

J-1 vs. H-1B Comparison Chart

	J-1 Employee	H1-B Employee
Time	5 years allowed on Research Scholar category (no extensions beyond 5 years).	6 years allowed in H1-B status; given in 3 year max increments.
*Processing Time	*Quick processing: Immigration documents will be issued within 10 days by the OIP office.	*H1-B status requires a multi-step process. OIP needs approximately 1-2 months to gather H-1B petition information before submitting to USCIS. USCIS approval varies and may take 3-4 months on average <i>after</i> OIP submits H-1B petition to USCIS. Premium processing (\$1,225) is available for expedited USCIS processing 15 business days instead of 3-4 months.
Restrictions	Possibly subject to 212(e) which requires a waiver to change to H1-B or permanent residency. 24 month bar on repeat participation in Research Scholar category, which means employee can return as a research scholar only 24 months after the first research scholar program ended. J-1 classification prohibits patient care and is inappropriate for many types of clinical activity at KUMC.	Wage requirement (prevailing wage) and all financial support must come from KUMC.
Fees	No fees required by the department.	\$325 I-129 fee; \$500 anti-fraud fee; \$1,225 fee for expedited processing if requested. Department has to pay all the fees except the \$1,225 that can be paid by beneficiary.
Dependents	J-2 dependents are allowed to take classes or pursue a degree; also allowed to work with USCIS authorization. Obtaining work authorization as a J-2 from USCIS may take up to 3 months.	H-4 dependents may take classes or pursue a degree. H-4 dependents are not allowed to work
*NOTE: Processing Time for Visa Issuance and Change of Status	*If the prospective employee is outside of the country; more time will be needed for the individual to obtain a visa appointment with a U.S. Embassy or Consulate and be issued a visa before entering the U.S. Please consult OIP for info to estimate current visa processing times as visa times vary widely between U.S. Embassies and Consulates and different times of the year (on average allow for apprx. 45 days). If the individual is in the U.S. in a different visa category a change of status application will need to be filed with USCIS which can take several months for approval.	*If the prospective employee is outside of the country; more time will be needed for the individual to obtain a visa appointment with a U.S. Embassy or Consulate and be issued a visa before entering the U.S. Please consult OIP for info to estimate current visa processing times as visa times vary widely between U.S. Embassies and Consulates and different times of the year (on average allow for apprx. 45 days).