J-1 Exchange Visitor Statuses For Prospective Scholars

J-1 Student Intern (http://j1visa.state.gov/programs/intern/)
Participation in the Student Intern subcategory is available only to foreign students currently enrolled and pursuing a degree at a postsecondary academic institution outside the United States, whose U.S. internship will "fulfill the educational objectives for his or her current degree program at his or her home institution." Student interns may participate in a student internship program for up to 12 months for each foreign degree/major. The internship must be full-time; i.e., consist of a minimum of 32 hours per week.

Departments seeking to invite a student intern must verify the prospective student intern's English language ability, "through a sponsor-conducted interview, by a recognized English language test, or by signed documentation from an academic institution or English language school. They must also develop procedures for evaluating all student interns. All programs must do a concluding evaluation, and programs lasting more than six months must do a midpoint and concluding evaluation. The sponsor must retain these evaluations for at least three years following the completion of the student's internship program. Additionally, if an intern program exceeds 6 months, the 12 Month Bar on Beginning a New Professor or Research Scholar Program would be triggered.

J-1 Short-Term Scholar (http://j1visa.state.gov/programs/short-term-scholar/)
A Short-Term Scholar is a professor, research scholar, specialist, or a person with similar education or accomplishments coming to the United States on a short-term visit for the purpose of lecturing, observing, consulting, training, or demonstrating special skills at research institutions, museums, libraries, post-secondary accredited educational institutions, or similar types of institutions.

The short-term scholar category is an ideal category for programs and visits of short-term duration lasting anywhere from one day to a maximum of six months. A short-term scholar may extend his or her stay up to the six-month maximum or transfer to another program within that period, but extensions beyond 6 months are not permitted. This category should not be requested for a scholar whose invitation/appointment you may potentially extend beyond 6 months. Short-term scholars are not subject to the 12 Month Bar on Beginning a New Professor or Research Scholar Program.

J-1 Research Scholar and J-1 Professor (http://j1visa.state.gov/programs/professor-and-research-scholar/)
A Research Scholar is an individual primarily conducting research, observing, or consulting in connection with a research project at research institutions, corporate research facilities, museums, libraries, post-secondary accredited educational institutions, or similar types of institutions. The research scholar may also teach or lecture, unless disallowed by the sponsor.

A Professor is an individual primarily teaching, lecturing, observing, or consulting at post-secondary accredited educational institutions, museums, libraries, or similar types of institutions. A professor may also conduct research, unless disallowed by the sponsor.

A J-1 Professor or Research Scholar cannot hold tenure or be placed in a position "on a tenure track."

Professors and Research Scholars are expected to have appropriate academic or similar credentials. A prospective exchange visitor Research Scholar or Professor should have at least a bachelor's degree, preferably a doctorate degree with appropriate experience in the field of endeavor. If an exchange visitor has less than a bachelor's degree, the student intern category should be utilized if the invitation/appointment fits the nature of the category. The student intern category should also be strongly considered for graduate students with intern-like invitations, especially those who will be here for more than 6 months but less than a year and have plans of returning within the next two years or those who were in the U.S. in the past year in any J exchange visitor status for more than 6 months as participation in the Research Scholar results in a 12 month and 24 month bar that would prevent them from participation in the Research Scholar category (additional information is on the next page) within one year or two years from the completion of their program depending on their specific situation.

The minimum program duration for a Professor or Research Scholar is three weeks. A Research Scholar or Professor may be authorized to participate in the Exchange Visitor Program for the length of time necessary to complete his or her program, provided such time does not exceed five years. The five-year period is not an aggregate of five years. It is a continuous five-year period given to a participant on a "use or lose" basis. The five-year period begins on the program begin date identified in SEVIS at the time the SEVIS record is validated.
Special attention should be given to establishing a Research Scholar or Professor’s program dates and considering whether or not to extend their appointment/invitation especially if you intend to invite them to be a Research Scholar or Professor in the future as depending on the length of their program and previous time spent in J status, they may be or become subject to the 12 month bar and/or 24 month bar which would block them from repeat participation in the Research Scholar or Professor category for 2 years (additional information below).

12 Month Bar on Beginning a New Professor or Research Scholar Program
A foreign national is not eligible to begin an exchange program as a Professor or Research Scholar based on a DS-2019 issued “to begin a new program” if he or she was physically present in any J status (including J-2 status) for “all or part of” the “twelve month period immediately preceding the date of program commencement set forth on his or her Form DS-2019.”

Exceptions:
- The 12 month bar is not applicable to those who will begin a program by transferring to a new program sponsor directly from their previous program sponsor thus maintaining continuous status
- A foreign national whose prior physical presence in J status was of less than 6 months duration is exempt from the 12-month bar
- No time spent as a Short-Term Scholar is counted as physical presence that triggers the bar.

24 Month Bar on Repeat Participation in the Professor or Research Scholar Category
Exchange participants who have entered the United States under the Exchange Visitor Program as a professor or research scholar, or who have acquired such status while in the United States, and who have completed his or her program are not eligible for participation as a professor or research scholar for a period of two years following the end date of such program participation as identified in SEVIS.

2 Year Home Residency Requirement
There are three grounds on which an exchange visitor can become subject to the 2 year home residency requirement:

1. If the exchange visitor's participation in an exchange program was financed, directly or indirectly, by the United States government or a foreign government for the purpose of exchange;
2. If the skills that the exchange visitor is coming to develop or exercise are in a field which the exchange visitor’s “home” government requested be included on the State Department Exchange Visitor Skills List
   - List by Field: [http://travel.state.gov/visa/temp/types/types_4790.html](http://travel.state.gov/visa/temp/types/types_4790.html)
3. The exchange visitor comes to the United States to receive “graduate medical education or training.”

An exchange visitor who falls into one of these groups will continue to be subject, even if funding or field of study changes. If the principal J-1 exchange visitor is subject to the two-year residence requirement, all dependents who enter the United States in J-2 status are subject to it as well.

Exchange visitors who are subject to the two-year home country residence requirement must "reside and be physically present" in their "home" country for an aggregate of two years before being eligible for certain immigration benefits. While they are subject to 212(e), aliens are ineligible for the following benefits:

1. They are not eligible for an immigrant visa or for adjustment of status to lawful permanent resident (immigrant/green card) status;
2. They are not eligible for an H visa (temporary workers and dependents), or an L visa (intracompany transferees and dependents);
3. They are not eligible to change their nonimmigrant status within the United States from J to any other nonimmigrant category except A (diplomatic) and G (international organization) statuses.

An exchange visitor must either satisfy the 2 year home residency requirement or apply for and receive approval of a waiver of the requirement. Additional information about applying for a waiver is available online at: [http://travel.state.gov/visa/temp/info/info_1288.html](http://travel.state.gov/visa/temp/info/info_1288.html).