International Faculty and Staff Services
INTERNATIONAL DIVISION
UNIVERSITY OF WISCONSIN–MADISON

J-1 vs. H-1B

	J-1 Scholar	H-1B Employee
Intent/Purpose	Cultural Exchange, training in field of study	Employment in a specialty occupation
Duration	Up to 5 years. Short-term Scholar: 6 months or less	Up to 6 years with some exceptions. Consult IFSS.
What is the cost to the department?	None	$460 - $3,925*
What is the cost to the employee?	SEVIS fee*: $220 Consular fee*: $185 (only if obtaining status outside US)	None if changing status inside the U.S. Consular fee*: $205 (only if obtaining status outside US)

What are examples of appropriate UW positions?	• Honorary Associate or Fellow
	• Visiting Scientists
	• Visiting Faculty
	• Postdegree Trainee titles, such as Research Associates, Postdoctoral Fellows/Trainees, Research Interns
	• Academic Staff positions only when:
	  ○ Terminal job only w/ no option to renew
	  ○ Training completed waiver
		Position must be a specialty occupation that requires the theoretical and practical application of a body of highly specialized knowledge, and attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation. See the IFSS H-1B Toolkit for more information.

Does a recruitment need to be conducted?	No. However, the hiring unit must provide IFSS with a Detailed Position Description.	No. However, the hiring unit must provide IFSS with a Detailed Position Description.
Dependent Status and Work Authorization	J-2 can apply for work permission separately with USCIS, using Form I-765.	H-4; Generally, H-4s cannot work. Only certain H-4 Dependent Spouses can apply for work permission. H-4 spouse must apply for work permission separately with USCIS, using Form I-765.
Is clinical work (human and/or animal) allowed?	No - observation only. See What is deemed clinical activity?	Yes. For patient care positions requiring licensure, a license must be issued prior to filing the H-1B. Additional requirements may include ECFMG certification (except Canadians) and USMLE scores.
Is English proficiency required?	Yes	No

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Is health insurance required?	Yes. J-1 scholars & dependents are **required** to have acceptable health insurance for the duration of the J program. They must be on the State Group Health (SGH) plan or purchase SHIP . If they have SGH, they must notify SHIP and complete a SHIP waiver. The SGH's high deductible plan is not acceptable health insurance for J-1s.	No.
Does a salary have to be provided from the UW?	No, J-1s can be self-funded or funded by the UW. However, if the department chooses to pay the scholar after they start their J-1 program, contact IFSS to update the J-1 program.	Yes, H-1Bs must be paid. They cannot hold $0 appointments.
Is there a minimum wage or financial requirement?	Yes, J-1 scholars must meet UW's minimum financial requirements	Yes, set by the US Department of Labor.
Can the UW or any other employer pay them an honorarium?	Yes, however, J scholars must get permission from IFSS before the "event" occurs and they accept the honorarium.	No.
Can they change to this status in the US?	Yes, after a DS-2019 is issued the J scholar then must file Form I-539 with USCIS. Premium processing is also available, if needed.	Yes.
Can they change to this status outside the US?	Yes, IFSS must issue a DS-2019 before they will be able to get a J-1 visa stamp at a US consulate or embassy abroad and enter the US in J-1 status.	Yes. The UW still must file an application with USCIS and get it approved though. Once approved, they must get an H-1B visa stamp at a US consulate or embassy and enter the US in H-1B status.
Is the J-1 required to go home for two years after completing their program?	Depends. Not all J-1s are subject since it depends on the country of last permanent residence, citizenship and program funding. Consult IFSS.	No. However, if a prospective H-1B were subject to this requirement from a prior J program, one of the following must be done before IFSS can submit the H-1B petition: 1. They have documentation they were physically present in their country of permanent residence listed on DS-2019 for two years. 2. Apply for and obtain a waiver of requirement.

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How long is the grace period when status ends?	30 days, in most cases.	Depends. Some have no grace period, some have 10-day grace, some have 60 days, and some do not get a grace period. Consult IFSS.
Can the UW sponsor permanent residency for this person?	No. J-1 positions are not permanent employment and would not qualify for the employer sponsored type of PR applications the UW files.	Depends. Consult IFSS about employment sponsored PR options. For more information, read the IFSS PR Toolkit
Can this person file permanent residency on their own or with their own attorney?	Yes. J-1s can file a permanent residency petition on their own or with the help of a lawyer. The J-1 is responsible for all filing fees and attorney fees if pursuing PR on their own. For a partial list of lawyers, consult IFSS.	Yes. H-1Bs can file a permanent residency petition on their own or with the help of a lawyer. The H-1B is responsible for all filing fees and attorney fees if pursuing PR on their own. For a partial list of lawyers, consult IFSS.

*Fees subject to change.