

## **Changes in the J exchange visitor program**

On November 17, 2006 changes for the exchange visitor program were incorporated into the online Student Exchange Visitor Information System (SEVIS). These changes have implications for the researcher and professor category. The Final Rule was published on //11/2007 with a retroactive effective date of November 18, 2007. For further information please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E6-22631.pdf>

### **5 year Rule pertaining to Program Length:**

Exchange visitors in the researcher or professor category may now be appointed for up to five years provided that necessary funding is available. Previously, program participation was limited to an initial three years; extensions up to five years were granted on a case by case basis by the Department of State. Extension procedures with OISSS will remain the same.

### **24 Month Bar:**

A new 24 month bar on repeat participation in the **J Researcher or Professor Category** will be instituted for scholars upon completion of their **J program** (previously 12 months).

Example: A research scholar begins a J program at Brown on 1/1/2007 with an anticipated program completion date of 12/31/2007. New regulations would allow the department to request an extension for this scholar for up to five years without undergoing a special approval request procedure with the Department of State.

However, if the J exchange visitor completed the program at anytime during the time period between the actual arrival date up to five years, s/he will not be permitted to participate in another new J program until two years later.

In this case, the exchange visitor's initial appointment is one year. Assuming that the stay is not extended and the J-1 exchange visitor leaves the U.S. within the 30 day grace period following the end of appointment on 12/31/2007, s/he would be able to begin a new J program in the researcher/professor category no earlier than on or after 1/1/2009.

During the two years following the completion of the academic program, this bar would not prevent a person from returning as a B-2 tourist or B-1 business visitor, in F or H status or even as a J short-term scholar or J student.

The 5 year rule and the 24 month bar will apply only to those who

- Are currently in the U.S. in J status and
- Are in the researcher or professor category for any length of time and
- Will complete their J program on or after the date the new rule becomes effective or
- Are new incoming exchange visitors in the research scholar or professor category.

**Short Term Scholars:** For repeat visitors, departments are advised to make use of the Short Term Scholar Category (up to six months with continuous repeat option); if the scholar's anticipated stay will not extend a period of six months. Short Term scholar appointments cannot be extended and the exchange visitor would need to depart from the U.S. prior to returning for another J Short Term scholar appointment.

**Please note:** The changes surrounding the two year bar upon completion of the exchange visitor program refer only to the next possible begin date of a new J program in the researcher/professor category. They are not to be confused with the two year physical presence requirement (212e) that exchange visitors may or may not be subject to based on either government funding and/or skills list. OISSS 01/24/07