



## **PROCEDURES IN PROCESSING H-1B PETITION**

### **I. Free Evaluation**

1. Initial Evaluation
  - a. Complete the H-1B Petition Initial Evaluation Questionnaire;
  - b. E-mail the above Questionnaire, resume and your diploma or transcript (if readily available) to Attorney for a free evaluation; and
  - c. Attorney reviews resume and e-mails back an evaluation of the case.
2. Follow-Up Communications
  - a. Send follow-up questions to Attorney via e-mail or phone;
  - b. Notify Attorney if you will also be filing H-4 petitions for your dependents; and
  - c. Attorney answers follow-up questions and makes necessary clarifications.

### **II. Establishing Attorney-Client Relationship**

1. Obtain the Attorney-Client Agreement (“Agreement”)
  - a. If you are interested in retaining Attorney to handle your case, notify Attorney to obtain an Agreement;
  - b. Attorney e-mails you an Agreement and a Client Record Form; and
  - c. Review the Agreement and ask any questions arising from the Agreement.
2. Important Things You Need to Know Before Signing the Agreement
  - a. Whether your Employer will sponsor and pay for the mandatory training fee, and, depending on your offered wage, the fraud investigation fee, filing fee, and attorney’s fee for your H-1B Petition;
  - b. The specific services covered by the agreement;
  - c. Whether the legal services listed include answering Request for Evidence (RFE);
  - d. Whether extra fees will be charged for a service you need but not listed in the Agreement;
  - e. Whether you fully understand what Attorney has explained to you regarding the chance and the risk your case bears; and
  - f. If necessary, revisit the previous communications you had with Attorney and make sure each of your concerns is clarified.
3. Sign the Agreement and Pay the Initial Legal Fee and Filing Fee
  - a. Sign the Agreement by an authorized representative of the Employer; and
  - b. Mail the signed agreement, Client Record Form, and a check payment of initial fees.
4. Attorney-Client Relationship
  - a. Attorney receives the Agreement and payment of the initial legal fee;
  - b. Attorney signs the Agreement and the attorney-client relationship is established;
  - c. Both the Employer and the Beneficiary are clients;
  - d. Attorney mails a photocopy of the signed Agreement to the Beneficiary; and

- e. Under Attorney-Client relationship, Attorney is bound by professional rules and other pertinent laws, and owes a fiduciary duty to client.

### **III. Processing the Case**

1. Draft Job Description
  - a. Attorney e-mails Questionnaire and instructions to Employer and Beneficiary;
  - b. Employer and Beneficiary complete and e-mail the Questionnaire to Attorney;
  - c. Attorney drafts the job description and designs the qualifications according to the information provided; and
  - d. Attorney will work with Employer and Beneficiary to revise the job description and qualification requirements.
2. Obtain Prevailing Wage
  - a. Once the job description is finalized, Attorney obtains a prevailing wage from the Department of Labor (“DOL”) for the proper position and skill level.
3. Comply with Posting Requirement
  - a. Attorney prepares and e-mails a draft Notice of Filing and Certification of Posting to Employer;
  - b. Employer reviews Notice of Filing and makes modifications if necessary;
  - c. Employer posts Notice of Filing at the place of employment for 10 consecutive business days; and
  - d. Employer completes the posting requirement and signs the Certification of Posting.
4. Labor Condition Application
  - a. Employer notifies Attorney that the Notice of Filing is posted;
  - b. Attorney prepares and submits the Labor Condition Application (“LCA”).
  - c. DOL may take 7 business days to certify LCAs (without FEIN verification issues). Employers may choose to pre-verify FEIN with DOL to avoid unnecessary delays and erroneous LCA denials.
5. Supporting Documents
  - a. Attorney prepares the necessary USCIS forms;
  - b. Attorney prepares a draft model petition letter for the Employer;
  - c. Attorney e-mails the above documents to Employer for review;
  - d. Employer makes modifications as necessary after consulting with Attorney; and
  - e. Employer reviews and signs the USCIS forms, the Labor Condition Application, the petition letter, and the Certification of Posting.
6. Return of Documents
  - a. Employer mails the signed supporting documents, including: USCIS forms, the Labor Condition Application, the support letter, Notice of Filing, and any company brochures and information to Attorney; and
  - b. Beneficiary mails copy of diploma, transcript, license, and other applicable supporting documents requested pertaining to his/her qualifications to Attorney.

7. Filing the H-1B Petition
  - a. Attorney makes final review of the accuracy and completeness of the documents to be submitted to the USCIS;
  - b. Attorney signs relevant documents and finalizes the H-1B petition package;
  - c. H-1B petition is shipped to USCIS via FedEx;
  - d. Attorney e-mails Beneficiary the FedEx tracking number for the shipment; and
  - e. This step will take approximately 1 week.

#### **IV. After the H-1B Petition is Filed**

1. Receipt Notice
  - a. Attorney receives USCIS receipt (usually within 2 weeks after case is filed);
  - b. Attorney e-mails Beneficiary a scanned copy of the USCIS receipt notice; and
  - c. Beneficiary may check the online case status with the USCIS receipt number.
2. Approval of the Case
  - a. Attorney receives approval notice from the USCIS;
  - b. Attorney notifies Beneficiary of the approval;
  - c. Employer or Beneficiary mails the payment due for legal fees upon approval;
  - d. Attorney mails Beneficiary the approval notice and a copy of the H-1B petition package; and
  - e. Attorney closes the file.

#### **V. Request for Evidence (RFE)**

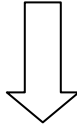
1. USCIS issues RFE;
2. Attorney notifies Employer and Beneficiary regarding the contents of the RFE and email client a scanned copy of the RFE;
3. Attorney advises Employer and Beneficiary of the additional documents to be prepared;
4. Employer and/or Beneficiary mails additional documents requested to Attorney;
5. Attorney drafts the response letter to RFE;
6. Attorney mails the response letter and additional documents to USCIS; and
7. See Section IV. (2) above after case is approved.

#### **VI. Erroneous Denial**

1. Upon receipt of the USCIS denial notice, Attorney notifies Employer and Beneficiary of the denial and USCIS reason for the denial;
2. Attorney advises Beneficiary and Employer of appeal or other available relief and options;
3. Employer determines whether to appeal or to pursue other options; and
4. Attorney takes further action to appeal or to pursue other options.

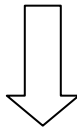
## VII. Flowchart for H-1B Petition

Employer and Beneficiary Prepares  
Information Requested by Attorney  
Processing Time: 1-2 weeks

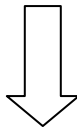


Attorney Prepares Notice of Filing and Certification of Posting  
Employer posts Notice for 10 consecutive business days  
Attorney prepares and submits Labor Condition Application  
Processing Time: 3-5 days

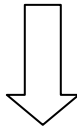
Labor Condition Application may take  
7 days to be certified (without DOL errors)



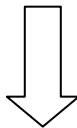
Attorney Prepares Supporting Information  
Processing Time: 3-5 days



Employer and Beneficiary Review, Sign, and  
Mail Supporting Documents to Attorney  
Processing Time: 1-2 weeks



Attorney Reviews and Files H-1B Petition  
Processing Time: 3-5 days



H-1B Petition Filed by Employer  
USCIS Processing Time: 2-3 months  
(Premium Processing: 15 days)