

J-1 Exchange Visitor Program via 11/2006 SEVIS Upgrade

The purpose of J-1 Exchange Visitor Program is for “Educational and Cultural Exchange”, not employment. The 1961 Fulbright-Hayes Act created the J-category with the purpose of “increasing mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges”. There are 3 primary categories that IFSS uses to bring people here as J-1 Exchange Visitors; Professor, Research Scholar, and Short-term scholar. The Professor/Research Scholar categories are so closely related, that they will be combined for this narrative.

The upgrade of immigration’s SEVIS database has some changes that will affect how the J-1 Program will be administered. It will very important to get clear information regarding the long-term goals of the prospective J-1 Scholar. The length of stay will determine which J-1 category is used for producing the DS-2019 form, and whether a person would be subject to the “24-month bar”. The 24-month bar is a rule which states that if a person has been in the U.S. for longer than 6-months in any "long-term" J-category, that person must wait 24-months before they can start another long-term J-program.

It is important to differentiate the 24-month bar from the “2-year Home Residency Requirement”. The 2-year Home Residency Requirement is a statute which requires J-1 Exchange Visitors (and accompanying J-2 Dependents) who are subject to return to their home country and be physically present for an aggregate of 2-years before being eligible for immigrant OR H-1B or L statuses. A UW-Madison J-1 scholar could become subject based on their “field of specialization” OR if they are financially supported by “U.S. or home country government” funds.

Short-term Scholar (STS) Category

The J-category of "Short-term" scholar (STS) is for visits that are 6-months or less. Once the 6-months is up, then the person's J-1 Program must end and they would have to leave the U.S. A major advantage is that the person would not be subject to the "24-month bar". The STS is not subject to this bar; however, any repeated "revolving-door" kind of usage would not be appropriate. IFSS would have to evaluate any requests for multiple STS visits by the same J-1 scholar to ensure the integrity of UW-Madison’s Exchange Visitor Program. A disadvantage is that every return would be considered a new J-1 Program. The person would have to pay all required immigration and consular fees attached to gaining J-1 status for each visit.

Professor/Research Scholar Category

The Professor/Research Scholar would be used for visits that are longer than 6-months, for either Teaching or Research, and have an extendable timeframe of up to 5-years. The 5-years would be an advantage to a scholar with long-term research goals within the U.S.

The Professor/Research Scholar category would subject the scholar to the 24-month bar regardless of the actual length of their J-1 Program. So a person is subject whether they actually stay for 1-month or all of the 5-years allowed. Further, consultation with IFSS would be

required when a scholar leaves the U.S. to continue with their research abroad. Depending of the length of time outside the U.S., it would be necessary to determine the consequences of the person continuing to maintain their J-1 Program from abroad OR if the program should be ended. If the program were to be maintained from abroad, then the scholar must continue to meet the financial and insurance requirements. If the J-1 Program were ended, the person could be brought back only for shorter stays as a STS since that category is not subject to the 24-month bar.

Health Insurance

All UW-Madison J-1 Scholars are subject to mandatory registration and insurance requirements set by the University Health Services (UHS)/Student Health Insurance Program (SHIP) office. SHIP compliance requires the purchase of SHIP Insurance or the “waiver” from SHIP Insurance.

30-Day “Grace-Period”

Upon completion (or termination) of a J-1 Program, a scholar will have a “30-day grace-period”. The “grace-period” is only for taking care of personal affairs prior to leaving the U.S.; it is NOT a continuation of the J-1 Program. The J-1 program is considered ended when the person completes or terminates; on that date the 30-day clock starts. If a person chooses to use part or all of the “grace-period”, then the person may not leave the U.S. and expect to be able to re-enter in J-1 status. The grace-period is a technicality that allows a person time to prepare for leaving the U.S. A person would NOT have a status to return on, if they were to leave the U.S. during this time.

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