

**“2-Year Home Residence Requirement,” “2-Year Bar” and “12-Month Bar”
Affecting Certain J-1 Visitors**

2-Year Home Residence Requirement (affects certain J-1 visitors only)

What does it mean to be “subject to the 2-year home residence requirement?”

Following the end of his or her J-1 program, an Exchange Visitor who is subject to the 2-year home residence requirement will be ineligible to change to another nonimmigrant status within the U.S. or to leave the U.S. and return in H-1B, L-1 or U.S. permanent resident (“green card”) status until he or she has either fulfilled the requirement or been granted a waiver from it by the U.S. Department of State. (For information on waivers, go to: <http://www.exchanges.state.gov/education/jexchanges/participation/waivers.htm>)

Which J-1 visitors are subject to the 2-year home residence requirement?

The 2-year home residence requirement will apply to a J-1 Exchange Visitor:

- ◆ whose participation in the J-1 program was financed in whole or part by the visitor’s government or by a U.S. government agency (*NB*: but does NOT include visitors paid by Rutgers from a federal grant unless the grant was specifically designated for the purpose of promoting international educational exchange); **OR**
- ◆ whose country of citizenship or last legal permanent residence is one which the U.S. Department of State has designated as requiring skills in the specialized field of knowledge in which the alien engages (known as the “Skills List”); **OR**
- ◆ who came to the United States or acquired exchange visitor status in order to receive graduate medical education or training. [Act 212(e)]

2-Year Bar

(affects J-1 Visitors in the “Professor” or “Research Scholar” Category ONLY)

The maximum period of participation for an Exchange Visitor in either the “Professor” or “Research Scholar” category is 5 years. However, regardless of whether a specific visitor’s actual program runs a full five years or less, at the end of the actual program the Exchange Visitor is barred from returning to the U.S. in either the “Professor” or “Research Scholar” category for a full 2 years (24 months) from actual program end date.

As the 2-year bar is new (as of November 17, 2006), there are many questions about it that the U.S. Department of State has not yet answered. For example, while the Department of State has said that the 2-year bar will not be imposed retroactively, they have specified only that it will not affect J-1 scholars whose programs ended before November 17, 2006; they have not yet answered the question as to whether the 2-year bar will or will not apply to J-1 scholars whose programs began before November 17, 2006 but ended or will end after that date. Also, it is not yet known whether an Exchange Visitor subject to the 2-year home residence requirement concurrently fulfills that requirement if he or she waits out the 2-year bar in his or her home country.

12-Month Bar

(affects J-1 Visitors in the “Professor” or “Research Scholar” Category Whose J-1 Programs Ended Before November 17, 2006)

A J-1 visitor is not eligible to hold either the J-1 “Professor” or “Research Scholar” category if he or she has been physically present in the United States in J-1 or J-2 status in any category (other than J-1 “short term scholar”) for any part of the 12-month period immediately preceding the new DS-2019 start date unless at least one of the following is true:

- ◆ the Exchange Visitor is transferring to Rutgers directly from another J-1 sponsor; **OR**
- ◆ the Exchange Visitor’s previous J-1 presence in the United States was of less than six months duration; **OR**
- ◆ the Exchange Visitor’s previous J presence in the United States was in the “Short-Term Scholar” category or as the J-2 dependent of a “Short-Term Scholar.”