

## 24-MONTH BAR FOR J-1 VISITORS

On January 11, 2007, the U.S. Department of State (DOS) published a final rule to implement key 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 participation for J Professors and Research 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.
- A new 24-month bar on repeat participation in the J Professor or Research Scholar categories will apply to those who complete their program participation in those categories.
- This rule applies to any J Professor and Research Scholar who completes their J program on or after November 18, 2006. The J-1 category appears in section 4 of the DS-2019.

### Understanding the 24-Month Bar

Any individual who participates in an Exchange Visitor program in the Professor or Research Scholar categories on or after 11/18/06 is subject to a 24-month bar on “repeat participation” in those categories. Scholars subject to the bar may not return to the U.S. as a J-1 scholar in the Professor or Research Scholar categories for the 24-month period.

The 24-month bar will be in effect regardless of whether status in the program is a few months in duration or the full five years allowed. Whenever an exchange program ends and the SEVIS record becomes “inactive”, the five-year window is “closed” and the individual must wait 24 months before beginning a new program as a J Professor or Research Scholars. To take advantage of the full five years of the J Research Scholar category, a scholar would need to have an appointment of five continuous years to keep his/her SEVIS record active. Unused time may not be saved for use later.

For example, a J Professor who comes for a single academic year, or a Research Scholar that comes for four months, and then goes home without having his/her SEVIS record kept open and active in his/her absence, would not be able to access the remainder of the five-year period of eligibility, would be subject to the 24-month bar, and would not be eligible to return to the United States as a J-1 Professor or Research Scholar at any institution until 24 months (two years) after the last program ended.

### Am I Subject to the 24-Month Bar?

Any J exchange visitor in the Research Scholar or Professor categories (and their J-2 dependents) whose J-1 program ends on or after November 18, 2006, is subject to the 24-month bar. The J-1 program end date can be found in section 3 of your DS-2019. The J-1 category can be found in section 4. **Exchange visitors in the Short-Term Scholar, Specialist or Student categories are NOT subject to the 24-month bar.** The J category can be found in section 4 of your DS-2019.

### Your Future Options

If you are subject to the 24-month bar, you will not be able return to the U.S. as a J-1 scholar in the Research Scholar or Professor categories for a two-year period. However, you may be able to return in a different J-1 category or with a different type of visa.