

Comparison of H-1 and J-1 Scholar Visas

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	H-1B	J-1 Scholar
Duration	<ul style="list-style-type: none"> Maximum stay 6 years: up to 3 years maximum per petition 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
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: \$325 Anti-Fraud Fee: \$500(only initial H) Premium Processing Fee (optional): \$1225 (Approved, denial, request for more evidence within 15 days) 	<ul style="list-style-type: none"> Sevis Fee: \$180 Change of Status (COS) fees apply if in US in another status: \$290
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 (Unless given at Port of Entry) 	<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 MSU Employee & location must be on petition 	<ul style="list-style-type: none"> Site of activity and off campus incidental employment must be pre-approved by OISS
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 	<ul style="list-style-type: none"> May be subject to 2 year home residency requirement Limited to researcher & professors
Advantages	<ul style="list-style-type: none"> No 2-year home country requirement Dual Intent Any specialty occupation is eligible; not limited to researchers and professors 	<ul style="list-style-type: none"> Ability to transfer between institutions Funding flexibility No DHS adjudication (except if COS)
Timing of paperwork	<ul style="list-style-type: none"> Five - Six months processing time Three to four months if final step utilizes Premium Processing Prevailing wage issues can delay processing time 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"> H-4 dependents are not authorized to work in the United States (exceptions with PR pending) 	<ul style="list-style-type: none"> J-2 dependents can work in the United States once they are granted employment authorization by USCIS
Effects on dependents	<ul style="list-style-type: none"> H-4s may change status to H-1 for employment reasons if they qualify H-4's may study 	<ul style="list-style-type: none"> J-2 dependents salary cannot fund J-1 J-2's may study