

RESPONSIBILITY

DEPARTMENTS MUST CONSULT WITH INTERNATIONAL CENTER TO DETERMINE IF H-1B IS THE APPROPRIATE VISA TYPE; FOLLOW PROVIDED GUIDELINES AND SUBMIT COMPLETED FORMS TO INTERNATIONAL CENTER WITH APPROPRIATE FEES.

H-1B PROCESS

THE H-1B PETITION INVOLVES THE FOLLOWING PROCESSING STEPS:

1. DEPARTMENT SUBMITS H-1B/H-4 MATERIALS TO IC;
2. IC FILES THE PREVAILING WAGE (PW) REQUEST WITH THE NATIONAL PREVAILING WAGE CENTER (NPWC) (CURRENTLY, AT LEAST 60 DAYS PROCESSING AT NPWC);
3. AFTER THE WAGE IS DETERMINED, IC CONFIRMS SALARY WITH DEPARTMENT
4. IC FILES A LABOR CONDITION APPLICATION (LCA) WITH THE US DEPARTMENT OF LABOR (CURRENTLY, AT LEAST 1-2 WEEKS PROCESSING AT DOL)
5. ONCE LCA IS CERTIFIED, IC REVIEWS ALL THE DOCUMENTS AND FILES THE H-1B PETITION (AND IF APPLICABLE, THE H-4 APPLICATION) WITH THE US CITIZENSHIP AND IMMIGRATION SERVICES (USCIS), CALIFORNIA SERVICE CENTER (CSC).

IC/USCIS PROCESSING TIMES

ALTHOUGH INDIVIDUAL CASES VARY AND USCIS PROCESSING TIMES ARE ALWAYS SUBJECT TO CHANGE, GENERALLY, H-1B PETITIONS ARE ADJUDICATED WITHIN TWO TO FOUR MONTHS FROM THE TIME A COMPLETE SET OF MATERIALS IS SUBMITTED BY IC TO USCIS.

USCIS/CSC PROCESSING TIMES FOR H-1B PETITIONS ARE AVAILABLE AT

[HTTPS://EGOV.USCIS.GOV/CRIS/DASHBOARD/CASESTATUS.DO](https://egov.uscis.gov/cris/dashboard/casestatus.do). PLEASE NOTE THAT PROCESSING TIMES MAY VARY DEPENDING ON THE TYPE OF REQUEST (THAT IS, VISA TO BE ISSUED ABROAD, CHANGE OF STATUS IN THE U.S., OR EXTENSION OF STATUS IN THE U.S.).

IC SUGGESTS THAT DEPARTMENTS INITIATE H-1B REQUESTS SIX MONTHS IN ADVANCE OF THE PROSPECTIVE START DATE AND REQUIRES AT LEAST **90-120** DAYS TO PREPARE H-1B PETITIONS FOR SUBMISSION TO THE USCIS.

THE USCIS WILL EXPEDITE THE PROCESSING OF H-1B PETITIONS UNDER THE "PREMIUM PROCESSING" PROGRAM FOR A FEE OF \$1,225 *IN ADDITION* TO THE \$460 FILING FEE. GENERALLY, USCIS WILL APPROVE EXPEDITE REQUESTS IN 15 CALENDAR DAYS. HOWEVER, IF USCIS REQUESTS ADDITIONAL INFORMATION ABOUT THE H-1B PETITION, THE USCIS HAS ANOTHER 15 DAYS TO RESPOND.

IC MAY BE ABLE TO EXPEDITE PROCESSING FOR SPECIFIC CASES (SUCH AS AN URGENT CHANGE OF EMPLOYER MATTER).

H-1B FACTS

- IF THE H-1B SCHOLAR'S EMPLOYMENT IS TERMINATED BY UCI PRIOR TO THE END OF THE H-1B PETITION VALIDITY PERIOD, FOR ANY REASON, THE EMPLOYER (UCI) IS REQUIRED TO PAY THE REASONABLE COSTS OF RETURN TRANSPORTATION TO THE WORKER'S RESIDENCE ABROAD.
- REGULATIONS PROVIDE THAT ALIENS IN H STATUS MAY BE ADMITTED TO THE US UP TO 10 DAYS BEFORE THE PETITION APPROVAL START DATE.
- THERE IS NO "OFFICIAL" GRACE PERIOD FOR ALIENS IN H-1B STATUS AFTER THEIR PERIOD OF AUTHORIZED STAY ENDS, OR AFTER THEIR EMPLOYMENT TERMINATES.
- H-1B STATUS INCLUDES A "NO BENCHING" POLICY THAT OBLIGATES THE EMPLOYER (UCI) TO CONTINUE TO PAY THE H-1B IN NON-PRODUCTIVE STATUS UNLESS THE NON-PRODUCTIVE STATUS IS DUE TO CONDITIONS UNRELATED TO EMPLOYMENT (MATERNITY LEAVE, AUTOMOBILE ACCIDENT, CARE FOR ILL FAMILY MEMBER).
- THE H-1B CATEGORY ALLOWS EMPLOYMENT ONLY WITH AN EMPLOYER WHO HAS HAD AN H-1B PETITION APPROVED BY USCIS ON BEHALF OF THE BENEFICIARY.