

J EXCHANGE VISITORS AND 212(e) WAIVERS

The 2-Year Home Residency Requirement

Section 212(e) of the Immigration and Nationality Act specifies that some exchange visitors are subject to a two-year home residency requirement following completion of a J program in the U.S. These exchange visitors may not change to another visa status in the U.S. (except for A or G), apply for an H or L visa, or apply for permanent residence without first complying with the requirement to return to the exchange visitor's country of last permanent residence for two years or obtaining a waiver of the requirement from USCIS.

Most applications to request a waiver of the two-year home residency requirement can be filed by the individual J-1 holder. A few must be filed by a U.S. employer. Detailed information about the waiver application process can be found at the U.S. Department of State's Waiver Review Division's website:

http://travel.state.gov/visa/temp/info/info_1296.html

Waiver Options

Type of Waiver	Appropriate For
State Conrad 30 Waiver	J-1 scholars who participated in graduate medical education in the U.S. in J-1 status. Requires clinical job offer at a medical facility in an underserved area.*
Hardship to a U.S. citizen/LPR spouse or child (U.S.C.I.S.)	Any former or current J subject to 212(e) for any reason.*
Interested Government Agency Waiver (several agencies will sponsor)	Any former or current J subject to 212(e) for any reason.* Many agencies require a job offer.
Persecution waiver (U.S.C.I.S.)	Any former or current J subject to 212(e) for any reason.*
No objection waiver (exchange visitor's government)	Any former or current J subject to 212(e) based on the skills list or foreign government funding.*

* Recommendation for a waiver might not result in a waiver if former J ever received funding from the U.S. Department of State, AID, Fulbright, or other U.S. government agency.

ISSS Role

UC Denver does not assist students or scholars with their individual requests to waive the two-year home residency. Schools, Colleges or Departments are not obligated to pay any fees incurred by an individual who is requesting this type of waiver. Under limited circumstances, ISSS may provide general guidance to an individual scholar about filing a request for a case number, a request for an advisory opinion from the U.S. Department of State, or a request for a letter of no objection from the scholar's Embassy.

In the case of a tenure-eligible, tenure-track, or tenured faculty member and at the request of the hiring unit, UC Denver will sometimes sponsor a J-1 waiver that requires the support of the employer, such as an Interested Government Agency waiver or State of Colorado Conrad 30 waiver. This application process requires that the University engage and either the hiring unit or the faculty member pay for the services of an outside attorney authorized to represent the University in these matters.