

# H-1B CAP: SELECTED- WHAT NOW?

**Selection does not mean H-1B approval - there is significant work ahead in less than 90 days!**

## STEP 1. LCA (DEPT. OF LABOR)

- Labor Condition Application (LCA) = specific and unique certification & posting for H-1B filings, typically submitted by Attorney on behalf of Employer
- Contains job title, wage, location of employment
- *Certification required before H-1B petition can be filed*
- Certification takes 7-10 days
- Notice of Posting by Employer - needs strategy
- Acknowledgment signature by foreign national



## STEP 2. SUPPORTING DOCS

### PETITIONER

- Job description
- Work location & wage
- Employee benefits manual
- Electronic marketing materials
- Request for proposals
- Supervisor's license, if needed
- Others



### FOREIGN NATIONAL

- Educational credentials w/ translations
- Immigration documents
  - Passport ID page
  - Visa stamp
  - All I-20s & EADs
- Pay Statements
- Project Sample

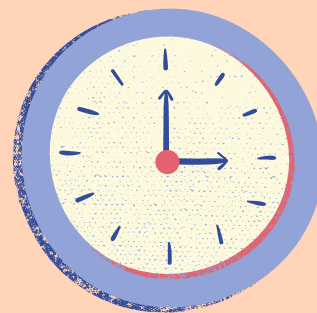
## STEP 3. PREPARATION & FILING OF H-1B

- Review and prepare all immigration forms & supporting documents
- Obtain signatures from Employer & Attorney
- Strategize Premium use (if available)
- Mail package to USCIS, *always with good vibes*
- USCIS issues receipt notice (5-20 days or more) after filing
- Case is placed in queue for processing (see below)



## STEP 4. PROCESSING TIMES (USCIS)

- **Regular Processing**
  - No set time frame (3 to 6 months or more)
  - Ideally, before October
- **Premium Processing**
  - Faster response (15 calendar days) for a premium fee \$
  - But, not always the way to go. It's a case by case determination.



## STEP 5. APPROVAL

- USCIS mails the paper Approval Notice to Employer & Attorney
- Foreign National changes status in the U.S. in accordance with H-1B LCA start date or plans to consular process abroad new H-1B visa stamp
- Employers start withholding FICA taxes on those previously in F-1 status
- Foreign Nationals need to plan proactively for any travel abroad



**\*This material is not intended to substitute as legal advice.**