



U.S. Department of State Revises J-1 Exchange Visitor Skills List

The U.S. Department of State (DOS) has released an update of the J-1 Exchange Visitor Skills List (“Skills List”) effective December 9, 2024. The J-1 visa is the most consistently used visa for postdoctoral fellows at U.S. universities, medical centers, and research organizations. Many U.S. institutions fill over half of their postdoctoral research positions with J-1 exchange visitors. The revised list removes a large number of countries and broadens opportunities for current or former J-1 nonimmigrants to remain in or return to the United States.

China, India, Malaysia, Saudi Arabia, South Africa, South Korea, the United Arab Emirates, and more than 20 other countries have been removed from the Skills List, meaning that nationals of these countries are no longer subject to a two-year home residency requirement on the basis of possessing skills needed in their home country.

There are three ways in which a J-1 exchange visitor becomes subject to the two-year home residency requirement of section 212(e) of the Immigration and Nationality Act:

- 1) The exchange visitor receives a J-1 visa to receive graduate medical training (residency or fellowship) in the United States;
- 2) The exchange visitor receives funding from their home country’s government or U.S. government funding related to their J-1 visa program (Fulbright fellowship, National Institutes of Health, National Science Foundation, etc.); or
- 3) The exchange visitor’s program of study/research for their J-1 visa category appears on their home country’s Skills List. The Skills List is a list of categorized occupations/academic fields that the J-1’s home country has indicated are essential, and in which the home country would like to mandate that the J-1 exchange visitor return home at the conclusion of their J-1 visa program. This is to benefit from the training and experience gained in the United States.

If a J-1 exchange visitor’s academic field or occupation is placed on their home country’s Skills List, the two-year home residency requirement applies. However, if the academic field or occupation does not appear on the Skills List – or if the exchange visitor’s home country does not appear on the Skills List – then the two-year home residency requirement does not apply.

The update to the Skills List eliminated additional countries from the List and thus will drastically reduce the number of exchange visitors affected by the two-year home

residency requirement. Additionally, this update is also “retroactive” with the 2024 Skills List supplanting the 2009 Skills List. J-1 nonimmigrant visa holders who were subject to the two-year foreign residence requirement at the time of their admission or receipt of J status based on categorizations in a prior promulgated Skills List will no longer be subject to that requirement if their country is not on this revised 2024 list. That is to say, if an exchange visitor’s country was listed on the Skills List at the time the J-1 visa was issued, but is not on the current Skills List, those exchange visitors are not subject to the two-year home-country physical presence requirement.

J-1 visa holders should be aware, however, that this update impacts the application of the two-year rule based on the Skills List only. Individuals currently or previously in J-1 status who may have become subject to the two-year rule based on: (1) having received government funding, or (2) engaging in a medical training program, would still be governed by the same rules that have been in place in those contexts.

This current DOS update is good news for many foreign national scientists, scholars, and researchers, who formerly may have faced further complications addressing the two-year home residency requirement before being able to consider H-1B visa or permanent residency pathways in order to continue their research in the United States after their J-1 research program terminates. As noted above, the J-1 visa is the most consistently used visa for postdoctoral fellows at U.S. universities, medical centers, and research organizations. This action to reduce the pertinency of the Skills List to international postdoctoral researchers from multiple countries will streamline and enhance those individuals’ expectations to remain in the United States long-term and continue contributing to the U.S. national interest.

For more information about this ruling, please reach out to [Daniel Oldenburg](#), [Nick Rock](#), or another member of our Immigration and Nationality Law Section at www.clinewilliams.com.

The information included in this document is for general informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem. Use of and reference to this document or any website it may appear on does not create an attorney-client relationship between Cline Williams and the user or browser.