

Republic of the Philippines  
**EXCHANGE VISITOR PROGRAM COMMITTEE**  
Manila, Philippines

**REVISED GUIDELINES AND PROCEDURES ON THE WAIVER OF THE TWO-YEAR HOME-COUNTRY RESIDENCY REQUIREMENT FOR EXCHANGE VISITORS**

**SECTION 1. PURPOSE**

To prescribe guidelines and procedures relative to the grant or non-grant of requests of exchange visitor participants for the waiver of the two-year home residency requirement through the No Objection Statement (NOS) by the Philippine Government.

**SEC. 2. COVERAGE**

These guidelines shall cover all exchange visitors within the purview of Section 212 (e) of the US Immigration and Nationality Act, as amended, which provides that no person admitted under the Exchange Visitor Program shall be eligible for an immigrant visa, or for permanent residence, or for non-immigrant visa until it is established that such person has resided and had been physically present in the country of his nationality, or where he had his last permanent residence for at least two (2) years following his departure from the United States.

These guidelines do not cover the dependents of exchange visitors holding J-2 visas who wish to waive the two-year home-country residency requirement.

**SEC. 3. DECLARATION OF POLICIES**

It is the policy of the Philippine Government that all EVP participants return to the country as part of the two-year home-country residency requirement. However, it is recognized that under highly meritorious circumstances and after careful and rigorous evaluation by the EVP Committee, a No Objection Statement may be issued, in consideration of the following objectives of the RP-US exchange program:

- a. Promote mutual understanding among Filipino and American peoples by means of cultural and educational qualifications;
- b. Provide an avenue for Filipinos and permanent residents in the Philippines to participate in educational and cultural programs and avail themselves of opportunities for cultural and educational advancement; and
- c. Ensure that maximum benefits shall accrue to the Philippines in its participation in the EVP by requiring participants to return to the Philippines after their cultural and educational experience in the United States, and share these with their fellow Filipinos and the Philippine Government.

## SEC. 4. DEFINITION OF TERMS

For purposes of these Guidelines, the terms or phrases used here shall mean or be understood as follows:

- a. Exchange Visitor refers to the foreign national who has been selected by a sponsor to participate in an exchange visitor program and who is seeking to enter or has entered the United States temporarily on a J-1 visa. The term does not include the visitor's immediate family.
- b. Exchange Visitor Program refers to the international exchange program administered by the United States to implement the Mutual Education and Cultural Exchange Act of 1961, as amended, Public Law 87-256, 22 USC 2451, et seq. (1988). The purpose of the Act is to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges. Educational and cultural exchanges assist in furthering the United States' foreign policy objectives.
- c. Exchange Visitor Skills List refers to a list of fields of specialized knowledge or skills designated by the US Secretary of State in April 1972, as amended, and those countries which clearly required the services of persons engaged in one or more of such fields. Any alien who is a national or resident of one of those countries and obtained an exchange visitor visa and/or became a participant in an exchange visitor program involving a designated field of specialized knowledge or skill after the effective date of public notices is subject to the two-year home country requirement of section 212(e) of the US Immigration and Nationality Act.
- d. No Objection Statement refers to the statement issued by the Philippine Government that it has no objection to the waiver of the two-year home residency requirement.
- e. Sponsor refers to a legal entity designated by the US Government to conduct an exchange visitor program.
- f. Two-Year Home Residency Requirement refers to the provision that an exchange visitor who is within the purview of section 212(e) of the Immigration and Nationality Act must reside and be physically present in the country of nationality or last legal permanent residence for an aggregate of at least two (2) years following departure from the United States, before the exchange visitor is eligible to apply for an immigrant visa or permanent residence, a non-immigrant H visa as a temporary worker or trainee, or a non-immigrant L visa as an intra-company transferee, or a non-immigrant H or L visa as a spouse or minor child of a person who is a temporary worker or trainee or an intra-company transferee.

Section 212(e) of the US Immigration and Nationality Act, as amended, provides that no person admitted under the exchange visitor program shall be eligible to apply for an immigrant visa, or for permanent residence, or for non-immigrant visa until it is established that such person has resided and been physically present in the country of nationality or last legal permanent residence for an aggregate of at least two years following departure from the United States.

This provision is applicable to the following exchange visitors:

- (1) Those whose participation in the program was financed in whole or in part, directly or indirectly, by an agency of the United States Government or by the Philippine Government;
- (2) Those, who at the time of admission to the program, is a national or resident of a country which had been designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skills in which the alien was engaged (referring to the Exchange Visitor Skills List); and
- (3) Those who came to the United States or acquired such status in order to receive graduate medical education or training.

## **SEC. 5. THE PHILIPPINE EVP COMMITTEE**

The EVP Committee is an inter-agency body, created through Administrative Order No. 242 to coordinate the Philippine participation in the Exchange Visitor Program.

- a. The EVP Committee is mandated, among others, to promulgate rules and regulations to implement the Philippine participation in the exchange program. As part of its functions, it shall review and decide on applications for NOS looking into the benefits that may accrue to the Philippines from its participation in the EVP, as the paramount consideration;
- b. The EVP Committee is composed of the heads of the following Philippine Government agencies or their duly designated representatives with at least the rank of a Director:
  - (1) Department of Foreign Affairs
  - (2) Department of Health
  - (3) Department of Education
  - (4) Department of Labor and Employment
  - (5) Department of Science and Technology
  - (6) National Economic and Development Authority
  - (7) Professional Regulation Commission
  - (8) Commission on Higher Education
  - (9) Technical Education and Skills Development Authority
  - (10) Office of the President
  - (11) Commission on Filipinos Overseas
- c. The Committee is chaired by the Department of Foreign Affairs, and the Commission on Filipinos Overseas serves as the Secretariat.

## **SEC. 6. APPLICATION REQUIREMENTS**

Exchange visitor participants from the Philippines applying for waiver of the two-year home-residency requirement through the No Objection Statement (NOS) from the Philippine Government shall comply with the following requirements to be submitted in three (3) copies (1 set of original copies and 2 sets of photocopies):

- a. The applicant fills out the NOS application form, which is available at the Philippine Embassy or Consulate in the United States or on the website of the EVP Committee [www.evpcommittee.ph](http://www.evpcommittee.ph).
- b. The applicant submits the NOS application form to the EVP Committee, through the CFO, together with the following supporting documents:
  - (1) Copy of the Certificate of Eligibility for Exchange Visitor (J-1) Status IAP Form 66/ DS 2019);
  - (2) Copy of the certificate of completion from the training / sponsoring institution. In cases wherein the applicant is currently on training at the time of application, he shall submit a certificate from the host institution indicating the specific period of attendance, applicant's good standing, and confirming the applicant's eligibility to complete the program (as amended by EVP Resolution No. 02-2003). The applicant may also submit a duly accomplished Certificate of Participation which is available on the EVP Committee website;
  - (3) Third Party Bar Code Page indicating the Waiver Review File Number issued by the Waiver Review Division of the US Department of State; and
  - (4) Original copy of the clearance from former employer / company in the Philippines at the time of departure for the training program, clearing the applicant from any contractual obligation or financial accountability.
- c. The applicant shall submit supporting documents as requested by the EVP Committee. The EVP Committee reserves the right to require additional proof or documents as needed.
- d. The applicant shall pay the non-refundable processing fee One Hundred Twenty-Five US Dollars (US\$125) exclusive of bank charges, to the CFO through a bank or other means of electronic transfer to the following account:

Account Name :	Commission on Filipinos Overseas
Account No. :	000012-1149-23 (Philippine Peso Account)
Swift Code :	TLBPPHMMAXXX
Bank name :	Land Bank of the Philippines
Branch :	Intramuros, Manila

The EVP Committee authorizes the CFO to use the fees to cover expenses for the processing and handling of NOS applications, subject to the standard accounting and auditing procedures.

The processing and handling of NOS applications shall include the costs of the following:

- (1) Sending of communications / decisions of the EVP Committee to the NOS applicant through registered mail;
- (2) Sending of original NOS documents to NOS applicant through courier service;

- (3) Sending of endorsements of the approved NOS to the Philippine Embassy in Washington, D.C.;
- (4) Verification of information through international and local telephone calls;
- (5) Publication of resolutions and other important announcements as the need arises;
- (6) Other administrative requirements (including but not limited to hiring of personnel on a contractual basis, and purchasing of office equipment and supplies).

The CFO shall submit to the EVP Committee a quarterly financial report of all payments received from NOS applicants, and expenses incurred in line with the processing of NOS applications. (As amended by Resolution No. 02-2007).

## **SEC. 7. APOSTILLE**

All public documents, such as vital records, issued by government institutions and agencies in the US submitted in support of a NOS application must be covered by an Apostille Certificate to be issued by duly commissioned/authorized agencies.

Private documents and electronically-generated US documents must be covered with a notarized affidavit prior to Apostille Certification.

Private documents may also be notarized (acknowledged) by the Philippine Embassy or Consulate that has jurisdiction over the place where the issuing authority is located. Once acknowledged by a Philippine post, Apostille certification is no longer necessary.

## **SEC. 8. PROCEDURES**

All applications and requests for NOS may be sent electronically for initial evaluation of EVP Secretariat to determine which applications are eligible for processing and deliberation by the EVP Committee.

- a. Applications, which are incomplete shall be denied / rejected automatically and the notice of denial without prejudice to reapplication shall be sent immediately to the applicant. The notice of denial should indicate which requirement is lacking.
- b. In evaluating the merits of individual cases, expert opinion or recommendation from relevant EVP member agencies or other government agencies may be sought.
- c. Decisions of the EVP Committee member-agencies must be submitted to the EVP Secretariat within five (5) working days upon receipt.
- d. An application for NOS not pursued by the applicant within seventy (70) working days from the date of the last communication of the EVP Secretariat to the applicant shall be deemed abandoned and returned to the applicant without prejudice to reloading, subject to payment of a new processing fee.

## **SEC. 9. BASES FOR THE GRANT OF NOS**

The EVP Committee reserves the right to grant NOS to applicants whose cases may fall under highly meritorious circumstances, such as, but not limited to, applications from researchers or professionals whose continued stay in the United States will advance the Philippines' national interest. These researches or studies should be sustainable, suitable to the current priorities of the Philippine government, and will improve research and development (RnD) in the Philippines.

These applications, which will include detailed research plans, are to be subjected to evaluation by relevant agencies such as DOST, DOH, CHED, among others.

The EVP Committee will determine its decision based on authentic and sufficient supporting documents from the EVP participant. It may require EVP participants to submit additional supporting documents as it deems necessary.

As far as practicable, the grant of NOS will include an alternative arrangement between the EVP participant and the relevant EVP Committee member agency or agencies. The procedure on the alternative arrangement will be determined by the EVP Committee.

A separate resolution with guidelines will be issued by the EVP Committee for the alternative arrangement procedures.

## **SEC. 10. GROUNDS FOR NON-GRANT OF NOS**

The EVP Committee shall not grant NOS on the following grounds:

- a. The applicant has not attended or has not completed the training program, unless the reasons for non-attendance or non-completion are any of the following:
  - (1) Violations of the participant's recognized rights by training institution or sponsor, as proven by supporting documents; and
  - (2) Cancellation, suspension, or termination of the training program for causes not attributable to the applicant (As amended by EVP Resolution No. 02-2003).
- b. The participant has outstanding financial or service obligations with any government agency, or any public or private institution in the Philippines;
- c. The applicant has not submitted complete application requirements as provided in Sec. 6 of the Guidelines; and
- d. The applicant has submitted falsified documents. Submission of falsified documents may also be a ground for administrative, civil, and criminal sanctions.

A notice of denial indicating the reason for the non-grant of NOS shall be sent to the applicant immediately.

## **SEC. 11. SKILLS LIST**

Education and training opportunities in fields of professions contained in the Philippine Skills List are necessarily covered by the two-year home residency requirement. All NOS applications of EVP participants whose field of training in the US is included in the Skills List shall not be granted NOS taking into consideration the provisions of Section 3 and the priorities of the Philippine Government, unless the Committee deemed their applications as meritorious cases and decided to process their applications.

## **SEC. 12. STATEMENT OF NO OBJECTION**

The EVP Committee shall transmit its decision on NOS applications to the Philippine Embassy in Washington, D.C. in the form of an endorsement letter. The decision of the EVP Committee shall be conveyed by the Philippine Embassy to the US Department of State. The Philippine Embassy shall furnish the applicant with a copy of the Philippine Government's decision.

## **SEC. 13. REQUEST FOR RECONSIDERATION**

The decision of the EVP Committee may be appealed within 30 working days from receipt of the decision. The process shall be as follows:

- a. The applicant submits to the EVP Committee Secretariat a request for reconsideration strictly within thirty (30) working days from the receipt of the decision.
- b. The request for reconsideration shall include new information or documents to justify the appeal. It shall be acted upon by the EVP Committee within 30 working days from receipt thereof.
- c. The decision of the EVP Committee on the appeal shall be final and executory.

## **SEC. 14. MISCELLANEOUS PROVISIONS**

- a. The EVP Committee reserves the right to deny NOS to EVP participants who fail to comply with the guidelines indicated herein.
- b. The EVP Committee may call upon any relevant government agency or private entity for assistance in the implementation of these guidelines.

*This Revised Guidelines was adopted by the EVP Committee by virtue of Resolution No. 02-2021 on the 6<sup>th</sup> day of April, 2021 in the City of Manila, Philippines.*