

# J-1 vs. H-1B Comparison

	J-1 EXCHANGE VISITOR	H-1B TEMPORARY PROFESSIONAL WORKER
<b>Purpose and Eligibility</b>	<ul style="list-style-type: none"> <li>• Exchange opportunities in research, lecturing, and access to cultural and educational programs</li> <li>• Not for tenure-track</li> </ul>	<ul style="list-style-type: none"> <li>• 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</li> <li>• Position requires B.A./B.S. or higher degree in a specialized field</li> <li>• Mostly for academic titles (e.g. tenure track teaching and research appointments)</li> </ul>
<b>Duration</b>	<ul style="list-style-type: none"> <li>• Up to five years for J-1 "Research Scholar" category</li> <li>• Duration varies depending on J-1 category</li> </ul>	<ul style="list-style-type: none"> <li>• Up to six years (initial approval for up to three years, can be extended for three more years)</li> </ul>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>• DS-2019 academic and financial certificate of eligibility issued by the sponsoring institution</li> <li>• J-1 visitor must pursue academic program objective and engage in appropriate activities</li> <li>• Sponsor and J-1 visitor must comply with Department of State and Department of Homeland Security regulations</li> </ul>	<ul style="list-style-type: none"> <li>• I-797 approval notice issued by USCIS</li> <li>• Requires certification from Department of Labor and evidence of:                             <ul style="list-style-type: none"> <li>○ employer-employee relationship</li> <li>○ position qualifies as Specialty Occupation</li> <li>○ B.A./B.S. at minimum (Ph.D. for postdoctoral positions)</li> <li>○ salary meets the prevailing wage</li> <li>○ benefits commensurate to those offered to U.S. workers</li> </ul> </li> <li>• Material changes in employment (e.g. changes in job duties, or position title) require an amended petition</li> </ul>
<b>Unique Features</b>	<ul style="list-style-type: none"> <li>• J-1 visitor's intent is to return to residence abroad after completion of the program</li> <li>• 12-month and 24-month bar may apply</li> <li>• Mandatory health insurance requirement.</li> <li>• J-1 visitors may be subject to the two-year home country physical presence requirement</li> </ul>	<ul style="list-style-type: none"> <li>• Dual intent is allowed, such as intent to be employed temporarily in the U.S. and intent to file an immigrant visa petition</li> <li>• Universities are "cap exempt" from the annual quota, which applies to private employers</li> <li>• Employer cannot place employees on unpaid leave for lack of work</li> <li>• Employer must pay for return transportation if the employment is terminated by employer prior to original end date</li> </ul>
<b>Transfers</b>	<ul style="list-style-type: none"> <li>• Transfer to another J-1 sponsoring institution may be possible</li> </ul>	<ul style="list-style-type: none"> <li>• Change of employer requires filing of a new petition</li> <li>• Employee can begin work and get paid after the change of employer petition is received by USCIS</li> </ul>
<b>Cost (if applicable)</b>	<ul style="list-style-type: none"> <li>• \$600 service fee</li> <li>• \$300 additional fee for expedite requests</li> <li>• \$400 extension fee</li> <li>• \$1000 student intern fee</li> <li>• \$220 U.S. Dept of Homeland Security SEVIS fee</li> </ul> <p>*Fees may be paid by the department, professor, or J-1 visitor</p>	<ul style="list-style-type: none"> <li>• \$2200 or \$2500 BIO recharge fee for preparing the petition</li> <li>• \$250 additional fee for certain late extension/amendment requests</li> <li>• Department of Homeland Security (DHS)                             <ul style="list-style-type: none"> <li>○ \$460 = I -129 Petition</li> <li>○ \$500 = Fraud Prevention and Detection</li> <li>○ \$2500 = Optional Premium Processing</li> <li>○ \$370 &amp; \$85 = H-4 Dependents (paper filing) &amp; Biometric Services</li> </ul> </li> <li>*Employer must pay all fees except for dependents</li> </ul>
<b>Processing Times</b>	<ul style="list-style-type: none"> <li>• USCIS processing times fluctuates. Check with BIO                             <ul style="list-style-type: none"> <li>○ BIO processing is 10 business days after receipt of completed request</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Estimated 4 to 8 months (2 months if Premium Processing is used) or longer with USCIS                             <ul style="list-style-type: none"> <li>○ BIO processing is one month after receipt of completed request</li> </ul> </li> </ul>
<b>Outside Employment</b>	<ul style="list-style-type: none"> <li>• J-1 visitor may receive compensation from the DS-2019 sponsoring institution provided activity is within academic program objective</li> <li>• J-1 visitor needs to check with program sponsor about outside payment authorization</li> </ul>	<ul style="list-style-type: none"> <li>• Employees are not eligible for honorariums. In some cases employees can be reimbursed for travel costs</li> <li>• Employees can work for more than one employer, but each employer must file a separate H-1B petition</li> </ul>
<b>Dependents</b>	<ul style="list-style-type: none"> <li>• J-2 status for spouse and children under 21</li> <li>• J-2 dependents may apply for an employment authorization document (EAD)</li> <li>• J-2 earnings cannot be used for the support of the J-1</li> </ul>	<ul style="list-style-type: none"> <li>• H-4 status for spouse and children under 21</li> <li>• 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</li> </ul>