Print

Human Resources: J-1 Exchange Visitor Program: Bar on Participation as Scholar or Professor for Previous J-1 Visa Holders

Twelve-month Bar:

A rule issued in April, 1996 bars program participation as a Research Scholar or Professor for aliens who have been physically present in the United States as a J-1 Exchange Visitor for all or part of the one-year period immediately preceding the commencement of such participation as set forth on the Form DS-2019. This bar was established to prevent the movement of J-1 "students" into the "research scholar" or "professor" category and to prevent aliens who had completed a three-year period of J-1 status as "research scholar" or "professor" from leaving the United States and reentering in a new Research Scholar or Professor program for an additional three years. In other words, it is to prevent individuals from trying to "reset the clock". As revised by a final rule issued in June 1996, this one-year bar does not apply to Exchange Visitors:

- who participated in an Exchange Visitor Program for six months or less;
- whose previous J-1 stay was in the Short Term Scholar category;
- who is transferring to the Sponsor's program

24-month Bar on repeat Participation as a Professor or Research Scholar:

Effective November 18, 2006 an exchange visitor who enters the U.S. in J-1 status as a Professor or Research Scholar becomes subject to the new 24-month bar on repeat participation as a Professor or Research Scholar after completing his/her program.

The 24-month bar applies when a Professor or Research Scholar completes the full five years of program participation or when the program ends, regardless of the length of time. In this instance, the five-year period of continuity is broken and the five-year period of eligibility is closed.

The 24-month bar prohibits the exchange visitor from starting a new Professor or Research Scholar program until 2 years have passed from the completion date of the previous program. Those 2 years may be spent in the U.S. in another J category (e.g., Short-Term Scholar) or in another immigration status (e.g., H-1B), if possible.

The new two-year bar will only apply to those who complete their program on or after implementation of the new rule. The existing one-year bar will continue to apply to exchange visitors who completed their program prior to implementation of the new rule.

This bar is different from the “Two-year Home Residency Requirement”, 212(e), and only applies to an individual who wants to return to the U.S. in the J-1 Professor or Research Scholar category.

Last updated: July 6, 2015

Copyright ©2007 Woods Hole Oceanographic Institution, All Rights Reserved.
Mail: Woods Hole Oceanographic Institution, 266 Woods Hole Road, Woods Hole, MA 02543, USA.
E-Contact: info@whoi.edu; press relations: media@whoi.edu, tel. (508) 457-2000
Problems or questions about the site, please contact webdev@whoi.edu