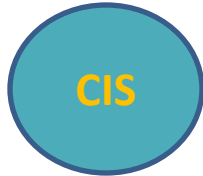


H-1B FLOWCHART

DEPARTMENT OF LABOR

CITIZENSHIP AND
IMMIGRATION
SERVICE

DEPARTMENT OF STATE



Electronic submission needed to file with CIS petition

Labor Condition Application (LCA) will bind the employer:

- Pay the higher of actual wage (what is paid to similar worker) or DOL prevailing wage,
- Offer the same benefits as provided to other employees,
- Attest that this employment will not negatively affect the conditions of other workers in the same position, including workers on strike.

LCA is employer and location specific.

H-1B petition includes-H-1B forms, support letter, supporting docs and certified LCA

- The employer must demonstrate that the position is a specialty occupation, i.e. normally requires at minimum a Bachelor's degree and the foreign national has a U.S. Bachelor's degree related to the position or its foreign equivalent.
- The employer must demonstrate that they can pay the wages and they have specialty work for the duration of the H-1B

The approval notice for the petition provides employment eligibility. Exceptions apply.

A valid visa is not required to stay in the U.S. but a valid visa is required to enter the US.

Typically, once H-1B petition is approved, employee will process the visa with the U.S. Consulate in their home country on their next visit abroad. Times and process vary.



VALIDITY

6 years total in 3 year increments (ability to extend beyond 6 years if certain conditions are met)

FEES

DOL- No filing fees

CIS- Filing fees:

◇ CIS filing fee: \$325

◇ Employer/ACWIA fee: \$750 for employers with 1-25 full-time employees or \$1,500 for employers with 26+ full-time workers*

◇ Fraud prevention & detection fee: \$500*

◇ Premium Processing (optional) fee: \$1,225 for expedited 15 day processing

*Fees that must be paid by the sponsoring employer

DOS- Vary

PROCESSING TIMES

DOL- 1 week to 12 days

CIS- 3-6 months (premium processing 15 days)

DOS- Vary

Spouses and unmarried children under 21

Eligible for the H-4 classification

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