

MEMORANDUM

October 30, 2006

TO: Program Administrators

FROM: Yocasta Brens-Watson
Manager, International Services

SUBJECT: Maximum period of program participation in the J-1 professor and research categories to become 5 years instead of 3

Effective November 3, 2006, the Department of State (DOS) will implement an amended rule affecting the maximum program participation for exchange visitors under the J-1 professor and researcher categories. Highlights of the new rule are as follows:

- The allowable maximum program participation for J-1 Exchange Visitors (EV) in the professor and research scholar category will be extended from 3 ½ years (42 months) to a 5-year (60 months) limit. Under the amended DOS regulation, program sponsors will be allowed to issue DS-2019 forms that are effective for 5-years from the participant's program begin date documented in the Student and Exchange Visitor Information System (SEVIS).
- Participants afforded five years of program participation become ineligible to return to the United States under the professor or research scholar category for a period of two years (24 months) immediately following completion of the five-year period.
- The two-year bar affects only J-1 professors and researchers whose program begin date is November 3 or later, and current J-1 professors and researchers who request an extension of their program after November 3, 2006.
- It is important to note that the 5-year period is not an aggregate of five years. The five-year period will be calculated on a calendar year basis. It is given on a "use or lose" basis which commences with the program begin date identified in SEVIS. For example, a J-1 research scholar who comes to an institution for two years and returns to his or her home institution for nine months will be eligible to return to the same U.S. institution for an additional two years and three months, as long as his/her SEVIS record is kept active by the program sponsor. If, however, the EV's record is ended in SEVIS after two years of program participation, the EV will only be allowed to return to the U.S. under the professor or research category after 2 years. The two-year bar becomes effective once the EV's program is ended in SEVIS, even the EV did not take advantage of the full 5-year allowable maximum.

- The amended regulation also prohibits extensions beyond the 5-year maximum allowable in the professor and researcher categories. In order to implement this new limit, the six-month Responsible Officer (RO) discretionary extension and the DOS discretionary extension will be removed from the current rule. Once an EV in the professor or researcher category meets his/her 5-year limit, extensions will not be allowed under any circumstances.

Any University personnel needing clarification of the above-mentioned regulatory changes should contact the International Services staff directly at 973-972-6138. Please forward this information to all pertinent staff within your department.