



Samantha Wolfe

Partner
303.295.8479
Denver
sdwolfe@hollandhart.com

Revised Exchange Visitor Skills List: A Game-Changer for J-1 Visa Holders from China, India, and Beyond

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The U.S. Department of State has announced a major update to the Exchange Visitor Skills List, effective December 9, 2024. This is the first significant revision in 15 years and removes the two-year home-residency requirement for J-1 visa holders from 34 countries, including China, India, South Korea, Saudi Arabia, and the UAE. These changes have profound implications for individuals, employers, and U.S. innovation.

What Is the Skills List?

The Exchange Visitor Skills List identifies countries and fields of expertise deemed essential for a country's development. Nationals of these countries who hold J-1 visas have historically been required to return home for at least two years after completing their programs. The revised list eliminates this requirement for 34 nations, marking a significant policy shift toward talent retention in the U.S.

Why Were These Changes Made?

The updated Skills List uses modern, data-driven criteria to assess which countries remain subject to the home residency requirement. Factors include:

- **Per Capita GDP:** Countries with lower GDP are more likely to remain on the list.
- **Country Size:** Smaller countries with limited capacity to develop internal expertise are prioritized.
- **Migration Trends:** Nations experiencing significant outbound migration are included.

Countries like China and India have been removed because they no longer align with the updated criteria. In contrast, the Philippines remains on the list due to its ongoing need for expertise in designated fields, despite advancements in its educational and economic sectors.

Immediate Benefits for J-1 Visa Holders

J-1 visa holders from China and other removed countries will benefit significantly from this change:

- Starting December 9, 2024, the two-year home residency requirement will no longer apply unless triggered by other factors, such as government funding or participation in medical training programs.
- Affected individuals will now be able to pursue other U.S. immigration options, such as H-1Bs or green cards, without the need for waivers.

Opportunities for Employers

Employers will gain immediate access to a broader talent pool, particularly in high-demand fields such as STEM, healthcare, and engineering. This update allows companies to onboard skilled professionals without the delays and complications previously posed by the residency requirement.

Congressional Review Act (CRA) Considerations

While this policy shift is exciting, it is not immune to legislative challenges. Under the Congressional Review Act, Congress can review and potentially overturn new federal rules within 60 legislative days. If the Skills List revision is rescinded, it is likely the reversal would apply only **prospectively**. This means individuals who act on the new rule (e.g., by filing for H-1Bs or green cards) before a rescission would retain their benefits. However, pending applications might face uncertainty if the policy is reversed.

Why This Matters

This update represents a step toward modernizing U.S. immigration policy. It aligns the Skills List with current global economic realities while reflecting the growing evidence that skilled migration benefits both home and host countries.

Act Now

For J-1 visa holders and employers, this is the time to act. Ensure you understand how the updated Skills List applies to your situation and take advantage of the opportunities it presents while monitoring for potential CRA developments.

This revision underscores the U.S.'s commitment to attracting and retaining global talent, driving innovation, and maintaining its competitive edge in the global economy.

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