J-1 WAIVER OF THE 2-YEAR HOME RESIDENCY REQUIREMENT
Sec. 212(e)

There are only two ways any J-1 scholar on the UW-Madison Exchange Visitor Program would be subject to the 2-year home residency requirement.

- The first is “government funding”. If a J-1 scholar has received any financial support from a government agency, either from the home government or the U.S. government then the scholar is automatically subject to the 2-year home residency requirement.
  - U.S. government funding does not include the “general” grants given to university professors, in which the professors can spend the funding as they deem necessary from office materials to a UW-salary in order to achieve research results.

- The second is based on the “Exchange Visitor Skills List”. The Skills List is a list of fields of specialization that a country can file with the U.S. Department of State (USDOS). Any citizen, of a country with a Skills List, who comes to the U.S. to pursue professional goals in one of the specializations will then be subject to the 2-year home residency requirement. Not all countries have a Skills List.

LINK to the Skills List at the USDOS:

http://travel.state.gov/content/visas/en/study-exchange/exchange/exchange-visitor-skills-list.html

A J-1 scholar should NEVER apply for a waiver of the “2-year home residency requirement 212(e)” without consulting with an international advisor. The timing of an application for a waiver could directly impact a J-1 scholar’s current J-1 program and the process for applying for any change of status.

The USDOS has comprehensive instructions on their website for the waiver process.

LINK to the USDOS website:

http://travel.state.gov/content/visas/en/study-exchange/student/residency-waiver.html

Once a J-1 scholar has applied for the waiver and received a “case number” the J Visa Waiver Status online link can be used to determine the status of a pending waiver application.

LINK to the USDOS “J Visa Waiver Status online”:

https://j1visawaiverrecommendation.state.gov/