

# J-1 Specialist - Eligibility

- Experts in a field of specialized knowledge or skill;
- Seek to travel to the United States for the purpose of the interchange of knowledge and skills among foreign and American specialists by observing, consulting or demonstrating their special knowledge or skills; and
- Must not fill a permanent or long-term position of employment while in the United States.
  - Change of status to employment-based status or application of green card is not recommended

# J-1 Trainee: Eligibility

- Has a degree or professional certificate from a foreign post-secondary academic institution and at least one year of prior related work experience in his or her occupational field outside the United States; OR
- Has five years of work experience outside the United States in the occupational field in which they are seeking training
- Cannot work in unskilled or casual labor positions, in positions that require or involve child care or elder care, or in any kind of position that involves patient care or contact.
- Sponsors must not place trainees in positions that require more than 20 percent clerical or office support work.
- The training cannot duplicate a trainee participant's prior work experience or training.

## J-1 Intern: Eligibility

- Who are currently enrolled in and pursuing studies at a foreign degree- or certificate-granting post-secondary academic institution outside the United States; OR
- Who have graduated from such an institution no more than 12 months prior to their exchange visitor program start date.
- Cannot work in unskilled or casual labor positions, in positions that require or involve child care or elder care, or in any kind of position that involves patient care or contact.
- Sponsors must not place trainees in positions that require more than 20 percent clerical or office support work.

# J-1: Benefits

- Employment authorization for qualified work
- Training (Test) opportunity
- Trainees' spouses and children who are under the age of 21 may accompany them to the United States as J-2 nonimmigrants.
  - J-2s are not permitted to work in the United States.
- Extension of status available
- Change of status available

## H-3: Eligibility

- The proposed training is not available in the noncitizen's home country;
  - Example: Job on U.S. system
- The noncitizen will not be placed in a position which is in the normal operation of the business and in which U.S. citizens and resident workers are regularly employed
  - Should be “trainee” rather than “employee”
- The noncitizen will not engage in productive employment unless such employment is incidental and necessary to the training
  - Not actual work, but hands-on training is ok
  - Payment for the productive work incidental to the training
- The training will benefit the beneficiary in pursuing a career outside the United States

## H-3: Benefits

- Allowed to remain in the United States for up to 2 years
- Trainees' spouses and children who are under the age of 21 may accompany them to the United States as H-4 nonimmigrants.
  - H-4s are not permitted to work in the United States.
- Training (Test) opportunity
- Limited employment authorization for work incidental to the training
- Extension: Has to go abroad for 6 months in order to apply for H-3 training in a new program
- Change of status available