

Options for Hosting/Hiring Prospective Foreign National Faculty and Researchers

| | J-1 Professor/Research Scholar Categories | H-1B |
|---|--|---|
| Sponsorship | Program sponsorship – under auspices of U.S. Department of State (DOS) | Employer is the sponsor |
| Purpose | Exchange Visitor Program established by the Mutual Educational and Cultural Exchange Act of 1961. The purpose of the Act is to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges. Educational and cultural exchanges assist the Department of State in furthering the foreign policy objectives of the United States. (22 CFR 62.1) | Specialty occupation |
| Regulatory authorization | 22 CFR 62; 8 CFR 214.2 (j) | 8 CFR 214.2(h); .700-.80020 CFR Part 655, Subpart H |
| Regulatory minimum education requirements | Bachelors degree | Bachelors degree in position-related field |
| Immigrant classification | Nonimmigrant category – generally means that when the individual applies for the visa; 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 |
| Duration | 5-year maximum participation; no further extensions possible | 6-year maximum authorization eligibility |
| | | May "recapture" time out of U.S. during authorization |
| | | Unlimited extensions after approved I-140 (Permanent Residency sponsorship) |
| Full-time Activity | Required by institutional policy | Required by institutional policy |
| Special conditions | 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: cannot change status in U.S.; cannot return in H-1B or other dual intent/immigrant category until 2 years are satisfied or waiver received from DOS | |
| | If present as Professor or Research Scholar, 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 (U.S. presence in other J- categories within preceding 1 year; exception for Short-term Scholar) | |
| | 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 | |
| | | Employer termination prior to authorization end, employer responsibility for reasonable cost of return transportation to the last place of foreign domicile |
| | DOS insurance requirements (Note: UA health plans do not meet DOS reqts) | |
| | DOS required orientation | Optional orientation offered |
| Salary requirements | No federally-mandated minimum salary; may be self-funded; funded by home country or employer; US government. OIPI funding support reqts: \$1,500/month; \$500/dependent | Salary must meet higher of actual or prevailing wage |
| Spousal employment eligibility | Spouse in J-2 status may apply for employment authorization in one-year increments (\$410 filing fee, \$85 biometrics fee; 3-month or longer processing time by USCIS)* | No spousal employment eligibility as a dependent |
| Fees, exclusive of visa application and related fees payable at US consulate processing | IPI Processing Fee: \$400 for initial; \$250 for extensions | IPI Processing Fee: \$250 |
| | SEVIS fee \$220 (employer optional) | USCIS Processing fees for initial: \$960; \$460 for extensions. Optional premium processing: \$2,500 for processing within 15 calendar days |

NOTE: Prospective Foreign National faculty and researchers refers to UAF tenure/non-tenure-track faculty, research and post-doc positions.

This is a general, overview of the J-1 and H-1B requirements. Complete descriptions of requirements and processes are available at the OIPI website: <http://www.uaf.edu/oip/information-for-uaf-depar/>

Other employment-based options: E-3 - Citizens of Australia; TN (Trade NAFTA) - Citizens of Canada and Mexico

*Spousal earnings cannot be used for family support.

Fees are current as of September 2021