

Comparison of H-1 and J-1 Scholar Visas

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	H-1	J-1 Scholar
Duration	<ul style="list-style-type: none"> Maximum stay 6 years: up to 3 years is maximum petition time Extension beyond 6 years with exception of pending PR 	<ul style="list-style-type: none"> Maximum duration is 5 years for J-1 Research Scholar/Professor Maximum duration 6 months for J-1 Short term Scholar
Funding Type Restrictions	<ul style="list-style-type: none"> No fellowship/stipends allowed Must be MSU employee with MSU salary 	<ul style="list-style-type: none"> May receive wages or fellowships/stipends from MSU or elsewhere Personal Funds are permitted
Minimum Qualifications	<ul style="list-style-type: none"> Bachelor's degree in specialized field Position must require Bachelor's degree in specific field 	<ul style="list-style-type: none"> Bachelors in field of endeavor Or BA in different field with 6 years of work experience in field of endeavor
Current Costs	<ul style="list-style-type: none"> USCIS Fee: \$460 Anti-Fraud Fee: \$500(only initial H) Premium Processing Fee (optional): \$1440 (Approved, denial, request for more evidence within 15 days) 	<ul style="list-style-type: none"> Sevis Fee: \$220 Change of Status (COS) fees apply if in US in another status: \$370 for form I-539 \$85 biometric fee
How long can H or J remain in the U.S. after the end of his/her work?	<ul style="list-style-type: none"> No legal grace period. 10 days is generally accepted but not regulatory 	<ul style="list-style-type: none"> 30 days
Can an H-1B or J-1 visa holder work at an off campus location and be paid?	<ul style="list-style-type: none"> Must be paid MSU Employee & work location must be on petition, MSU can be only employer 	<ul style="list-style-type: none"> Site of activity and off campus incidental employment must be pre-approved and added to SEVIS
What are the university obligations?	<ul style="list-style-type: none"> Pay Prevailing Wage or Actual Wage & no change in work hours Export Control form Return airfare if terminated early No benching 	<ul style="list-style-type: none"> Export Control Form Immigration check-in Health insurance required Orientation Cross cultural experience
Disadvantages	<ul style="list-style-type: none"> Costly Employees only in position that require Bachelor degree in specialty field or higher 	<ul style="list-style-type: none"> May be subject to 2 year home residence requirement Limited to researchers & professors
Advantages	<ul style="list-style-type: none"> No 2 year home residency requirement Dual Intent 	<ul style="list-style-type: none"> Ability to transfer between institutions Funding flexibility NO DHS adjudication (except if change of status)
Timing of paperwork	<ul style="list-style-type: none"> 7-9 months processing time 5-6 months if final step utilizes premium processing Prevailing wage issues can delay processing time unless union contract Export Control issues can delay case 	<ul style="list-style-type: none"> DS-2019 forms are completed internally by OISS (initial review time is 10-15 business days) DS-2019 request forms should be submitted to OISS at least 8 weeks from start date Export Control issues can delay case
Can a dependent work?	<ul style="list-style-type: none"> Dependents of H-1B Visa holder (H-4 Visa holders) are not authorized to work in the United States (few exceptions with PR pending) 	<ul style="list-style-type: none"> Dependents of J-1 Visa holders (J-2 Visa holders) can work in the United States once they apply and are granted employment authorization by USCIS
Effects on dependents	<ul style="list-style-type: none"> H-4s can apply for change of status to other visa categories (H-1, O, J, etc) for employment reasons if they qualify H-4s may study 	<ul style="list-style-type: none"> J-2 dependents salary cannot fund J-1 J-2s may study