

J-1 vs. H-1B Comparison

| | J-1 EXCHANGE VISITOR | H-1B TEMPORARY PROFESSIONAL WORKER |
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| Purpose and Eligibility | <ul style="list-style-type: none"> • Exchange opportunities in research, lecturing, and access to cultural and educational programs • Not for tenure-track | <ul style="list-style-type: none"> • 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 specialized field • Mostly for academic titles (e.g. tenure track teaching and research appointments) |
| Duration | <ul style="list-style-type: none"> • Up to five years for J-1 "Research Scholar" category • Duration varies depending on J-1 category | <ul style="list-style-type: none"> • Up to six years (initial approval for up to three years, can be extended for three more years) |
| Requirements | <ul style="list-style-type: none"> • Form 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 | <ul style="list-style-type: none"> • I-797 approval notice issued by USCIS • Requires certification from Department of Labor and evidence of: <ul style="list-style-type: none"> ○ employer-employee relationship ○ position qualifies as Specialty Occupation ○ B.A./B.S. at minimum (Ph.D. for postdoctoral positions) ○ salary meets the prevailing wage ○ benefits commensurate to those offered to U.S. workers • Material changes in employment (e.g. changes in job duties, or position title) require an amended petition |
| Unique Features | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • 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 by employer prior to original end date |
| Transfers | <ul style="list-style-type: none"> • Transfer to another J-1 sponsoring institution may be possible | <ul style="list-style-type: none"> • 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) | <ul style="list-style-type: none"> • \$650 service fee • \$300 additional fee for expedite requests • \$400 extension fee • \$1000 student intern fee • \$220 U.S. Dept of Homeland Security SEVIS fee • COS (only within US) Dept of Homeland Security (DHS) <ul style="list-style-type: none"> ○ \$1965 Optional Premium Processing ○ \$470 Paper filing or \$420 Online Filing *Fees may be paid by the dept, professor, or J-1 visitor | <ul style="list-style-type: none"> • \$2200 or \$2500 BIO recharge fee for preparing the petition • \$250 additional fee for certain late extension/amendment requests • Department of Homeland Security (DHS) <ul style="list-style-type: none"> ○ \$460 = I -129 Petition ○ \$500 = Fraud Prevention and Detection ○ \$2805 = Optional Premium Processing ○ \$470 or \$420 = H-4 Dependents Paper Filing or Online Filing *Employer must pay all fees except for dependents |
| Processing Times | <ul style="list-style-type: none"> • USCIS processing times fluctuates. Check with BIO <ul style="list-style-type: none"> ○ BIO processing is 10 business days after receipt of completed request | <ul style="list-style-type: none"> • Estimated 4 to 8 months (2 months if Premium Processing is used) or longer with USCIS <ul style="list-style-type: none"> ○ BIO processing is one month after receipt of completed request |
| Outside Employment | <ul style="list-style-type: none"> • J-1 visitor may receive compensation from the Form DS-2019 sponsoring institution provided activity is within academic program objective • J-1 visitor needs to check with program sponsor about outside payment authorization | <ul style="list-style-type: none"> • Employees are not eligible for honorariums. In some cases employees can be reimbursed for travel costs • Employees can work for more than one employer, but each employer must file a separate H-1B petition |
| Dependents | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • H-4 status 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 |