

J-1 Professor/Researcher versus H-1B for employment purposes

J-1	H-1B
Program sponsorship – under auspices of U.S. Department of State	Employer is the sponsor
5-year maximum participation	6-year maximum authorization eligibility
	May "recapture" time out of U.S. during authorization
	Unlimited extensions after approved I-140 (Permanent Residency sponsorship)
Section 212(e): 2-year home stay requirement if (1) the country has a home skills list and the skill/areas of expertise is listed or (2) government funding is used to directly support the visitor	
2-year out of U.S. provision before return as Professor/Researcher	1-year out of U.S. provision before return in H-1B status
1-year bar to repeat participation	
Changes in position must remain related to original program objectives; program objectives cannot change from the original	Any changes in employment require the filing of an amended petition before changes can be implemented
Cannot be tenure-track position	
No federally-mandated minimum salary	Wage must meet higher of actual or prevailing wage
Nonimmigrant category – generally means that the individual must have the intent to return to the home country following program participant; makes permanent residency applications more difficult	Dual intent category – the individual may have immigrant or nonimmigrant intent
Department of State insurance requirements	
Required orientation	Optional orientation offered
Required cultural component	
Spouse in J-2 status may apply for employment authorization in one-year increments	No spousal employment eligibility as a dependent
	If terminated prior to authorization end, employer responsibility for reasonable cost of return transportation to the home country
OIPI Processing Fee: \$300 for initial	OIPI Processing Fee: \$150 for initial
SEVIS fee \$180 (employer optional)	USCIS Processing fee for initial: \$825
No federally-mandated extension fee	USCIS Processing fee for extension: \$325