

J-1 vs. H-1B Comparison

	J-1 Exchange Visitor	H-1B Temporary Professional Worker
Purpose & Eligibility	<ul style="list-style-type: none"> • Exchange opportunities in research, lecturing, and access to cultural and educational programs. • Best suited for time-determined training positions and collaborations. Not suitable for lower level staff positions. • Not for tenure-track/tenure-track eligible positions • Prospective scholar must hold a minimum of a bachelor’s degree. Certain categories require a higher degree and/or specialized knowledge. 	<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 <i>in a specialized field</i> • Mostly for academic titles (e.g. tenure track teaching and research appointments)
Duration	<ul style="list-style-type: none"> • Duration varies depending on J-1 category • Up to five years for J-1 Research Scholar and Professor categories • Six months maximum for Short-Term Scholar 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"> • ISSS Exchange Visitor Application (REDCap form) • Signed Invitation or Appointment Letter from host department stating salary or funding amount • Completed VDEQ with Vanderbilt Export Compliance • 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"> • Nonimmigrant Visa Case Initiation Request (REDCap form) • Completed VDEQ with Vanderbilt Export Compliance • 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"> • Inherent expectation of 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 to Department	No direct costs for the internal DS-2019 request. Departments may choose to pay the scholar's visa application costs (SEVIS Fee, Visa application fee, Visa reciprocity fee, etc.)	<ul style="list-style-type: none"> • \$1600-2000 legal fee for preparing the petition • \$100-\$600 possible fees for translations or educational evaluations of foreign credentials • \$250-\$1500 possible fees if we receive a request for additional evidence from USCIS • Department of Homeland Security (DHS) fees: <ul style="list-style-type: none"> ○ \$460 = I -129 Petition ○ \$500 = Fraud Prevention and Detection ○ \$1440 = Premium Processing <p>*Employer must pay all fees except for dependents</p>
Cost to Scholar	<ul style="list-style-type: none"> • \$220 SEVIS I-901 fee • \$160 visa application fee • Visa reciprocity issuance fee (varies by country) • Health insurance cost • Travel costs • Living costs (minimum \$1366/month required) 	<ul style="list-style-type: none"> • \$190 visa application fee • Visa reciprocity issuance fee (varies by country) • Travel costs • Living costs • Dependent visa costs
Processing Times	<ul style="list-style-type: none"> • Estimated 2- 4 months <ul style="list-style-type: none"> ○ ISSS processing is 10 business days after receipt of completed request ○ Departments are advised to submit requests 3 months in advance of desired start date ○ Scholars from certain countries and scholars who will work in certain fields may be subject to administrative processing visa delays 	<ul style="list-style-type: none"> • Estimated 4 to 6 months <ul style="list-style-type: none"> ○ Outside counsel requires a completed case initiation request <u>at least</u> 3 months in advance of requested start date ○ Scholars from certain countries and scholars who will work in certain fields may be subject to administrative processing visa delays
Outside Employment	<ul style="list-style-type: none"> • Employment by entities other than the host department may be possible with advanced authorization from the program sponsor. 	<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
Eligibility for Permanent Residence Sponsorship	Not eligible	Eligible
VU Office Providing Service	International Student and Scholar Services (ISSS) <ul style="list-style-type: none"> • iss@vanderbilt.edu • https://www.vanderbilt.edu/iss/ 	Office of Employee Immigration Services (OIS) <ul style="list-style-type: none"> • ois@vanderbilt.edu • https://www.vanderbilt.edu/administration/immigration