



A FLOWCHART FOR PROCESSING H-1B PETITIONS

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I. Free Evaluation

1. Initial Evaluation

- a. Potential client completes the H-1B Petition Initial Evaluation Questionnaire and e-mails the Questionnaire, resume and diploma or transcript (if readily available) to Attorney for a free evaluation;
- b. Attorney reviews resume and e-mails back an evaluation of the case.
- c. Evaluation analyzes whether the job offer, salary, and credentials meet the H-1B requirements; whether the case has a reasonable chance to be approved by USCIS; and whether Lawyer can take the case.

2. Follow-Up Communications

- a. Potential client sends follow-up questions to Attorney via e-mail or phone;
- b. Potential client notifies Attorney if dependent will also be filing H-4 petitions;
- c. Attorney answers follow-up questions and makes necessary clarifications;
- d. Potential client confirms with Employer that it will sponsor the petition, pay all related fees, sign all required immigration forms, and provide relevant documents.

II. Establishing Attorney-Client Relationship

1. Obtain the Attorney-Client Agreement (“Agreement”)

- a. Potential client, if you are interested in retaining Attorney to handle the case, notifies Attorney his/her intention to proceed to the next step;
- b. Attorney e-mails potential client an Agreement and a Client Record Form; and
- c. Potential client reviews the Agreement and asks Attorney any questions arising from the Agreement.

2. Important Things Clients Need to Know Before Signing the Agreement

- a. Whether your Employer will sponsor and pay for all the related government filing fees 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 Client fully understands what Attorney has explained regarding the chance and the risk of the case; and
- f. If necessary, Client should revisit the previous communications with Attorney and make sure each concern is clarified.

3. Sign the Agreement and Pay the Initial Legal 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 Clients; and
 - e. Under Attorney-Client relationship, Attorney is bound by professional rules and other pertinent laws, and owes a fiduciary duty to Clients.

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; and
 - b. Attorney prepares and submits the Labor Condition Application (“LCA”).
 - c. DOL may take seven (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. Public Access File
 - a. Attorney prepares the Public Access File documents and e-mails instructions and electronic copies to Employer and/or Beneficiary;
 - b. Employer sends follow-up questions to Attorney via e-mail or phone; and

- c. Attorney answers follow-up questions and makes necessary clarifications.
6. 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.
 7. 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.
 8. Filing the H-1B Petition
 - a. Attorney makes final review of the accuracy and completeness of the documents to be submitted to 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 Employer and Beneficiary a scanned copy of the USCIS receipt notice; and
 - c. Clients may check the online case status with the USCIS receipt number.
2. Approval of the Case
 - a. Attorney receives approval notice from USCIS;
 - b. Attorney notifies Employer and Beneficiary of the approval;
 - c. Employer 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;
 - e. Attorney mails Employer a copy of the approval notice, a copy of the H-1B petition package, and reminders about the Public Access File and government site visits; and
 - f. Attorney closes the file.

V. In Case of Receiving Request for Evidence (RFE)

1. USCIS issues RFE;
2. Attorney notifies Employer and Beneficiary regarding the contents of the RFE and e-mails 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. In Case of Receiving Erroneous Denial

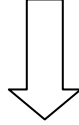
1. Upon receipt of the USCIS denial notice, Attorney notifies Employer and Beneficiary of the denial and USCIS reason for the denial;
2. Attorney advises Beneficiary and Employer of appeal or other available relief and options;
3. Employer determines whether to appeal or to pursue other options; and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

** Note: The processing of each individual case may be slightly different according to the specific situation. **

VII.

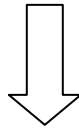
Flowchart for H-1B Petition

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

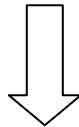


Attorney Prepares Notice of Filing and Certification of Posting
Employer posts Notice for 10 consecutive business days
Attorney prepares and submits Labor Condition Application
Processing Time: 3-5 days

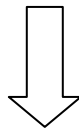
Labor Condition Application may take
7 days to be certified (without DOL errors)



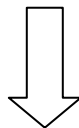
Attorney Prepares Supporting Information
Processing Time: 3-5 days



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)