

COMPARING NON-IMMIGRANT VISA STATUSES J-1 EXCHANGE VISITOR VS. B-1 BUSINESS VISITOR



This document will highlight the characteristics of the J-1 exchange visitor and B-1 Visitor for Business, as well as the advantages and disadvantages of each, and specifically as they relate to international visitors who are not in paid positions at UT Health San Antonio. This is not an exhaustive list and OIS will review each situation carefully depending on the foreign national's immigration history, planned activity, and anticipated timeframe to make a final determination.

J-1 EXCHANGE VISITOR

Purpose of the J-1 visa: Education and cultural exchange

J-1 Exchange Visitor status is appropriate for those who possess the minimum of a Bachelor's degree or higher, and who are coming to the U.S. on a temporary basis for the purpose of lecturing, observing, consulting, training, or demonstrating special skills. Visitors can stay up to six months in duration in the short-term scholar category and up to 5 years in the research scholar category. These visitors can be either paid or unpaid. If in paid positions, **J-1** status can only be used for positions with a limited duration, and cannot be used for staff positions or faculty members in the professor series. At UT Health San Antonio, these employee positions include, but are not limited to: Visiting Scientist, Visiting Student, Student Associate, or Postdoctoral Fellow.

J-1 Advantages -

- OIS issues the DS-2019 and has more information about the visitor
- Visitor can engage in collaborative research or research that benefits the institution
- Visitor can be in a paid (albeit temporary) or unpaid position
- Funding can come from multiple sources and can change over time
- J-2 dependent spouses can apply for work authorization
- Visitor can study incidental to status
- Visitor may work at various worksites, but all locations must be disclosed to OIS
- Status can be extended (Short-term scholar: 6 months max; Research scholar: 5 year max)

J-1 Disadvantages -

- Visitor must pay I-901 SEVIS fee (\$220) before applying for visa
- Department completes extensive paperwork for OIS
- OIS must monitor visitor's status throughout stay and report incidents to Department of State
- Department must attest to English language proficiency of exchange visitor and provide opportunity for visitor to engage in cross-cultural activities
- Exchange visitor must purchase health insurance that meets Department of State requirements
- Visitor must apply for visa (Canadians exempt) and cannot enter using Visa Waiver Program
- Two-year home residency requirement (212e) applies if receiving government funding or if field of research is on home country's skills list
- J-1 status forbids patient contact or care, other than approved incidental patient contact for physicians

B-1 BUSINESS VISITOR

Purpose of the B-1 Business Visitor visa: Engage in temporary activities related to business abroad

B-1 visitor for Business status is appropriate for temporary visitors at UT Health San Antonio who are engaging in consultation, lectures, or observation. Examples of common visitors in B-1 status at UT Health San Antonio including: Visiting international medical students completing an elective rotation, foreign-trained physicians observing medical practice, faculty members providing a guest lecture or consultation, and other healthcare professionals, such as dentists, nurses, and physical therapists, participating in observation. Remuneration in B-1 status is limited and visitors cannot be in paid positions.

B-1 Advantages -

- Less administrative burden - department completes minimal paperwork
- Quick process, as no requirement to create DS-2019 or other visa document through OIS other than template letter
- Visitor not required to pay SEVIS fee
- Visitor can engage in activities at multiple institutions without transfer process
- Visitor may already have B-1/B-2 visa stamp in passport
- Visitor can enter using the [Visa Waiver Program](#), if from participating country and other requirements are met, if stay will be less than 90 days
- Visitor can be reimbursed for reasonable travel expenses and/or receive an academic honorarium
- Department not required to assess English language proficiency of visitor
- Visitor not subject to two-year home residency requirement
- No requirement for visitor to possess Bachelor's degree minimum
- Visitor not required to obtain health insurance, but highly recommended

B-1 Disadvantages -

- OIS and department have less control over the process
- Visitor may have or obtain B-1/B-2 visa stamp, and have difficulty entering at the port of entry if any confusion surrounding purpose of visit or intended activities
- Visitor cannot be in a paid or unpaid position at the University
- Visitor cannot engage in research that is collaborative or benefits the institution
- Visitor cannot engage in direct or incidental patient contact
- If enter using a B-1 visa, initial maximum duration of stay is six months with possibility of extension of stay to one year with I-539 application to USCIS
- Visitor cannot remain longer than 90 days if enter through the Visa Waiver Program and ineligible for an extension of stay
- Academic honorarium payment limited to 9-5-6 rule: No more than 9 days spent at one institution, no more than 5 institutions in a 6 month period
- Visitor cannot study incidental to status