

## 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](#).

	<a href="#">H-1B</a>	<a href="#">J-1 Scholar</a>	<a href="#">J-1 Student</a>	<a href="#">J-1 Student-Intern</a>	<a href="#">O-1</a>	<a href="#">TN</a>	<a href="#">E-3</a>	<a href="#">F-1</a>	<a href="#">B-1/B-2</a>
<b>Visa type/ work authorization</b>	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
<b>Who is this for?</b>	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
<b>For paid positions at U of MN?</b>	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
<b>Eligibility criteria</b>	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 <a href="#">qualifying occupation</a> ; 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)
<b>Appropriate for tenure-track positions?</b>	Yes	No	Maybe (consult with ISSS)	No	Yes	No	No	Maybe (consult with ISSS)	No

	<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>
<b>Maximum duration</b>	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 <u>STEM graduates</u>	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
<b>Advantages*</b>	" <u>Dual intent</u> " 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 <a href="#">2-year home residence requirement</a>	No DOL or USCIS approval required; no limit on number of years; may be eligible even if subject to the <a href="#">2-year home residence requirement</a>	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 <a href="#">2-year home residence requirement</a>	CPT: No DOL or USCIS approval required OPT: Authorization is not employer-specific	No DOL or USCIS approval required
<b>Disadvantages</b>	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 <a href="#">2-year home residence requirement</a>	Not eligible for Research Scholar or Professor categories if subject to <a href="#">12 or 24 month bars</a> ; might become subject to the <a href="#">2-year home residence requirement</a>	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 <a href="#">2-year home residence requirement</a>	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>
<b>Required Evidence/ Documents</b>	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
<b>US Government Fees (excluding visa application fee)</b>	USCIS fees: \$825 initial application, \$325 for extensions, \$1,225 (optional Premium Processing), \$290 for dependents	\$180 SEVIS fee (paid by scholar or department), \$290 USCIS fee if a change of status is required	N/A	\$180 SEVIS fee (paid by Student-Intern or department)	USCIS fees: \$325 for initial application or extensions, \$1,225 (optional Premium Processing), \$290 for dependents	\$56 for Canadians at border; Mexicans pay visa fees at consulate; \$325 for TN extension in U.S.; \$290 for dependents	USCIS fees: \$390 if processed/issued at embassy & port of entry; \$325 if processed at USCIS	CPT: None OPT: \$380 to USCIS (paid by student at time of application)	N/A
<b>ISSS Administrative Processing Fees</b>	\$1,100	\$295	N/A	\$295	\$1,100	N/A	\$1,100	N/A	N/A
<b>ISSS Processing Times**</b>	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
<b>Government Processing Times**</b>	Standard: 2-5 months; Premium Processing: 15 days	Applying at U.S. consulate: see <a href="#">visa wait times</a> ; change of status in U.S.: 2-5 months	N/A	Applying at U.S. consulate: see <a href="#">visa wait times</a> ; change of status in U.S.: 2-5 months	Standard: 2-5 months; Premium Processing: 15 days	Same day at port of entry (Canadians); applying at U.S. consulate (Mexicans): see <a href="#">visa wait times</a>	Same day at embassy & port of entry; change of status in U.S.: 2-5 months	CPT: N/A OPT: varies (average is 3 months)	N/A

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

\*\*Be sure to factor in both ISSS processing times and government processing times when determining the amount of preparation time required