

The 5-Year J Professor/Research Scholar Rule

Background

Effective on November 18, 2006, the Department of State (DOS) implemented the following key changes to the Exchange Visitor regulations affecting the **J-1 Professor and Research Scholar categories**. The major changes include:

- **The maximum period of participation for J-1 Visa under the Professors and Research Scholars categories will be raised 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.
- **A new two-year bar on repeat participation** in the J Professor or Research Scholar categories will be instituted for those who complete their program participation.

Plan to Impose Two-Year Bar if Participation Completed in Less Than Five Years

According to DOS, an individual who has participated in the Exchange Visitor Program as a professor or researcher becomes subject to a two-year bar on “repeat participation” in those categories under two circumstances:

1. If the exchange visitor completes a full five years of program participation with one or more sponsors; or
2. If the exchange visitor completes a particular exchange visitor program, and the SEVIS record becomes Inactive before the full five-year period is over. In this case, the five-year window is “closed,” the individual is not eligible to access the remaining unused time, and the individual must wait for two years before beginning a new program as a J professor or research scholar.

The second circumstance would subject the participant to the two-year bar regardless of how much time he or she spent on the program.

In other words, in order to access a full five years of eligibility, the SEVIS record would have to be kept active. If not, the window would be closed, and the participant would be subject to the two-year bar. For example, a J Professor that comes for a single academic year of nine months, or a Research Scholar that comes for four months, and then goes home without having his or SEVIS record kept open and Active in his absence, would not be able to access the remainder of the five-year period of eligibility, and would be subject to the two-year bar; i.e., that individual could not return to the United States as a professor or research scholar at any institution until two years after the last program ended.

Application of Two-Year Bar to Participant Who Completed Programs Prior to SEVIS 5.4

The two-year bar will apply only to those who completed their programs *on or after* November 18, 2006.

Using the Short Term Scholar Category The new 5 year ruling is very positive for the University and the exchange visitors. However, the 24 month bar may cause some concern for returning visitors. The department may wish to consider using the Short Term Scholar category for those persons who will be here no longer than 6 months since they will not be subject to the 24 month bar. Please remember that the exchange visitor entering under the Short Term category can not be extended beyond the 6 month period and is also restricted from changing visa status within the United States.

For additional information please visit the following websites:

International Center Website: www.louisville.edu/provost/intcent

Department of State: www.state.gov

U.S. Citizenship and Immigration Services: www.uscis.gov