the U.S. to receive graduate medical education or training;
- **Specialized knowledge or skill: Skills List** - The exchange visitor is a national or permanent resident of a country which has deemed the field of specialized knowledge or skill necessary to the development of the country, as shown on the Exchange Visitor Skills List. **Review the [Exchange Visitor Skills List 2009](#).**

Change of Status and Waivers of Requirement - If the exchange visitor is subject to the two-year home-country physical presence (foreign residence) requirement, he or she cannot change his/her status to that of H, L, K, or immigrant lawful permanent resident (LPR) until he or she has returned to his/her home country for at least two-years or received a waiver of that requirement. Such waivers may be requested and if approved, obtained under these five separate bases:

- No Objection Statement;
- Exceptional Hardship;
- Persecution;
- Conrad Program, or
- Interested Government Agency

For information about waivers, eligibility and process, see [Waiver of the J Visa Two-Year Foreign Residence Requirement 212\(e\)](#).