



5-Year Rule and 2-Year Repeat Participation Bar, 212e Requirements, 12-Month Bar

J-1 Exchange Visitors in Professor and Research Scholar Categories

On January 11, 2007 the U.S. Department of State (DOS) published a final rule to implement changes to the Exchange Visitor regulations affecting the J Professor and Research Scholar categories. The effective date of the rule is retroactive to November 18, 2006. The major changes to the rule are as follows:

- The maximum period of the participation for J Professor and Research Scholars has been increased from **three years** to **five years**. The five year period is not an aggregate of five years, but a continuous five-year period given to a participant on a “use or lose” basis.
- A two-year bar on “repeat participation” in the J Professor or Research Scholar categories will apply to those who complete their program in these categories.

What is the 2-Year Repeat Participation Bar?

Any individual who participates in an Exchange Visitor Program in the Professor or Research Scholar categories on or after November 18, 2006 is subject to a two-year bar on “repeat participation” in these categories. Scholars subject to the bar may not return to the U.S. as a J-1 visitor in the Professor or Research Scholar categories for a two-year period.

The two-year bar will be in effect regardless of whether the scholar is in the program for a few months or the full five years. Whenever the program ends and the SEVIS record becomes “inactive”, the scholar’s program is considered to be complete. The scholar must wait two years before beginning a new program as a Professor or Research Scholar. Any unused time from the five-year period cannot be saved and used later.

For example:

A visiting Professor or Research Scholar completes a 9-month program in the J-1 Professor or Research Scholar category, with program dates August 8, 2015 to May 6, 2016. On May 7, 2016 the scholar’s SEVIS record status changes from “active” to “inactive”. The scholar returns home during the 30-day grace period.

In this scenario the scholar is subject to the two-year bar of “repeat participation” and would not be able to return to the U.S. for two years from the previous program end date.

Although the scholar participated only for 9 months, he/she cannot access the remaining 4 years and 3 months of eligibility due to an “inactive” SEVIS record. The scholar must wait until May 7, 2018 before another 5-year J-1 Professor or Research Scholar program can begin.

Am I Subject to the 2-Year Repeat Participation Bar?

If the program of a J-1 Exchange Visitor in the Professor or Research Scholar categories (including J-2 dependent(s) of a Professor or Research Scholar) ends on or after November 18, 2006, then he/she is subject to the two year repeat participation bar. The bar applies if the scholar had an active record in the Research Scholar or Professor categories within the two years prior the current program start date, even if the previous program was less than 6 months.

Note: The bar does not require the scholar to be physically outside of the U.S., only not holding J-1 Research Scholar or Professor status. If the scholar has spent the last two years in the U.S., but there is no active SEVIS record for the Professor or Researcher Scholar category, then the two-year bar does not qualify.

J-1 Exchange Visitors in the Short-Term Scholar or Student categories are not subject to the 2-year repeat participation bar.

What are the future options related to the 2-year repeat participation bar?

If you are subject to the two-year bar, you will not be able to return to the U.S. as a J-1 Professor or Research Scholar for a two-year period. However, you may be able to return in a different J Exchange Visitor category or with a different visa type. You may also be able to extend your current J status for a longer period of time. It is important to discuss your options with the ISS staff if you have plans to return to the U.S. for future research or teaching opportunities.

Two Year Home Country Residency Requirement (212e)

Some J Exchange Visitors are subject to a two-year home country residency requirement. The two-year home country residency requirement is different from the two year bar on “repeat participation”. Exchange Visitors in any J category may be subject to the home country residency requirement (212e).

Any J-1 scholar or J-2 dependents subject to the requirement must return to and reside in their home country for an aggregate two-year period after completing their J program. The residency requirement only prevents the scholar from returning to the U.S. in a status of H-1B, L-1, or Permanent Resident.

J-1 Exchange Visitors may be subject to the two-year home country residency requirement:

If the scholar receives financial support from U.S government, home country government, international organizations or through program sponsors (e.g. Fulbright),

Twelve-Month (One-Year) Bar

If an individual was present in the U.S. in any J category (including J-2) in the 12-month period before the proposed new program start date, the prospective scholar maybe subject to the 12 month bar.

The exceptions are:

- If the individual was a short-term scholar, the 12-month bar does not apply.
- If the individual's presence in the U.S. as a J-1 or J-2 status during the 12-month period is less than 6 months, the 12-month bar does not apply.