

## Exchange Visitor Program Information for New Visiting Scholars

**Purpose:** *The Exchange Visitor Program promotes the interchange of knowledge and skills among foreign and American scholars. It does so by providing foreign scholars the opportunity to exchange ideas with their American colleagues, participate in educational and professional programs, confer on common problems and projects, and promote professional relationships. This may be accomplished through lecturing, observing, consulting, and participating in seminars, workshops, conferences, study, professional meetings, or similar types of educational and professional activities.*

**Please find detailed information about your specific program on the included Position Disclosure form.**

**Two-year Home Country Physical Presence Requirement:** *When you agree to participate in an Exchange Visitor Program and your program falls under the conditions explained below, you will be subject to the two-year home-country physical presence (foreign residence) requirement. This means you will be required to reside in your home country for two years before you are eligible to return to the U.S. in a status listed in the restrictions section below. This requirement is based on immigration law Section 212(e) of the Immigration and Nationality Act.*

**Conditions:** *An exchange visitor is subject to the two-year home-country physical presence requirement if the following conditions exist:*

**Government funded exchange program** - The program in which the exchange visitor was participating was financed in whole or in part directly or indirectly by the U.S. government or the government of the exchange visitor's nationality or last residence;

**Graduate medical education or training** - The exchange visitor entered the United States to receive graduate medical education or training;

**Specialized knowledge or skill: Skills List** - The exchange visitor is a national or permanent resident of a country which has deemed the field of specialized knowledge or skill necessary to the development of the country, as shown on the Exchange Visitor Skills List.

**Restrictions:** *If you are subject to the two-year home-country physical presence requirement, you must reside in your home country for a cumulative total period of at least two years before you are eligible for any of the following:*

Change status while in the United States to the nonimmigrant categories of temporary worker (H) or intracompany transferee (L); or adjust status while in the United States to immigrant visa/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 at a U.S. Embassy or Consulate.

**NOTE:** *Other restrictions may apply. If you are unable to fulfill the requirement, you may be eligible for a waiver. For additional information see:*

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

### Exchange Visitors and Temporary Workers in the United States Have the Right To:

Be protected against retaliation and seek justice in U.S. courts. It is unlawful for your employer to try to punish you, for example, by threatening to report you to immigration or the police if you try to enforce your rights;

Be protected against discrimination. An employer cannot treat you differently or poorly because of your gender, race, national origin, color, religion, or disability. Your employer may not treat you differently because of your gender or if you are pregnant. Your employer may not sexually harass you, demand sex acts, touch you in a sexual manner, or express offensive comments;

A healthy and safe workplace. All employees have a right to safe and clean working conditions. If you are injured or get sick on the job, you may seek medical treatment;

Leave an abusive employment situation and not be held in a job against your will.