

## VISA COMPARISON: J-1, H-1B and TN

	J-1 Exchange Visitor	H-1B Temporary Worker	TN Temporary Worker under NAFTA
<b>Purpose</b>	<ul style="list-style-type: none"> <li>Educational &amp; cultural exchange</li> </ul>	<ul style="list-style-type: none"> <li>Temporary employment in a specialty occupation</li> </ul>	<ul style="list-style-type: none"> <li>Temporary employment in certain fields under NAFTA agreement for Canadian &amp; Mexican citizens</li> </ul>
<b>Examples of Appropriate UCSF Appointments</b>	<ul style="list-style-type: none"> <li>Entry to mid-level researchers, postdoctoral scholars &amp; paid direct, visiting scholars without salary</li> <li>Non-tenure track junior &amp; visiting faculty</li> </ul>	<ul style="list-style-type: none"> <li>Mid to senior level researchers, postdoctoral scholars</li> <li>Any academic employee title</li> <li>Faculty appointment</li> </ul>	<ul style="list-style-type: none"> <li>Entry to senior level researchers, postdoctoral scholars</li> <li>Any academic employee title</li> <li>Faculty appointment</li> </ul>
<b>Requirements</b>	<ul style="list-style-type: none"> <li>Non-tenure track position</li> <li>Must pursue academic program objective and engage in program-related activities only</li> <li>Compliance with Department of State and Department of Homeland Security regulations</li> </ul>	<ul style="list-style-type: none"> <li>H-1B petition must be approved by Department of Homeland Security USCIS</li> <li>Salary, paid by UCSF payroll, must meet or exceed a Department of Labor prevailing wage</li> </ul>	<ul style="list-style-type: none"> <li>TN must be approved by U.S. Customs &amp; Border Protection or by Department of Homeland Security USCIS</li> <li>Salary, paid by UCSF payroll</li> </ul>
<b>Changes in Appointment</b>	<ul style="list-style-type: none"> <li>Must be reviewed and approved by ISSO</li> <li>Must support and not delay or disrupt original program objective</li> <li>Early program completions &amp; terminations must be reported to ISSO to close SEVIS record</li> </ul>	<p>Material change in title, salary or job duties require an H-1B amendment filing with Department of Labor and Department of Homeland Security USCIS before change can be effective</p>	<p>Material change in title, salary or job duties require a TN amendment filing with Department of Homeland Security USCIS before change can be effective</p>
<b>Duration</b>	<ul style="list-style-type: none"> <li>Maximum 5 years in J-1 "Research Scholar"</li> <li>Maximum 6 months in J-1 "Short-Term Scholar"</li> </ul>	<ul style="list-style-type: none"> <li>H-1B status in U.S. limited to 6 aggregate years</li> <li>Department of Homeland Security USCIS approval up to 3 years per petition filing</li> </ul>	<ul style="list-style-type: none"> <li>TN status in U.S. indefinite, however not recommended beyond 6 years</li> <li>U.S. Customs &amp; Border Protection or Department of Homeland Security USCIS approval up to 3 years per TN request</li> </ul>
<b>Costs</b>	Approximately \$610 to \$1,290 (subject to change based on ISSO recharge rates)	Approximately \$4,000 (subject to change based on ISSO recharge rates and/or U.S. Department of Homeland Security fees)	Approximately \$1,000 to \$2,000 (subject to change based on ISSO recharge rates and/or U.S. Department of Homeland Security fees)
<b>Processing Times</b>	<ul style="list-style-type: none"> <li>Please refer to <a href="#">UCSF Human Resource's Timing Considerations – Academic Appointments document</a></li> </ul>	<ul style="list-style-type: none"> <li>Refer to <a href="#">UCSF Human Resource's Timing Considerations – Academic Appointments document</a></li> </ul>	<ul style="list-style-type: none"> <li>Refer to <a href="#">UCSF Human Resource's Timing Considerations – Academic Appointments document</a></li> </ul>

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<b>Funding/Salary</b>	<ul style="list-style-type: none"> <li>UCSF postdocs must be paid according to NIH/NRSA scale and the full agreement between UC and UAW (see UCOP website)</li> <li>J-1 visitors in campus titles other than postdoc must be able to demonstrate \$2,210 per month funding (may be self-funding, home institution, 3rd party or any combination thereof). Additional proof of funding required for dependents.</li> </ul>	<ul style="list-style-type: none"> <li>100% of salary must be paid by UCSF payroll</li> <li>Not eligible for honorarium</li> </ul>	<ul style="list-style-type: none"> <li>100% of salary must be paid by UCSF payroll</li> <li>Not eligible for honorarium</li> </ul>
<b>Insurance</b>	<ul style="list-style-type: none"> <li>UCSF postdocs covered by UC agreement (dependent benefits must be covered by PI)</li> <li>ALL J-1 and J-2 visitors must have insurance that meets Dept. of State minimum levels</li> </ul>	Standard university benefits	Standard university benefits
<b>Post Program Consideration</b>	<ul style="list-style-type: none"> <li>Non Immigrant intent: Have intention to return to home country after program completion</li> <li>212(e) 2 year home residency requirement may apply to all J-1 Exchange Visitors</li> <li>24-month bar applies to all J-1 Research Scholar/Professor category visitors</li> <li>12-month bar applies to all J-1 Research Scholar/Professor category visitors who spent more than 6 months in another J-1 category in the preceding 12 months</li> </ul>	Dual intent: May choose to return to home country after program completion or immigrate to the U.S. (apply for permanent residence)	Non Immigrant intent: Have intention to return to home country after program completion
<b>Transfers</b>	<ul style="list-style-type: none"> <li>Transfers in from/out to other J-1 sponsors possible if original program objective maintained</li> <li>Intra-UCSF transfers also possible if original program objective is maintained</li> </ul>	<ul style="list-style-type: none"> <li>Change of employer requires new employer to file H-1B transfer petition with DHS USCIS UCSF Medical Center</li> <li>HHMI &amp; Gladstone, while UCSF affiliated, are different employers and file their own H-1B petitions</li> </ul>	<ul style="list-style-type: none"> <li>Change of employer requires new employer to file TN request with U.S. Customs or TN transfer petition with DHS USCIS UCSF Medical Center</li> <li>HHMI &amp; Gladstone, while UCSF affiliated, are different employers and file their own TN requests</li> </ul>
<b>Outside Activity</b>	<ul style="list-style-type: none"> <li>Outside activity related to program objective may be permitted if such activity is incidental, is directly related to program objective and does not delay end date</li> <li>Must be paid as independent contractor</li> <li>Payment/reimbursement/honoraria may be authorized if documented in SEVIS <i>prior</i> to activity</li> </ul>	<ul style="list-style-type: none"> <li>Work activity limited to UCSF worksite</li> <li>Check with ISSO for placement outside of UCSF worksite</li> </ul>	<ul style="list-style-type: none"> <li>Work activity limited to UCSF worksite</li> <li>Check with ISSO for placement outside of UCSF worksite</li> </ul>
<b>Dependents</b>	<ul style="list-style-type: none"> <li>Spouse &amp; children under 21 may obtain J-2 visa</li> <li>Spouse eligible for J-2 work authorization upon personal application to USCIS</li> <li>Spouse and children eligible for full/part-time study</li> <li>J-2 completely dependent upon J-1 status</li> </ul>	<ul style="list-style-type: none"> <li>Spouse &amp; children under 21 may obtain H-4 visa</li> <li>H-4 visa holders not allowed to work</li> </ul>	<ul style="list-style-type: none"> <li>Spouse &amp; children under 21 may obtain TD visa</li> <li>TD visa holders not allowed to work</li> </ul>