



Idaho State  
University

## Idaho State University Office of Equity and Inclusion

### Visa Options & Factors to Consider when Inviting International Scholars

#### *J-1 Research Scholar/Professor, J-1 Short-Term Scholar, and H-1B Visa Classifications*

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With the implementation of new regulations for the J-1 Professor and Research Scholar visa classifications on November 18, 2006, the responsibility of the Office of Equity and Inclusion (OEI) is to facilitate the flow of international scholars<sup>1</sup> to Idaho State University has become more complex and OEI has decided to re-think some internal policies with the goal of offering maximum flexibility to the University's administrative and academic units sponsoring international scholars..

Accordingly, OEI will now expand the primary visa classification options for incoming international scholars to include J-1 Short-Term Scholar, J-1 Research Scholar, and H-1B temporary workers. A key change to our internal policy is that the H-1B option will now be made available for incoming postdoctoral fellows from outside of the US, provided they otherwise meet all government criteria. Please be aware that there are other visa classifications for international scholars as well (e.g., TN and O-1), but the three listed above are the primary ones that will be utilized.

The following chart has been designed to assist department faculty and administrators in better understanding the various options available to the international scholars who they may wish to employ and/or otherwise invite to ISU. There are many pros and cons for each of the three most commonly used options for international scholars. There are also considerations that may be more important to the University and other considerations that may be more important to the international scholar. OEI is responsible for ultimately balancing all of these considerations and assisting the department and the international scholar with selecting the proper visa classification and with subsequently facilitating all of the immigration processes involved in getting the international scholar to ISU.

Due to the increased complexity associated with the various options referenced above and outlined below, it is critical that departments consult with OEI *prior to* making any offer of employment or otherwise extending any invitation to an international scholar. This will ensure that all appropriate visa options and factors are fully explored and that the final determination is in the best interest of the international scholar and the University.

**DISCLAIMER:** The following chart is not intended to be exhaustive. There are many nuances and complexities not addressed. *Please consult with your OEI Liaison before making any decisions based upon the information contained herein.*

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<sup>1</sup> The term, "international scholars," typically includes the following ISU positions: Postdoctoral Fellows, Postdoctoral Associates, Research Associates, Assistant Professors, etc.

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Factor	Visa Classification Options		
	J-1 Short-Term Scholar	J-1 Professor & Research Scholar	H-1B
Employment	Employment authorized “incident to status” only by designated Exchange Visitor Program sponsor.	Employment authorized “incident to status” only by designated Exchange Visitor Program sponsor.	Employment authorized only for approved position at approved salary level at approved employer (i.e., employment is employer-specific and position-specific).
Minimum Duration	N/A	3 weeks	N/A
Maximum Duration	6 months	5 years	6 years
Funding Source	May be funded by ISU, personal funds, home country, or other funding source.	May be funded by ISU, personal funds, home country, or other funding source.	Must be funded by ISU (i.e., on ISU payroll). Cannot be self-funded.
Restrictions/Limitations	<ul style="list-style-type: none"> <li>• No tenure/tenure-track position.</li> <li>• May be subject to “two-year home country physical presence requirement.”</li> <li>• Presumption of immigrant intent when applying for visa.</li> </ul>	<ul style="list-style-type: none"> <li>• No tenure/tenure-track position.</li> <li>• Subject to 24-month bar.</li> <li>• May be subject to “two-year home country physical presence requirement.”</li> <li>• Presumption of immigrant intent when applying for visa.</li> </ul>	
Dependents	J-2 visa classification – may apply for employment authorization.	J-2 visa classification – may apply for employment authorization.	H-4 visa classification – may NOT apply for employment authorization. H-4 dependents may never work in the US.
SEVIS Fee & Tracking	Yes	Yes	No
Internal ISU Cost Recovery Fee Assessed	No	No	Yes ( <i>in addition to USCIS application fees</i> )
Processing Times <sup>2</sup>	10 business days ( <i>unless it is a change of status or transfer from within US, which may require more time</i> )	10 business days ( <i>unless it is a change of status or transfer from within US, which may require more time</i> )	3-5 months for normal processing 1-2 months for USCIS Premium Processing ( <i>processed within 15 days once at USCIS</i> )

<sup>2</sup> These processing times include the time it takes OEI to process the case internally and any USCIS adjudication prior to the visa application abroad, if applicable. The times do NOT include the visa process with the US Embassy or Consulate abroad, if applicable; nor do they include any time for travel to the US. These processing times are subject to change without notice. Please consult with OEI if the case is urgent.