## J-1 vs. H-1B Comparison

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<th>J-1 EXCHANGE VISITOR</th>
<th>H-1B TEMPORARY PROFESSIONAL WORKER</th>
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| **Purpose and Eligibility** | • Exchange opportunities in research, lecturing, and access to cultural and educational programs  
• Not for tenure-track | • Temporary employment in a specialty occupation which requires theoretical and practical application of a body of highly specialized knowledge in a field of human endeavor  
• Position requires B.A/B.S. or higher degree in a related area  
• Mostly for academic titles (e.g. tenure track teaching and research appointments) |
| **Duration** | • Up to five years for J-1 “Research Scholar” category  
• Duration varies depending on J-1 category | • Up to six years (initial approval for up to three years, can be extended for three more years) |
| **Requirements** | • DS-2019 academic and financial certificate of eligibility issued by the sponsoring institution  
• J-1 visitor must pursue academic program objective and engage in appropriate activities  
• Sponsor and J-1 visitor must comply with Department of State and Department of Homeland Security regulations | • I-797 approval notice issued by USCIS  
• Requires certification from Department of Labor and evidence of:  
  o employer-employee relationship  
  o position qualifies as specialty occupation  
  o B.A./B.S. at minimum (Ph.D. for postdoctoral positions)  
  o salary meets the prevailing wage  
  o benefits commensurate to those offered to U.S. workers  
• Material changes in employment (e.g. change in location, job duties, or salary) require a new or amended petition |
| **Unique Features** | • J-1 visitor’s intent is to return to residence abroad after completion of the program  
• 12-month and 24-month bar may apply  
• Mandatory health insurance requirement.  
• J-1 visitors may be subject to the two-year home country physical presence requirement | • Dual intent is allowed, such as intent to be employed temporarily in the U.S. and intent to file an immigrant visa petition  
• Universities are “cap exempt” from the annual quota, which applies to private employers  
• Employer cannot place employees on unpaid leave for lack of work  
• Employer must pay for return transportation if the employment is terminated prematurely |
| **Transfers** | • Transfer to another J-1 sponsoring institution may be possible | • Change of employer requires filing of a new petition  
• Employee can begin work and get paid after the change of employer petition is received by USCIS |
| **Cost (if applicable)** | • $500 service fee  
• $250 additional fee for expedite requests  
• $250 extension fee  
• $1000 student intern fee  
• $180 U.S. Dept of Homeland Security SEVIS fee  
*Fees may be paid by the department, professor, or J-1 visitor | • $2000 BIO recharge fee for preparing the petition  
• Department of Homeland Security (DHS) fees*:  
  o $325 = I-129 Petition  
  o $500 = Fraud Prevention and Detection  
  o $1225 = Optional Premium Processing  
  o $290 = H-4 Dependents  
*Employer must pay the DHS fees except for dependents |
| **Processing Times** | • Estimated 2-4 months  
  o BIO processing is 10 business days after receipt of completed request | • Estimated 4 to 6 months (8 weeks if premium processing is used)  
  o BIO processing is one month after receipt of completed request |
| **Outside Employment** | • J-1 visitor may receive compensation from the DS-2019 sponsoring institution provided activity is within academic program objective  
• J-1 visitor needs to check with program sponsor about outside payment authorization | • Employees are not eligible for honorariums. In some cases employees can be reimbursed for travel costs  
• Employees can work part-time for more than one employer, but each employer must file a separate H-1B petition |
| **Dependents** | • J-2 status for spouse and children under 21  
• J-2 dependents may apply for an employment authorization document (EAD)  
• J-2 earnings cannot be used for the support of the J-1 | • H-4 for spouse and children under 21  
• USCIS accepts applications for H-4 work permission in limited situations in cases where the H-1B primary beneficiary is in the process of obtaining permanent residency |