Conditions and Limitations for J-1 Exchange Visitors

Time limit
The total stay in the United States for Exchange Visitors in the "Professor or Research Scholar" category is limited to five years. Extensions beyond the five-year period are not possible. The total stay in the United States for Exchange Visitors in the "Short-Term Scholar" category is limited to six months. Extensions beyond that time are not possible.

12-Month bar
A person who is outside the US may not return in the J professor or research scholar category if s/he was in J status (research scholar, professor, student, trainee, etc.) for 6 of the previous 12 months. To calculate, you (1) count backwards 12 months from the (future) date of requested J status, (2) ask yourself, in that 12 month period, was the scholar in J researcher or professor status for 6 or more months of that 12 month period? If yes, the scholar may not return until more time has passed. If no, the DS-2019 document can be issued unless the 24-month bar applies. (See 24 month bar information below.)

24-Month bar
J-1 research scholars and professors who have completed their J program (as evidenced by the end date on their DS-2019) or who have reached the five year limit may not extend their stay in J-1 status. They must leave the US or change to another non-immigrant status. They are not eligible to return to J-1 research scholar or professor status for 24 months.

Once the J program has ended, this 24-month bar is applicable to J-1 research scholars or professors who have used less than a five year period of J-1 scholar status as well as to those scholars who have been here the full five year period. For scholars who use fewer than five years, the remainder of the five year eligibility period is considered to be lost and the scholar would face the 24-month bar. Therefore, it is particularly important that scholars who will be in the US for 6 months or fewer consider using the short-term scholar category. The short-term scholar category is exempt from the 24-month bar.

Note: For any J visitor who was previously and most recently in the US in the research scholar or professor category, it is most likely that both the 12-month AND the 24-month bars will apply, effectively resulting in a 24-month bar. The bars are not cumulative.

Two-year home-country physical presence requirement
The J Exchange Visitor Program was created to foster learning across cultures. In some cases, rules ensure that J-1 visitors will return to their home countries after completion of the US program so that the home country will also benefit. Participants in a J program (students, scholars, professors, and researchers) and their dependent family members may be subject to the two-year home-country residency requirement for three reasons:

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Tel: +1 (260) 481-6034 • Fax: +1 (260) 481-6674 • Email: iss@ipfw.edu • www.ipfw.edu/iss
• Direct funding from the home government or US government
• Graduate medical education or training
• The country-specific Skills List (http://www.travel.state.gov/visa/temp/types/types_4514.html)

There are two ways to fulfill the two-year home residency rule:

• Return to the home country for a period of two years or more
  OR
• Request and receive a waiver

To determine if a scholar is subject to the rule, check the US visa and notation on the DS-2019 from the US consular officer. If there is any concern about the correctness of the determination as marked, a scholar may consult with an Office of International Education (OIE) advisor. In very complicated situations, a scholar may request confirmation from the US Department of State.

The two-year home residency rule does not prevent the scholar from returning to the US as a visitor, researcher, student, or in another non-immigrant status during the two-year period directly following the period of J-1 status in the US. However, until the two-year home residency rule is fulfilled, a person may not move into a more permanent work status such as H-1B or permanent residency (i.e., Green card).

J-1 visitors who are interested in obtaining a Waiver of the two-year rule must follow a formal process. There are several bases on which to apply for the waiver including: a statement of no objection, an interested US government agency, fear of persecution, and others. Visit the US Department of State website for more information on waivers.

Health Insurance
Scholars in J-1 status and their J-2 dependent family members are required by law to have health insurance that meets certain minimum coverage standards for the entire duration of their stay. Health insurance may come from the home country provided it meets the J-1 requirements. Visiting scholars in J-1 status may purchase health insurance through the IPFW Office of International Education (OIE). J-1 scholars who are paid a salary and benefits from the University will apply for and receive health insurance benefits. Health insurance issues are discussed in every mini-orientation session at OIE.

By government regulation, minimum coverage must provide: up to $50,000 per accident or illness; up to $7,500 for repatriation of remains; up to $10,000 for medical evacuation to the home country; and a deductible not to exceed $500 per accident or illness. Co-insurance must not exceed 25% payable by the J visitor or sponsor. Acceptable coverage may not exclude risks inherent in the activities of the Exchange Visitor Program.

Failure to purchase and maintain Health Insurance will result in termination of J-1 status.

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