REPEAT PARTICIPATION: THE 12- AND 24-MONTH BARS

12 MONTH BAR: Individuals may NOT enter into a new Research Scholar or Professor J-program if physically present in the U.S. in any J-status (including J-2 dependent) for all or part of the 12-month period before the new requested Research Scholar or Professor J-program start date. This rule does not apply to time spent as a Short-Term Scholar, J-1 Transfer, or a program of less than 6 months.

24 MONTH BAR: Individuals who have completed their Research Scholar or Professor J-program cannot start a new Research Scholar or Professor program for 24 months. However, they may apply to the Short-Term Scholar program. Short-Term Scholars: If you would like to apply for another exchange visitor category, you may do so immediately. If you would like to apply for another Short-term Scholar program, you may only do so if there is a substantial break between visits and that the new activity differs substantially from the prior activity. If you would like to change to another visa, you must leave the U.S. to do so.

212(E) BAR: THE TWO-YEAR HOME RESIDENCE REQUIREMENT

WHO DOES IT AFFECT?
The 212(e) bar may affect J-1 exchange visitors and their dependents if:
- You directly or indirectly receive financial support from the U.S. government or a foreign government
- Your home country’s government has a “Skills List” that includes their profession/field of research or study
- If you came to the United States or acquired exchange visitor status to receive graduate medical education or training.

HOW DO I KNOW IF I AM SUBJECT TO THE 212(e)?
It will be noted on your visa and typically on your DS-2019

IF I AM SUBJECT TO IT, WHAT DOES IT MEAN?
After you complete your program, you will need to return to your “home country” and be physically present there for two years or you must apply and be approved for a waiver.

WHAT DOES IT PROHIBIT ME TO DO?
You will either need to complete the 2-year requirement or receive a waiver in order to be eligible to apply for an H, L, or K visa or for Permanent Residency. You are also ineligible to apply for a change of status from within the U.S. (meaning you cannot stay in the U.S. and change to another visa such as an F-1).

WHAT IS NOT PROHIBITED?
The 212(e) doesn’t prevent you from leaving the U.S. and returning in any other non-immigrant visa category such as an F-1 student or B-2 Tourist/Visitor but remember that you must LEAVE the U.S. to change your visa category.