

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

	<b>J-1 Exchange Visitor</b>	<b>H-1B Temporary Professional Worker</b>
<b>Purpose &amp; Eligibility</b>	<ul style="list-style-type: none"> <li>• Exchange opportunities in research, lecturing, and access to cultural and educational programs.</li> <li>• Best suited for time-determined training positions and collaborations. Not suitable for lower level staff positions.</li> <li>• Not for tenure-track/tenure-track eligible positions</li> <li>• Prospective scholar must hold a minimum of a bachelor’s degree. Certain categories require a higher degree and/or specialized knowledge.</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 <i>in a specialized field</i></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>• Duration varies depending on J-1 category</li> <li>• Up to five years for J-1 Research Scholar and Professor categories</li> <li>• Six months maximum for Short-Term Scholar 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>• ISSS Exchange Visitor Application (REDCap form)</li> <li>• Signed Invitation or Appointment Letter from host department stating salary or funding amount</li> <li>• Completed VDEQ with Vanderbilt Export Compliance</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>• Nonimmigrant Visa Case Initiation Request (REDCap form)</li> <li>• Completed VDEQ with Vanderbilt Export Compliance</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>• Inherent expectation of 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 to Department</b>	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"> <li>• \$1600-2000 legal fee for preparing the petition</li> <li>• \$100-\$600 possible fees for translations or educational evaluations of foreign credentials</li> <li>• \$250-\$1500 possible fees if we receive a request for additional evidence from USCIS</li> <li>• Department of Homeland Security (DHS) fees: <ul style="list-style-type: none"> <li>○ \$460 = I -129 Petition</li> <li>○ \$500 = Fraud Prevention and Detection</li> <li>○ \$2500 = Premium Processing</li> </ul> </li> </ul> <p>*Employer must pay all fees except for dependents</p>
<b>Cost to Scholar</b>	<ul style="list-style-type: none"> <li>• \$220 SEVIS I-901 fee</li> <li>• \$160 visa application fee</li> <li>• Visa reciprocity issuance fee (varies by country)</li> <li>• Health insurance cost</li> <li>• Travel costs</li> <li>• Living costs (minimum \$1366/month required)</li> </ul>	<ul style="list-style-type: none"> <li>• \$190 visa application fee</li> <li>• Visa reciprocity issuance fee (varies by country)</li> <li>• Travel costs</li> <li>• Living costs</li> <li>• Dependent visa costs</li> </ul>
<b>Processing Times</b>	<ul style="list-style-type: none"> <li>• Estimated 2- 4 months <ul style="list-style-type: none"> <li>○ ISSS processing is 10 business days after receipt of completed request</li> <li>○ Departments are advised to submit requests 3 months in advance of desired start date</li> <li>○ Scholars from certain countries and scholars who will work in certain fields may be subject to administrative processing visa delays</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Estimated 4 to 6 months <ul style="list-style-type: none"> <li>○ Outside counsel requires a completed case initiation request <u>at least</u> 3 months in advance of requested start date</li> <li>○ Scholars from certain countries and scholars who will work in certain fields may be subject to administrative processing visa delays</li> </ul> </li> </ul>
<b>Outside Employment</b>	<ul style="list-style-type: none"> <li>• Employment by entities other than the host department may be possible with advanced authorization from the program sponsor.</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>
<b>Eligibility for Permanent Residence Sponsorship</b>	Not eligible	Eligible
<b>VU Office Providing Service</b>	International Student and Scholar Services (ISSS) <ul style="list-style-type: none"> <li>• <a href="mailto:iss@vanderbilt.edu">iss@vanderbilt.edu</a></li> <li>• <a href="https://www.vanderbilt.edu/iss/">https://www.vanderbilt.edu/iss/</a></li> </ul>	Office of Employee Immigration Services (OIS) <ul style="list-style-type: none"> <li>• <a href="mailto:ois@vanderbilt.edu">ois@vanderbilt.edu</a></li> <li>• <a href="https://www.vanderbilt.edu/administration/immigration">https://www.vanderbilt.edu/administration/immigration</a></li> </ul>