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## **INFORMATION REGARDING THE J PROFESSOR OR RESEARCH SCHOLAR CATEGORY:**

The U.S. Department of State is now allowing those Js in the "Research Scholar" or "Professor" category a maximum time period of 5 years for their J program, which is an increase in participation time from the former 3 year maximum period.

With the increase in J participation time for these categories, the Department of State is also adding a new 2 year bar to repeat participation as a J1 Research Scholar or Professor once a visitor has completed a J program in either of those categories.

The current guidelines from the Dept of State indicate that the 2 year bar applies in the following situations:

1. Exchange visitor in Professor or Research scholar category uses up all 5 years available.
2. Exchange visitor in Professor or Research Scholar category completes their J program, and their SEVIS record is completed or terminated, even if their J program was for less than 5 years.

### **Frequently Asked Questions:**

#### **1. Is the 5 year maximum participation period available right now for J Professors/Research Scholars?**

Yes, the SEVIS system has been upgraded and it is now possible to extend a J "Professor" or "Research Scholar" for the maximum period of 5 years.

#### **2. Is the 2 year bar to repeat participation effective right now?**

Yes. The increase in time to 5 years for Professors and Research Scholars, along with the 2 year bar to repeat participation was in effect as of November 18, 2006.

What this means is that if a J Research Scholar/Professor's program ends on November 18, 2006 or later, they will then be subject to the 2 year bar to repeat participation in these same categories (Research Scholar or Professor).

#### **3. What does it mean if I am subject to the 2 year bar to repeat participation?**

If you are subject to the 2 year bar on repeat participation, it only means that for the 2 years following the end of your J program, you cannot start another J program as a *Professor or Research Scholar* until 2 years have passed from your last J program if you were in the category of a Research Scholar or Professor. It is possible for you to return during this period in other J categories. For example, you could still return as a Short Term Scholar (6 month maximum period of participation) or a Specialist (1 year maximum period of participation) or even some other visa status (H1b, TN, O-1, etc.)

#### **4. Am I barred from entering the U.S. for the next 2 years after completion of my J program?**

No. The bar is only on repeat participation as a J1 "*Research Scholar*" or "*Professor*". You can enter the U.S. after completion of your J program in any status that you are eligible for: H1b, tourist, Visa Waiver Program, or some other category, depending on the purpose of your visit to the U.S.

**5. Do I have to be physically outside of the U.S. during these 2 years before participating in another J program as a “Research Scholar” or “Professor”?**

No. The regulations say you are prohibited from repeat participation for the 2 years following your J program ending, but it does not say that you have to be physically outside the U.S. during this time. If you are able to maintain another status during this time because you are eligible for it (e.g. F1, H1b, etc.), you can remain in the U.S.

Once 2 years have passed from the time you completed your J “Research Scholar” or “Professor” program, you will be eligible for another 5 year period in either one of these J categories.

**6. How is the 2 year bar to repeat participation different from the 2 year home residency rule?**

See Question #3 above regarding the 2 year bar to repeat participation. See <http://www.colorado.edu/oie/iss/212e.html> for details regarding the 2 year home residency rule. A quick summary of the major differences follows:

	<u>2 year Bar to Repeat Participation</u>	<u>2 year Home Residency rule</u>
Who is subject?	Anyone who completes a program as a J Professor or Research Scholar is subject.	Only subject if any one of the following applies: <ol style="list-style-type: none"> <li>1. you obtained government funding for your J program</li> <li>2. your home country government has designated you subject based on a pre-determined Skills List</li> <li>3. you are participating in a J program for graduate medical training</li> </ol>
What does it mean to be subject?	You cannot participate in another J program in the Research Scholar or Professor category until 2 years have passed from the completion of your current J program.	You are not eligible for either an H1b, L visa or a green card until you either get a waiver of this requirement or fulfill it by residing in your country of permanent residence for a total of 2 years.
Can you enter the U.S. during the time that you are subject?	Yes, but not as a J Professor or Research Scholar. You can enter the U.S. in any other visa category or J category, as long as you are eligible for it.	Yes, but you are not eligible for either the H1b visa, L visa or green card if you are subject. You can enter the U.S. in any other visa category, as long as you are eligible for it.
Does it matter where you are during the 2 years that you are subject?	No. You can either be outside the U.S. or within the U.S. in another visa status during this time.	Yes. If you are trying to fulfill this requirement, you will have to physically reside in your country of last permanent residence or get a waiver of this requirement.

**7. I am a PostDoc here and I anticipate that this will last 2-3 years. Does this mean that when I'm done with my PostDoc training, I will be subject to the 2 year bar on repeat participation as a "Research Scholar" or "Professor"?**

Yes. If you are done with your J program and you are currently here in a Professor or Research Scholar category, you will then be subject to the 2 year bar to repeat participation, even if you don't use up all 5 years of the program. But remember, you are not barred from participating as a J Short Term Scholar or Specialist, or any other visa category, assuming you are eligible for that visa status.

**8. What if I complete my Postdoc and I get another position at University B? Can I transfer to that University's J program?**

If you let us know that you will be transferring and we have not yet completed your J program in the SEVIS system, we will be able to transfer you to University B's J program. Make sure you let us know about this before your J program end date. You will be able to work at University B up to your eligible maximum program limit of 5 years. Once you reach the 5 year limit, your 2 year bar to repeat participation will begin.

[Note: It is not possible to use the J Professor/Research Scholar category for a tenure track position, so if you have a tenure track appointment at University B, we cannot transfer you to their J program. Talk to them about other visa options in that case].

**9. I come to campus every year for a few months each time to do collaborative research. How can I avoid the 2 year bar to repeat participation?**

If you need to return to campus each year for a few months and you do not wish to be subject to the 2 year bar to repeat participation, it is possible for ISSS to bring you in as a J Short Term Scholar or Specialist, depending on what you qualify for.

The Short Term Scholar category is available for you if you are here to do research or teach for a period not lasting more than 6 months. No extensions are available for this category.

If you qualify as Specialist (i.e. you are an expert in a specialized field, coming to observe, consult, or demonstrate special skills), you can come in that category but your maximum program duration is 1 year and no extensions are available.

There is no bar to repeat participation in these two categories, unlike the category of "Research Scholar" or "Professor" so you could enter in one of these categories each year that you have to visit the campus.

**10. If I come in as a J Short Term Scholar or J Specialist each year, does this mean I have to have new DS2019 forms and a new visa each time?**

Yes. If you come in either of these two categories, it means that we will have to issue you a new DS2019 each time for each visit, and you will have to pay the \$180 SEVIS fee each time as well. Each visit with a new DS2019 document means that you are beginning a new J program and will have a different SEVIS ID number each time.

With regard to the visa, if your visa expires the same time as the DS2019 expires, you will need a new visa to re-enter the following year. It may be possible for the Department of State to issue you a visa for a longer length of time, but that depends on visa reciprocity agreements between your government and the U.S. government (See <http://travel.state.gov/visa/reciprocity/index.htm>). Our experience is that it is more common for the State Department to issue a J visa that is valid for the length of time of your DS2019 document.

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You may have more questions that are not addressed in this FAQ. Please stop in to see an adviser in ISSS if this is the case.

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