



The University of Pittsburgh  
Office of International Services

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## Instructions for Applying for a Waiver of the Two-Year Foreign Residence Requirement Pertaining to J-1 Exchange Visitors

[Section 212(e) of the U.S. Immigration & Nationality Act]

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[Comprehensive information is also available on-line from the Department of State website at [http://travel.state.gov/visa/temp/info/info\\_1296.html](http://travel.state.gov/visa/temp/info/info_1296.html).]

Exchange Visitors may be subject to the two-year foreign residence requirement of Section 212(e) of the Immigration & Nationality Act, as amended, for one or more of the following reasons:

- They received funding from the United States government, their own government, or an international organization in connection with their participation in the Exchange Visitor Program;
- The education, training, or skill they are pursuing in the United States appears on the Exchange Visitors Skills List for their country;
- They acquired J-1 status on or after January 10, 1977 for the purpose of receiving graduate medical education or training.

### General Overview of Grounds for a Waiver

Exchange Visitors who are subject to, but do not wish to comply with, the two-year home country residence requirement may, for a waiver application fee of **\$215**, apply for a waiver of that requirement under any of the applicable grounds provided by the United States immigration law. The grounds for a waiver are as follows:

- “No Objection” Statement From the Home Government  
(NOTE: The law precludes use of this option by the medical doctors listed above who are receiving graduate medical education or training.)

If an exchange visitor elects to apply for a waiver on this basis, the statement of “No Objection” must be sent directly from his/her embassy in Washington, D.C. to the United States Department of State (DOS), the agency that administers the Exchange Visitor Program. The Embassy must state that the visitor's government has no objection to the exchange visitor not returning to the home country to satisfy the two-year foreign residence requirement. When the “No Objection” statement originates from the exchange visitor's government in the home country, as opposed to originating from the Embassy in Washington, D.C., the government must forward it directly to the U.S. Consul at the U.S. Embassy/Mission, which will subsequently transmit the statement to the DOS.

For more detailed application procedures, see below.

- Request by an Interested U.S. Government Agency (IGA)

If an exchange visitor is working on a project for, or of interest to, a United States Federal government agency, and that agency has determined that the visitor's continued stay in the United States is vital to one of its programs, a waiver may be granted if the exchange visitor's continued stay in the United States is in the public interest.

*Before any IGA applications are submitted to DOS, please note that the Office of International Services (OIS) at the University of Pittsburgh must be consulted and the Director must sign the applications authorizing DOS to process them.*

For more detailed application procedures, see below.

- Persecution

If the exchange visitor believes that he/she will be persecuted upon return to his/her home country due to race, religion, or political opinion, he/she can apply for a waiver.

For more detailed application procedures, see below.

- Exceptional Hardship to a United States Citizen/Lawful Permanent Resident Spouse or Child of an Exchange Visitor

If the exchange visitor can demonstrate that his/her departure from the United States would cause extreme hardship to his/her United States citizen or lawful permanent resident spouse or child, he/she may apply for a waiver. Please note that mere separation from family is not considered to be sufficient to establish exceptional hardship.

For more detailed application procedures, see below.

- Request by a Designated State Department of Health or Its Equivalent

*(NOTE: The law permits only medical doctors to apply for a waiver on this basis.)*

Pursuant to the requirements of Public Law 103-416, signed by President Clinton on October 25, 1994, foreign medical graduates who have an offer of full-time employment at a health care facility in a designated health care professional shortage area, and agrees to begin employment at such a facility within 90 days of receiving such a waiver, and signs a contract to continue to work at the health care facility for a total of 40 hours per week and not less than three years, may obtain a waiver.

No more than 20 such applications may be granted for each state each federal fiscal year. If the DOS agrees with the State Department of Health, or its equivalent, that a waiver should be granted, it will forward such recommendation to INS.

Please note that this section applies to aliens admitted to the United States under Section 101(a)(15)(J) of the Immigration & Nationality Act, or acquiring such status after admission to the United States on or after October 25, 1994 and before June 1, 2002.

For more detailed application procedures, see below.

## Procedures for 212(e) Waiver Applications

There are four steps to processing a waiver review application.

- ❑ **STEP 1:** To apply for a recommendation for a waiver of the two-year home residence requirement, applicants must complete a Data Sheet, which may be completed/submitted on-line at <https://j1visawaiverrecommendation.state.gov>. The Web site may also be used to clarify your need for a waiver, verify your current application status, inform the U.S. Department of State about personal data changes (e.g., address), and create a statement of reason.

If you are unable to use the on-line system, you may also send the completed Data Sheet (available for download at <http://travel.state.gov/pdf/DS-3035.pdf>), *two* self-addressed, stamped, legal-size envelopes, and a check or money order for **\$215 U.S. dollars per application**, payable to the U.S. Department of State to:

Postal Service:

US Department of State/Waiver  
Review Division  
P. O. Box 952137  
St. Louis, MO 63195-2137

Courier Service:

US Department of State  
Waiver Review Division (Box 952137)  
1005 Convention Plaza  
St. Louis, MO 63101-1200

IMPORTANT NOTES:

- Please write on the check or money order the applicant's full name, date of birth and Social Security Number, if any.
  - Remittances must be drawn on a bank or other institution located in the U.S. and made payable in U.S. currency to the U.S. Department of State.
  - If the applicant resides outside the United States at the time of application, remittance may be made by bank international money order or foreign draft drawn on an institution in the U.S. and made payable to the U.S. Department of State in U.S. currency.
- STEP 2:** Once you have submitted your Data Sheet, the Waiver Review Division will provide you with a case number and instructions regarding how to proceed with your application under the basis you designated on your Data Sheet. This information will include a list of documents that you must submit to complete your waiver review application. After you have received your case number, you must write the full case number on any documentation you submit as well as on the outside envelope of all future correspondence with this office. If you do not write the case number on all correspondence and on the outside of the envelope, the documents you submit will be returned to you.
- STEP 3:** It is your responsibility to submit all requested documents and required letters to DOS. The Waiver Review Office will *not* follow up on documents that have not been received. Rather, it is your responsibility to ensure that your file is complete.

You may check on the status of your application via telephone at 202.663.1600. Applicants may also check the status of their applications by going to <http://169.253.2.79/> or by fax at 202.663.3899. In order to access information using the telephone service or the website, you must possess a five-digit case number. DOS assigns a case number when it receives a waiver application. You must have your full case number in order to obtain the status of your case.

Additional Information

For more detailed information, you may visit to DOS website at [http://travel.state.gov/visa/temp/info/info\\_1296.html](http://travel.state.gov/visa/temp/info/info_1296.html). If you have additional questions, please feel free to contact a staff member in OIS by calling 412.624.7120 to arrange an appointment.