

10 Key Steps for an H-1B Process

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I had a request for a basic overview of an H-1B process. Nothing magical here, but below are 10 key steps for any H-1B matter.

- Have immigration counsel review salary and prevailing wage issues before any offer is made.
- Have immigration counsel review how much H-1B time is remaining for the individual before any offer is made.
- Have immigration counsel review any prior green card paperwork filed for the individual before any offer is made.
- Have immigration counsel review the applicable occupational classification for the position and any potential specialty occupation issue before any offer is made.
- Include “contingent on immigration approval” language in the offer letter.
- Immigration counsel prepares LCA posting and files LCA with DOL—LCA usually takes 7 calendar days.
- Immigration counsel prepares I-129 and other related paperwork for H-1B filing.
- Immigration counsel prepares supplemental paperwork to address specialty occupation, degree relationship and other issues.
- File H-1B paperwork and discuss start date timing.
- Track H-1B filing and address any secondary issues such as driver’s license renewals, travel needs, biometrics for H-4.

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