SEVIS and 212(e)

When the Form DS-2019 is created in SEVIS, it is automatically marked subject to 212(e) if:

- The exchange visitor's category is Alien Physician (PL 94-484) or
- The exchange visitor's program was financed by:
 - A U.S. Government Agency
 - The Exchange Visitor's Government
 - Current Program Sponsor (for G-1, G-2, and G-3 programs only)

Government Ag	ency(ies) [max of 2]		Other Funding Resources
Agency:	AGENCY FOR INTERNATIONAL DEVE *	\$ 10,000	The Binational Commission of the Exchange Visitor's Country:
Other Agency:			The Exchange Visitor's Government: \$ 10,000
Agency:	DEPARTMENT OF COMMERCE	\$ 10,000	All other organizations providing support:
Other Agency:			S
ernational Organi:	zation(s) [max of 2]		Current Program Sponsor: \$ 10,000
Organization:	Ţ	\$	Personal funds: \$
her Organization:			
her Organization: Organization:	▼	\$	

Note: SEVIS does not mark Forms DS-2019 as subject to 212(e) based on the Exchange Visitor Skills List.

Once the Form DS-2019 is generated (Initial status), the 212(e) indication <u>cannot</u> be removed:

PRELIMINARY ENDORSEMENT OF CONSULAR OR IMMIGRATION OFFICER REGARDING SECTION 212(e) OF THE IMMIGRATION AND NATIONALITY ACT AND PL 94-484, AS AMENDED <i>(see item 1(a) of page 2).</i>				
The Exchange Visitor in the above program:				
1. Not subject to the two-year residence requirement.				
2. Subject to two-year residence requirement based on: PHYSICI	D PARTICIPANTS G-2-00263 AND ALL ALIEN S SPONSORED BY P-3-04510 ARE SUBJECT TO			
A. Government financing and/or	THE TWO-YEAR HOME RESIDENCE REQUIREMENT)			
B The Exchange Visitor Skills List and/or				
C. PL 94-484 as amended				
Name	Title			
Signature of Consular or Immigration Officer	Date (mm-dd-yyyy)			
THE U. S. DEPARTMENT OF STATE RESERVES THE RIGHT TO MAKE FINAL DETERMINATION REGARDING 212 (e).				

The Form DS-2019 is marked to inform the Consular Officer that the exchange visitor might be subject to 212(e). The Consular Officer will make a preliminary determination, which is reflected on the visa annotation. The visa annotation <u>supersedes</u> the indicator on the Form. For example, if the Form is marked subject to 212(e) but the visa annotation says that the bearer is not subject, the exchange visitor will <u>not be subject</u> to the 212(e) requirement.



Frequently Asked Questions:

1. If government funding is removed from the exchange visitor's record, will it remove the 212(e) indication from the Form DS-2019?

No. If the mistake is caught before the exchange visitor received their visa, use the Cancel EV function to invalidate the record and create a new one.

2. If the visa annotation states that the exchange visitor is subject to 212(e) but the program was canceled (Invalid status) and the exchange visitor never entered the United States, is the exchange visitor still subject to 212(e)?

No. The exchange visitor is only subject to 212(e) if they enter the United States.

3. If a J-1 exchange visitor is subject to 212(e), are J-2 spouse and dependents also subject?

Yes, if the J-2 enter the United States, they are also subject to the requirement. However, if the J-2 does not enter the United States, it's important that the sponsor invalidate the J-2's record in SEVIS. Otherwise, the J-2's SEVIS status will match the status of the J-1 (Active) and it might lead to confusion about 212(e) subjectivity.

4. Are there any categories that are not subject to 212(e)?

Yes, exchange visitors participating in the Au Pair and Summer Work Travel exchange visitor program categories are not subject to INA 212(e).

5. If the exchange visitor is subject to 212(e), can they change their status before fulfilling the requirement or obtaining a waiver?

Per USCIS, J beneficiaries subject to the 2-year foreign residence requirement under INA 212(e) cannot do any of the following until they fulfill this requirement:

- Change status in the United States other than to A, G, T, or U status;
- Adjust status in the United States to lawful permanent resident status (LPR);
- Receive an immigrant visa at a U.S. Embassy or Consulate; or
- Receive a temporary worker (H), intracompany transferee (L), or fiancé (K) visa.

For questions, email the Department of State's SEVIS Team: jsevis@state.gov Visit our website: j1visa.state.gov/sevis