

Visa Options for Employment Eligibility

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

	H-1B	J-1 Scholar	J-1 Student	TN	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	NAFTA employment visa for professionals	Student with CPT or OPT	Visitors for business and tourism
Who is this for	Faculty, staff	Faculty, visiting scholars	Student currently or recently enrolled at a U.S. institution	Faculty ,staff with Canadian or Mexican citizenship	Student currently or recently enrolled at a U.S. institution	Individuals accepting honoraria or payment of incidental travel expenses
For paid position at St. Thomas	Yes	Yes, but also for unpaid positions	Yes, but also for unpaid positions	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	Position must be in a qualifying occupation ; employee must be Canadian or Mexican 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 St. Thomas)
Appropriate for tenure-track positions?	Yes	No	Maybe (consult with OISS)	No	Maybe (consult with OISS)	No

	<u>H-1B</u>	<u>J-1 Scholar</u>	<u>J-1 Student</u>	<u>TN</u>	<u>F-1</u>	<u>B-1/B-2</u>
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 OISS)	Unlimited; granted for max of 3 years at a time	CPT: 12 months full-time; 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; no limit on number of years; 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 J-1 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 2-year home residence requirement	Length of employment is based on length of U.S academic program or academic training authorization (consult with OISS)	TD dependent cannot work	CPT: Limited full-time employment eligibility OPT: Only valid for 12 months; F-2 dependent cannot work STEM OPT: only valid for E-verify employers (not St. Thomas)	May not be used for paid St. Thomas positions

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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; DS-2019 authorization	Job offer letter evidence of professional status; academic credentials; resume/C.V.	Documentation and application procedures handled by degree-issuing institution and/or USCIS	Letter of invitation from St. Thomas hosting department
US Government Fees(excluding visa application fee)	USCIS fees: \$825 initial application \$325 for extensions, \$1,225 (optional Premium Processing), \$290 for dependents	\$180 SEVIS fee (paid by scholar), \$290 USCIS fee if a change of status is required	N/A	\$56 for Canadians at border; Mexicans pay visa fees at consulate;\$325 for TN extension in U.S.; \$290 for dependents	CPT: None OPT: \$380 to USCIS (paid by student at a time of application)	N/A
OISS Processing Times**	3-6 weeks	3-4 days	1 day for St. Thomas students at time of application	N/A (OISS only gives advice; does not process extensions)	1 day	N/A
Government processing Times**	Standard: 3-6 months; Premium Processing: 15 days	Applying at U.S. consulate: see visa wait times ; change of status in US: 3-4 months	N/A	Same day at port of entry (Canadians); Applying at U.S. consulate (Mexicans): see visa wait times	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 OISS processing times and government processing times when determining the amount of preparation time required*