

U.S. Department of State (DOS) Regulations for J-1 Exchange Visitors
in the Research Scholar or J-1 Professor Category

Background

J-1 Exchange Visitor Categories are assigned to visiting scholars by the university based on the purpose and duration of the visit to the U.S. (The category is listed in Box 4 of Form DS-2019 Certificate of Eligibility for J-1 Exchange Visitor Status.) UCSC uses the J-1 Research Scholar category which allows visiting scholars to do either research or temporary teaching in their academic field according to their academic appointment with their sponsoring UCSC department and division. Please contact ISSS if you have questions concerning your J-1 category and the DOS regulations (Tel 831-459-3550, visa@ucsc.edu).

Changes in the J-1 Regulations

In January 2007 DOS confirmed that the effective date of the Five-Year Research Scholar/Professor regulations is November 18, 2006. J-1 Programs that have not ended before this date and programs beginning after this date are subject to the new regulations.

Maximum Length of Stay Five Years

The maximum length of program for J-1 Exchange Visitor in the Research Scholar category or Professor category has been increased from three to five years. (We will use the term “J-1 Research Scholar/Professor” in this document.)

The five year maximum stay for a J-1 Research Scholar/Professor is not counted in the aggregate. The five year “clock” begins with the start date on the DS-2019 form. This status remains available until the end of five years or the date the J-1 program is concluded, whichever is earlier. At UCSC, the initial DS-2019 will be issued for the duration of the appointment and can be extended up to a maximum of five years at the request of the hiring division.

New 24-month Bar

At the end of the J-1 Research Scholar/Professor’s program, regardless of the length of the stay (i.e. 7 months, 2 years, or 5 years), the J-1 Research Scholar/Professor becomes subject to a 24-month bar on repeat participation. This means that when a J-1 Research Scholar/Professor completes his or her J-1 program participation--regardless of the length--the J-1 Research Scholar/Professor status is concluded and he or she is not eligible for another stay as a J-1 Research Scholar/Professor until 24 months have passed.

The 24 months can be spent in the U.S. in another J-1 category (i.e. Short-term Scholar or Specialist) or in another immigration status, such as H-1B, if eligible.

The 24-month bar only applies if the individual wants to return to the U.S. in the J-1 Research Scholar/Professor category. It is different from the Two-Year Home Country Residence Requirement (see below).

Existing 12-month Bar

There currently exists a 12-month bar for persons seeking to use the J-1 Research Scholar/Professor category. With the exception of the Short-term Scholar category, this bar applies to individuals who have been in the U.S. in any J-1 or J-2 status for six months or more in the 12-month period immediately prior to the proposed start date on the new J-1 program. Prospective J-1 Research Scholar/Professors who are subject to the 24-month bar on participation are not subject to an additional 12-month bar.

Existing Two Year Home Residency Requirement

The Two-Year Home Country Residence Requirement, also called “the two-year rule” or “212e,” is different and separate from the new 24-month bar on repeat participation. J-1 Exchange Visitors and their J-2 dependents who are subject to the two-year rule must return to and reside in their home country for an aggregate two-year period after completing their J-1 program. Those subject to the two-year rule must complete the two-year requirement or receive a waiver before they will be eligible for H-1B, L-1 or Permanent Residence status in the U.S. The two-year rule does not prevent the scholar from returning to the U.S. with a visa other than H-1B, L-1 or PR. For instance, the scholar may return with a new J-1, F-1, or visitor visa.

J-1 scholars may be subject to the two-year rule IF:

1. The scholar receives financial support for his or her program in the U.S. directly from the U.S. Government or home country government, an international organization (UN, World Bank) or through a program sponsor (e.g. Fulbright, DAAD, CONACYT etc.), or
2. 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. For information about the two-year rule please see <http://oie.ucsc.edu/forms/j1twoyearrule.pdf>.

Scholars who complete the two-year rule in their home country would not be subject to an additional 24-month bar or 12-month bar.

More information about the J-1 regulations is at <http://oie.ucsc.edu/is3/scholar/scholars.shtml> or contact ISSS at Email visa@ucsc.edu or Tel 831-459-3550.

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