

Visa Options for Employment Eligibility

Adapted from NAFSA’s “Filing Academic H-1B Petitions Participant Manual” and University of Michigan’s “Visa Category and Employment Eligibility Comparison Chart.” This chart provides a general overview of work authorization options for professional/non-student positions. To ensure compliance with federal regulations, [contact ISSS](#) if you have questions. For student employment information, see [F-1 students](#) or [J-1 students](#).

| | H-1B | J-1 Scholar | J-1 Student | J-1 Student-Intern | O-1 | TN | E-3 | F-1 | B-1/B-2 |
|--|--|--|---|---|---|--|--|--|--|
| Visa type/ work authorization | Temporary Worker in a Specialty Occupation | Research Scholar, Professor or Short-term Scholar | Student with Academic Training | Student abroad in U.S. for training in major | Alien of Extraordinary Ability | NAFTA employment visa for professionals | Australian Specialty Occupation Workers | Student with CPT or OPT | Visitors for business and tourism |
| Who is this for? | Faculty, staff | Faculty, staff, visiting scholars | Student currently or recently enrolled at a U.S. institution | Student enrolled abroad (minimum Bachelors student) | Faculty, staff | Faculty, staff with Canadian or Mexican citizenship | Faculty, staff with Australian citizenship | Student currently or recently enrolled at a U.S. institution | Individuals accepting honoraria or payment of incidental travel expenses |
| For paid positions at U of MN? | Yes | Yes, but also for unpaid positions | Yes, but also for unpaid positions | Yes, but also for unpaid positions | Yes | Yes | Yes | Yes, but also for unpaid positions | No |
| Eligibility criteria | Position must require at least a Bachelor’s degree in a specialized field; employee must meet minimum education/ credential requirements | Job-related qualifications; University invitation to teach or conduct research; adequate financial support for length of program; minimum of Bachelor’s degree; proof of English proficiency | J-1 student who has been authorized for Academic Training by hosting U.S. institution | Currently enrolled and in good academic standing abroad; adequate financial support for length of program; proof of English proficiency | Proof of major scholarly, athletic, or artistic achievement | Position must be in a qualifying occupation ; employee must be Canadian or Mexican citizen and meet minimum education/ credential requirements | Position must require at least a Bachelor’s degree in a specialized field; employee must be Australian citizen and meet minimum education/ credential requirements | F-1 student who has been authorized for CPT (Curricular Practical Training) or OPT (Optional Practical Training) by degree-granting institution and/or USCIS | N/A (not for paid/salaried positions at U of MN) |
| Appropriate for tenure-track positions? | Yes | No | Maybe (consult with ISSS) | No | Yes | No | No | Maybe (consult with ISSS) | No |

| | H-1B | J-1 Scholar | J-1 Student | J-1 Student-Intern | O-1 | TN | E-3 | F-1 | B-1/B-2 |
|-------------------------|---|---|--|--|---|--|--|---|---|
| Maximum duration | 6 years; granted for max of 3 years at a time; extensions beyond 6 years possible under limited circumstances | 6 months for Short-term Scholar; 5 years for Research Scholar or Professor | Based on length of U.S. academic program (consult with ISSS) | 1 year. No extensions possible beyond 1 year. | Unlimited; granted for max of 3 years initially; extensions 1 year at a time | Unlimited; granted for max of 3 years at a time | Unlimited; granted for max of 2 years at a time | CPT: Length of academic program until completion; OPT: 12 months after program completion; 36 months for STEM graduates | For activities lasting 9 days or less at a single institution; may accept payment from no more than 5 institutions in previous 6-month period |
| Advantages* | " Dual intent " is allowed, making travel abroad & applying for U.S. visa easier | No DOL or USCIS approval required; J-2 dependent can obtain work permission | No DOL or USCIS approval required; J-2 dependent can obtain work permission | No DOL or USCIS approval required; J-2 dependent can obtain work permission | No DOL approval required; no limit on number of years; may be eligible even if subject to the 2-year home residence requirement | No DOL or USCIS approval required; no limit on number of years; may be eligible even if subject to the 2-year home residence requirement | May be issued at embassy & port of entry without USCIS petition; no limit on number of years; dependent can obtain work permission; may be eligible even if subject to the 2-year home residence requirement | CPT: No DOL or USCIS approval required OPT: Authorization is not employer-specific | No DOL or USCIS approval required |
| Disadvantages | Employer must meet DOL wage requirements or incur severe liability; H-4 dependent cannot work in most cases; employer liable for return transportation if employment terminated prematurely; not eligible if subject to the 2-year home residence requirement | Not eligible for Research Scholar or Professor categories if subject to 12 or 24 month bars ; might become subject to the 2-year home residence requirement | Length of employment is based on length of U.S. academic program (consult with ISSS) | Detailed application; faculty mentor provides close supervision and documented evaluation(s); not to fill UMN job posting; might become subject to the 2-year home residence requirement | Must meet strict USCIS eligibility standards; requires extensive documentation; employer liable for return transportation if employment terminated prematurely; O-3 dependent cannot work; ISSS processes extensions but not initial O-1s | TD dependent cannot work | Employer must meet DOL wage requirements or incur severe liability | CPT: Limited full-time employment eligibility OPT: Only valid for 12 months; F-2 dependent cannot work | May not be used for paid U of MN positions |

| | <u>H-1B</u> | <u>J-1 Scholar</u> | <u>J-1 Student</u> | <u>J-1 Student-Intern</u> | <u>O-1</u> | <u>TN</u> | <u>E-3</u> | <u>F-1</u> | <u>B-1/B-2</u> |
|---|--|--|--|--|--|---|---|--|----------------------------------|
| Required Evidence/Documents | Job offer letter; academic credentials; resume/C.V. | Details of academic objectives and financial support; proof of English proficiency | Job offer letter; ISSS Academic Training application (if U of M student) | Extensive details of training objectives; evidence of financial support; proof of English proficiency; verification of enrollment, good standing, and permission to be paid from home institution abroad | Documentation of international recognition; peer consultation where applicable | Job offer letter; evidence of professional status; academic credentials; resume/C.V. | Job offer letter; academic credentials; resume or C.V. | Documentation and application procedures handled completely by degree-issuing institution and/or USCIS | Letter of invitation from U of M |
| US Government Fees (excluding visa application fee, if applicable) | USCIS fees: \$960 initial application, \$460 for extensions, \$1,225 (optional Premium Processing), \$370 for dependents | \$180 SEVIS fee (paid by scholar or department), \$370 USCIS fee if change of status is required | N/A | \$180 SEVIS fee (paid by Student-Intern or department) | USCIS fees: \$460 for initial application or extensions, \$1,225 (optional Premium Processing), \$370 for dependents | \$56 for Canadians at border, Mexicans pay visa fees at consulate, \$460 for TN extension in U.S., \$370 for dependents | \$205 visa application fee if processed at embassy & port of entry, \$460 if processed at USCIS | CPT: None OPT: \$410 USCIS fee (paid by student at time of application) | N/A |
| ISSS Administrative Processing Fees | \$1,100 | \$310 | N/A | \$310 | \$1,100 | N/A | \$1,100 | N/A | N/A |
| ISSS Processing Times** | Sept-April: 3-6 weeks; May-August: 4-8 weeks | 3-4 weeks | 1-2 weeks for U of MN students at time of application | 6-8 weeks | Sept-April: 3-6 weeks; May-August: 4-8 weeks | N/A (ISSS only gives advice; does not process extensions) | Sept-April: 3-6 weeks; May-August: 4-8 weeks | 1-2 weeks for U of MN students at time of application | N/A |
| Government Processing Times** | Standard: 3-8 months; Premium Processing: 15 days | Applying at U.S. consulate: see visa wait times ; change of status in U.S.: 2-5 months | N/A | Applying at U.S. consulate: see visa wait times ; change of status in U.S.: 2-5 months | Standard: 3-6 months; Premium Processing: 15 days | Same day at port of entry (Canadians); applying at U.S. consulate (Mexicans): see visa wait times | Same day at embassy & port of entry; change of status in U.S.: 3-6 months | CPT: N/A OPT: varies (average is 3 months) | N/A |

*DOL = Department of Labor, USCIS = United States Citizenship & Immigration Services

**Please factor in both ISSS & government processing times when determining the amount of preparation time required. Stated times are estimates– contact ISSS for current processing times.