



University of Colorado Denver

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**Comparing TN Treaty NAFTA, J-1 Exchange Visitor, H-1B Specialty Occupation
Nonimmigrant Worker Statuses**

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TN Treaty NAFTA, available only for Canadian and Mexican citizens working in one of the professions specified in the NAFTA Treaty, is appropriate for:

- Basic scientists of all academic ranks.
- Post-doctoral fellows engaged in a specific and time-limited research project
- Physicians doing research who are **not** involved in any direct patient care and **do not** have any form of contact with patients.

TN Advantages – No employer filing fees, relatively fast turnaround, ISSS and Department have more control of the process; scholar presents offer letter, TN-specific cover letter, and academic credentials for entry or visa. No time limit. Each TN entry can be valid for up to three years.

TN Disadvantages – Scholar must pay \$50 TN fee at the border or before applying for visa (Mexicans only). For temporary visits only; requires that person have a residence in their country and no intent to immigrate to the US.

J-1 Exchange Visitor Research Scholar/Professor status is appropriate for:

- Basic scientists of all academic ranks, including people who are students in their home countries, with a minimum of a bachelor's degree.
- Post-doctoral fellows engaged in a specific and time-limited research project
- Physicians doing research who are **not** involved in any direct patient care and **do not** have any form of contact with patients (no touching patients in J-1 status on the University's program).

J-1 status CANNOT be used for anyone who will hold a tenure-eligible position or have patient contact.

J-1 Advantages – No employer filing fees, relatively fast turnaround, ISSS has more control of the process, J-2 spouses can obtain work permission.

J-1 Disadvantages – Scholar must pay I-901 fee (\$100) before applying for visa. For temporary visits only; requires that person have a residence in their country and no intent to immigrate to the US; two-year home residency requirement for those on their home country's skills list, with government funding, or sponsored by ECFMG; J-1 category may be relatively difficult to change; J visa holders on University's J program forbidden to touch patients. Total time limited to 5 years.

H-1B Specialty Occupation status is appropriate for professional employment positions that require a minimum of a bachelor's degree or higher in a specific field. At UC Denver, these positions include, but are not limited to:

- Postdoctoral Fellows
- Assistant, Associate, or Full Professors, research or regular series
- Visiting Assistant, Associate, and Professors
- Lecturers/Instructors
- Professional Research Assistants; Research Associates

- Other Professional Exempt or State Classified Staff where a specific degree is minimum requirement

H-1B status CANNOT be used for pre-doctoral trainees (PeopleSoft Code 3204) or for Student Stipends (PeopleSoft Code 3205). H-1B workers must be "employed" by the University in a legal sense, and these employees receive "non-service scholarships" and are not treated as employees for any purpose.

H-1B Advantages – No requirement of a residence abroad; can be obtained quickly using premium processing; employee can start with new employer as soon as petition filed if already in H status; 6 year max rather than 5 for J-1; visas easier to obtain because nonimmigrant intent not an issue.

H-1B Disadvantages – Employer must pay prevailing wage or higher; employer must pay filing fees, which can add up quickly*; H-4 spouses cannot work; if employee is terminated before expiration date on I-797 Approval Notice, employer must pay transportation costs to employee's home country.

**Filing fees for an employee in the US with one or more dependent family members: I-129 Filing Fee \$320.00 + Anti-Fraud Fee \$500.00 + I-539 Filing Fee \$300.00 + Premium Processing Fee \$1,000.00*