H-1B Process in Detail

CORPORATE IMMIGRATION LAW

Before Preparing the H-1B Petition	Preparation of H-1B Petition	Petition with USCIS, RFE or NOID	Employer Consular Package	Post- Preparation Issues
 Answer employer's questions regarding process and options Signed LSA received from Employer Signed CONFLICT WAIVER received from Employer and International Personnel LEGAL FEES to fund trust received from Employer H-1B CHECKLIST sent to Employer H-1B CHECKLIST sent to International Personnel H-1B Guide sent to Employer H-1B TRAINING offered 	 REVIEW H-1B checklist information and documents received from Employer and international personnel. Analyze job information to understand minimum requirements and duties Work with Employer to align with appropriate DOL SOC code for the position Conduct DOL TAG PREVAILING WAGE (PW) Analysis, prepare PW filing with DOL if beneficial Prepare LABOR CONDITION APPLICATION (LCA) for filing with DOL. Prepare instructions for Public Access File Compliance Employer creates public access file Provide instructions to employer for LCA Posting for 10 days Employer posts LCA in 2 conspicuous locations at the worksite(s) Draft I-129 petition, Employer Letter, Index Compile evidence Issue FILING CHECKS payable to Department of Homeland Security – Premium Processing? Conduct second attorney review 	 If DENIED, consider refilling and other options If APPROVED , what was approved? H-1B classification and what, if anything, else? New I-94 : Form I-9 Employment authorization update – Section 3 	DOS: If H-1B Employee travels abroad, or change of status is not approved, prepare Employer Consular Package for U.S. consulate abroad application	After preparing petition and/or RFE reply, provide updates and answers to questions