5-Year Rule

Research scholars/professors are now permitted to engage in a J-1 exchange program for up to 5 years. There are important new regulations for departments and participants to be aware of. This five year period is not an aggregate of five years. It is a continuous five-year period that begins with the start date on the initial DS-2019 form. Extensions and Transfers are possible during this five year period. However, no extension or transfer is available after the five year period is utilized.

2-Year Bar

If a Research Scholar or Professor completes a program of less than five years and their Student and Exchange Visitor Information System (SEVIS) record is completed they will be unable to use any balance of the potential five year period and the participant must wait for two years before becoming eligible for a new J-1 Professor or Research Scholar program in the US. The 2-year bar is different from the 2 year home residency requirement (see below).

The bar is only effective for those who complete any J-1 professor/research scholar program after November 17, 2006. It does not apply to those who completed programs prior to this date.

Length of Stay

Departments will be able to extend J-1 visitors up to 5 years and request initial DS-2019s for up to 5 years.

Short-term Research Scholar

OIP recommends increased use of the “Short Term Scholar” category for J visitors who will be engaging in a program at Penn for 6 months or less. Please note that Short-Term Scholar status can not be extended beyond 6 months. The “2-year bar” does not apply to short-term scholars.

Incidental Employment

“Incidental employment” such as lectures and seminars given outside of Penn must be recorded in the SEVIS system and approved by OIP before the exchange visitor provides any service.

2-Year Home Residency Requirement

The 212(e) 2-Year Home Residency Requirement remains in effect for those J visitors who receive home country or US government funding or whose field of specialization is on the Department of State’s Exchange Visitor Skills List.

Working with OIP

It is critical that departments and scholars/professors inform OIP of any changes with regards to their program participation including early departures, program completions and extensions. Once a scholar’s SEVIS record expires, the 2-year bar will be in effect.