

Waivers and Advisory Opinions

Waivers of Residency Requirement

Any Yale affiliated J-1 Exchange Visitor considering applying for a waiver of the two-year home residency requirement [must first have a meeting with their OISS adviser](#) [1] before beginning the application process. At present **many waiver applications are taking more than a year to be approved**. After you have discussed your situation with your OISS adviser, you may want to review the [Two-Year Home Residency page](#) [2] first in order to understand which J visa holders may become subject to this rule. It is important to note that J-1 visa holders are expected to complete their research, teaching or study objective within the time allowed on the J-1 visa. The two-year home residency rule enforces this expectation. On occasion a student or scholar's objective changes during their time on the J visa. If this is your situation, and you have identified that you are subject to the two year home residency rule, then you may need to request a waiver. There are many different types of waivers, depending on how you are subject to the residency requirement. For example if your J visa was sponsored by a U.S. funding agency such as Fulbright, or if you were sponsored by the ECFMG, then the waiver process is different, and in some cases not possible.

The following information is for those who are subject to the residency requirement according to the [Skills List](#). [3] As the first step in the waiver process it is critical that Yale affiliates inform an adviser in the OISS of their intent to apply for a waiver. If you receive a waiver you will not be able to extend your J-1 status or transfer to another J-1 sponsor, and this may jeopardize your ability to remain at Yale.

The [U.S. Department of State Bureau of Consular Affairs Exchange Visitor website](#) [4] will guide you step by step through the No Objection waiver process. This waiver application is your personal application and OISS advisers are not able to advise on application details.

Please note: Once an individual is notified that the U.S. Department of State (DOS) has sent a favorable recommendation that the waiver of the [two year home residency requirement](#) [2] be granted, per DOS the J-1 “exchange visitor is no longer considered eligible for an extension of program beyond the end date shown on the current DS-2019, even though they may not have completed the maximum duration of participation permitted for the category.”

The following are the basic steps of a No Objection waiver based on being subject according to the Skills List:

1. [Meet with your OISS adviser](#) [1]

2. Extend your J-1 DS-2019

Before applying for a waiver, first speak to an [OISS Adviser](#) [5] so we can plan the entire process including H-1B. If there are delays in the process. OISS will not be able to extend your J-1 status once you have received a waiver so the **first step in applying for a waiver is normally to extend your DS-2019**.

3. Create application

Create your application account by logging on the [U.S. Department of State Bureau of Consular Affairs Exchange Visitor website](#) [6].

4. Form submission

Waivers and Advisory Opinions

Published on Office of International Students & Scholars (<https://oiss.yale.edu>)

Submit all DS-2019 forms and other documentation into your Department of State application account.

5.

Contact government representative

Contact your home government representative in Washington (or in some cases New York) to request that they begin to review your request for a “No Objection” statement.

6.

No Objection Statement

The home country issues the “No Objection” statement to the U.S. Department of State, and normally sends a copy to OISS.

7.

Department of State recommendation

The Department of State approves your request by issuing a recommendation letter to the United States Citizenship and Immigration Services (USCIS) office in Vermont.

8.

Waiver, Form I-612

The final waiver, form I-612, is mailed to you from USCIS Vermont and is required for any change of immigration status application such as moving to H-1B or U.S. Permanent Residency.

Advisory Opinions

An advisory opinion is a request to State Department's Waiver Review Division as to whether you are subject to the two year home residency requirement or not. You should only request an advisory opinion after you have discussed your J status with an [OISS adviser](#) [7]. The [Advisory Opinion request](#) [8] should include a cover letter explaining why you believe you are not subject to the two year home residency requirement, legible copies of all your DS-2019 or IAP-66 forms, copies of all of your J-1 visa stamps from a U.S. embassy (except for Canadian citizens) and in some cases evidence of the funding you have had during your time on the J-1 visa.

Source

URL: <https://oiss.yale.edu/immigration/j-1-scholars/understanding-j-1-status/waivers-and-advisory-opinions>

Links

[1] <https://oiss.yale.edu/about/connect-with-oiss> [2] <https://oiss.yale.edu/immigration/j-1-scholars/understanding-j-1-status/two-year-home-country-residence-requirement> [3] <https://travel.state.gov/content/travel/en/us-visas/study/exchange/waiver-of-the-exchange-visitor/exchange-visitor-skills-list.html> [4] <https://travel.state.gov/content/travel/en/us-visas/study/exchange/waiver-of-the-exchange-visitor/how-to-apply-waiver.html> [5] <https://oiss.yale.edu/about/contact-oiss> [6] <https://j1visa waiver recommendation.state.gov/> [7] <https://oiss.yale.edu/about/contact-oiss> [8] <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/advisory-opinions.html>