

DEPARTMENT OF INTERNATIONAL SERVICES & PROGRAMS

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5-Year Rule/24-Month Bar/12-Month Bar for J-1 Visa - Professor and Research Scholar Categories

On November 17th, 2006 the U.S. Department of State (DOS) published a final rule regarding key changes to the Exchange Visitor regulations affecting the J Professor and Research Scholar categories. These changes were implemented into the SEVIS system on November 17th and became effective on November 17th, 2006.

The major changes include:

5 Year Rule:

The maximum period of participation for J Professors and Researchers Scholars has been increased from **three years to five years**. The five-year period is **not an aggregate of five years**. It is a continuous five-year period given to a participant on a "use or lose" basis. The period of participation is a five-year period, starting from the program begin date on the DS-2019 form. The DS-2019 can be extended by DISP. The Professor/Research Scholar should complete the Extension Request Form at www.disp.uconn.edu click 'forms', click 'extension forms'.

24 Month Bar:

A 24-month (two year) bar on repeat participation in the J Professor or Research Scholar categories will apply to those who complete their program participation.

This means that any scholar that comes to the U.S. for any length of time in the Professor or Research Scholar category will not be able to come back to the U.S. in the J Professor or Research Scholar categories for a period of two years.

Application of the 5 Year Rule and the 24 Month Bar:

The 5 Year Rule and the 24-Month Bar will apply only to those who:

1. Are currently in the U.S. in J-1 status in the Professor or Research Scholar categories and for any length of time and will complete their J program on or after the date on when the new rule become effective (November 17th, 2006), or
2. New incoming J Exchange Visitors on the Research Scholar or Professor categories

Example (1): A Research Scholar or Professor comes to the University of Connecticut for five years. After two years they decide to take a work related leave while **remaining active** on the current J program. They return home for six months. After six months, they return to the University of Connecticut. In this case, they will only have two and a half years left in their J program. In other words, the six months outside of the U.S. counts toward the total five-year period because they remained active in the J program.

Example (2): A Research Scholar or Professor comes to the University of Connecticut for two years and returns home **without** remaining active on the current J program. While at home, s/he and the University of Connecticut decide there is more work to be done. The scholar decides to come back to the University of Connecticut as a Research Scholar or Professor. In this case, the scholar is subject to the 24 month bar and will not be able to return to the U.S. in the Research Scholar or Professor category for two years following the date s/he originally returned home. For this scholar, other visa types or J categories may be an option (such as short-term scholar).

24-Month Bar vs. Two Year Rule (212e): The new 24-month bar should not be confused with the two year rule (212e). These are completely different regulations.

The two year rule (212e) may apply to anyone who enters the U.S. on a J visa, based one of the three eligibility requirements listed below:

1. The scholar receives financial support for their program in the U.S. directly from the U.S. government or their home country government,
2. An International Organization (UN, WorldBank, etc.) or through a program sponsor (IIE, Fulbright, AFGRAD, etc.), or
3. The scholar's home country government has included the scholar's area of study on a "skills list". The skills list is published by the U.S. Department of State.

The 24-month bar only applies to J visa holders who enter the U.S. on the Research Scholar or Professor category.

The 5 year period and 24-month bar **do not** apply to other J categories. Therefore, International Student and Scholars who wish to return to the U.S. without waiting 24 months may do so on other visa types or in other J categories (i.e. short term scholar, J-2 dependent, J student or J intern) based on their eligibility.

12-month bar:

The 12-Month Bar will apply to those who wish to return the U.S. as J-1 Professors or Research Scholars AND who have been in the U.S. in J status:

1. in all categories (except the short-term category) including J-2 dependent and
2. have been in the U.S. in J status for six months or more in the 12 month period immediately preceding the proposed DS-2019 start date.

Exchange Visitors who are subject to the 12-month bar are not eligible to begin a new program in the J Professor or Research Scholar categories until 12 months have passed since they were previously in J status. They are eligible to return to the U.S. on other visa types or in other J categories (i.e. Short-term scholar, J-2 dependent or J student or J intern).

The 12 month bar does not apply to those who are subject to the 24-month bar. In other words, those individuals who are subject to the 24-month bar will not be subject to an additional 12 month bar.