

**Twelve and Twenty-Four Month Bars on Repeat Participation for J-1 Exchange Visitor Categories
Research Scholar and Professor**
May 24, 2007

Previous J-1 Exchange Visitor (EV) Status	Length of Stay in the United States in Previous J-1 Visa Status*	Date Exchange Visitor Completed Program**	Can begin or return as Professor or Research Scholar
Any EV (J-1) category <u>other</u> than Professor/ Research Scholar	6 months or less	Any date	Immediately
Any EV (J-1) category <u>other</u> than Professor/ Research Scholar	More than 6 months	Any date	After 12 months from the EV's Program End Date or Effective Date of Completion **
Research Scholar/ Professor (J-1)	6 months or less	Prior to 11/18/2006	Immediately
Research Scholar/ Professor (J-1)	6 months or less	After 11/18/2006	After 24 months from the EV's Program End Date or Effective Date of Completion **
Research Scholar/ Professor (J-1)	More than 6 months	Prior to 11/18/2006	After 12 months from the EV's Program End Date or Effective Date of Completion **
Research Scholar/ Professor (J-1)	Any time (i.e., 1 month, 1 year, etc.)	After 11/18/2006	After 24 months from the EV's Program End Date or Effective Date of Completion **
Spouse/dependent (J-2) of any EV category other than Research Scholar/ Professor (J-1)	6 months or less	Any date	Immediately
Spouse/dependent (J-2) of any EV category other than Research Scholar/ Professor (J-1)	More than 6 months	Any date	After 12 months from the EV's Program End Date or Effective Date of Completion **
Spouse/dependent (J-2) of a Research Scholar/ Professor (J-1)	6 months or less	Prior to 11/18/2006	Immediately
Spouse/dependent (J-2) of a Research Scholar/ Professor (J-1)	More than 6 months	Prior to 11/18/2006	After 12 months from the EV's Program End Date or Effective Date of Completion **
Spouse/dependent (J-2) of a Research Scholar/ Professor (J-1)	Any time (i.e., 1 month, 1 year, etc.)	After 11/18/2006	After 24 months from the EV's Program End Date or Effective Date of Completion **

* The duration of the bars is determined by the actual *length of stay* of the principal J-1 exchange visitor's (EV) most recent participation in an exchange visitor program as a Professor or Research Scholar.

** The Department of State has determined that *completion of program* is defined as EVs who are no longer actively participating in the activities of a Professor or Research Scholar. The status of the SEVIS records for EVs who meet this definition should be listed as either "Inactive" or "Terminated" (as appropriate). Countdown of the bars begins the day after the status of the EV's SEVIS record becomes "Inactive" or "Terminated."

Note 1: The two-year bar on repeat participation (22 CFR 62.20(n)) applies to J-1 Professors and Research Scholar participants "who have completed his or her program."

Note 2: Repeat participation. Exchange participants who have entered the United States under the Exchange Visitor Program as a professor or research scholar, or who have acquired such status while in the United States, and who have *completed his or her program* are not eligible for participation as a professor or research scholar for a period of two years following the end date of such program participation as identified in SEVIS. Refer to 22 CFR 62.20(n) of the May 19, 2005 publication in the *Federal Register*.

Note 3: November 18, 2006 is the effective date of the 5-year program duration for the Professor and Research Scholar categories (as published in the *Federal Register* on May 19, 2005 (22 CFR 62.20; DOCID: FR19MY05-13). The effective date was determined by the implementation of the regulations in SEVIS (Release 5.4). Refer to the Final Rule published in the *Federal Register* by the Department of State dated January 11, 2007.

Note 4: It has been the Department of State's long-standing policy that J-2s are subject to the bars applied to the J-1 exchange visitor (see *Federal Register* dated June 10, 1996, pages 29285-29287). If the J-2 is not subjected, the underlying objective for imposing the bar(s) is defeated in that the J-2 could become a J-1 and the former J-1 would be afforded J-2 derivative status and thus, full employment authorization. This "flip-flop" of status could continue back and forth for years, even decades, at the expense of the program effectiveness and integrity. Accordingly, balancing the various interests of the Department, sponsors and exchange visitors, application of the bar(s) to J-2 spouse and dependents is both reasonable and desirable.