

COMPARISON OF THE J-1 EXCHANGE VISITOR VS. B-1 BUSINESS VISITOR VISA STATUSES

This document highlights the characteristics of the J-1 Exchange Visitor and B-1 Visitor for Business, as well as the advantages and disadvantages of each, specifically as they relate to international visitors who are not in paid positions at Vanderbilt. This is not an exhaustive list and ISSS will review each situation carefully depending on the foreign national's immigration history, planned activity, and anticipated timeframe. All B-1 Visitors receiving any remuneration must complete paperwork through the International Tax Office, ITO@vanderbilt.edu.

J-1 EXCHANGE VISITOR

Purpose of visa: Education and cultural exchange

This visa 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 or professor 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 or tenure track faculty positions. At Vanderbilt, these employee positions include, but are not limited to: Visiting Scholar, Visiting Professor, or Postdoctoral Fellow.

J-1 Advantages –

- ISSS 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 ISSS
- Status can be extended (Short-term scholar: 6 months; Research scholar/professor: 5 years)

J-1 Disadvantages –

- Visitor must pay I-901 SEVIS fee (\$220) before applying for visa
- Department completes extensive paperwork for ISSS
- ISSS must monitor visitor's status 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 Department of State compliant health insurance
- 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 forbids patient contact/care, other than approved incidental patient contact for physicians

B-1 BUSINESS VISITOR

Purpose of the visa: Engage in temporary activities related to business abroad

This visa status is appropriate for temporary visitors who are engaging in consultation, lectures, or observation. Examples of common visitors in B-1 status at Vanderbilt include international medical students completing an elective rotation, faculty members providing a guest lecture/consultation, and foreign-trained physicians or other professionals 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 ISSS
- 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 and if stay will be less than 90 days
- 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
- Visitor not required to obtain health insurance, but travel insurance highly recommended

B-1 Disadvantages –

- ISSS 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