

THERE ARE FIVE PRINCIPLE PARTIES INVOLVED IN THE H-1B PROCESS	
1. U.S. DEPARTMENT OF LABOR	<ul style="list-style-type: none"> ▪ THE NATIONAL PREVAILING WAGE CENTER (NPWC) DETERMINES PREVAILING WAGES FOR OCCUPATIONS IN THE GEOGRAPHIC AREA OF EMPLOYMENT ▪ THE EMPLOYMENT & TRAINING ADMINISTRATION (ETA) RECEIVES AND CERTIFIES LABOR CONDITION APPLICATIONS (LCA) AND MAINTAINS A LIST OF SUCH APPLICATIONS ▪ THE EMPLOYMENT STANDARDS ADMINISTRATION (ESA) INVESTIGATES COMPLAINTS, DETERMINES EMPLOYERS' MISREPRESENTATION IN OR FAILURE TO COMPLY WITH THE LCA OR THE EMPLOYMENT OF THE H-1B WORKER
2. U.S. DEPARTMENT OF HOMELAND SECURITY/U.S. CITIZENSHIP AND IMMIGRATION SERVICES	<ul style="list-style-type: none"> ▪ ACCEPTS THE EMPLOYER'S PETITION FOR H-1B TEMPORARY PROFESSIONAL WORKER ▪ DETERMINES IF OCCUPATION QUALIFIES AS A SPECIALTY/PROFESSIONAL OCCUPATION ▪ DETERMINES IF THE SCHOLAR'S QUALIFICATIONS MEET MINIMUM REQUIREMENTS FOR H-1B CLASSIFICATION ▪ CONFERS H-1B STATUS ON THE NON-IMMIGRANT, EITHER THROUGH A CHANGE OF STATUS IN THE U.S. OR ADMISSION TO THE U.S. IN H-1B STATUS
3. U.S. EMPLOYER PETITIONER [UC IRVINE]	<ul style="list-style-type: none"> ▪ ATTESTS TO DOL OBLIGATIONS AND MAKES LCA AND SUPPORTING DOCUMENTS AVAILABLE FOR PUBLIC INSPECTION ▪ SUBMITS COMPLETED H-1B PETITION TO USCIS/CALIFORNIA SERVICE CENTER ▪ EMPLOYS H-1B WORKER PURSUANT TO TERMS OF LCA AND H-1B PETITION AFTER BOTH ARE APPROVED
4. THE H-1B SCHOLAR BENEFICIARY	<ul style="list-style-type: none"> ▪ MUST BE ELIGIBLE FOR H-1B CLASSIFICATION BY DEMONSTRATING REQUISITE ACADEMIC/PROFESSIONAL QUALIFICATIONS ▪ MUST NOT BE SUBJECT TO ANY BAR TO OBTAINING H-1B STATUS (SUCH AS THE 2-YEAR HOME RESIDENCE REQUIREMENT OF SOME J PROGRAMS) ▪ MUST INTEND TO WORK FOR THE PETITIONING EMPLOYER ▪ MUST MAINTAIN STATUS BY COMPLYING WITH THE TERMS OF AUTHORIZED H-1B EMPLOYMENT
5. THE U.S. DEPARTMENT OF STATE	<ul style="list-style-type: none"> ▪ RESPONSIBLE FOR ISSUING H-1B VISAS THROUGH U.S. EMBASSIES AND CONSULATES (NOTE: INDIVIDUALS WHO OBTAIN H-1B STATUS INSIDE THE U.S. ARE NOT REQUIRED TO OBTAIN AN H-1B VISA STAMP FROM A U.S. EMBASSY OR CONSULATE UNLESS THEY TRAVEL OUTSIDE THE UNITED STATES AND WISH TO RE-ENTER THE UNITED STATES IN H-1B STATUS.)

FEES [AS APPLICABLE]	
	<ul style="list-style-type: none"> ▪ FORM I-129, PETITION FOR H-1B WORKER: \$460 PAYABLE TO U.S. DEPARTMENT OF HOMELAND SECURITY. ▪ FRAUD PREVENTION AND DETECTION FEE OF \$500, PAYABLE TO U.S. DEPARTMENT OF HOMELAND SECURITY. ALL <u>INITIAL</u> H-1B PETITIONS (INCLUDING CHANGE OF EMPLOYER/TRANSFER PETITIONS) MUST INCLUDE A SEPARATE \$500 FEE, IN ADDITION TO THE \$460 FORM I-129 FILING FEE. THE \$500 FEE IS NOT REQUIRED FOR H-1B EXTENSIONS. ▪ FORM I-539, APPLICATION TO EXTEND/CHANGE STATUS FOR DEPENDENTS: \$370, PAYABLE TO U.S. DEPARTMENT OF HOMELAND SECURITY. ▪ FORM I-907, REQUEST FOR PREMIUM PROCESSING FEE: \$1,225 PAYABLE TO U.S. DEPARTMENT OF HOMELAND SECURITY. ▪ RECHARGE FEE OF \$500 TO INTERNATIONAL CENTER FOR SCHOLAR H-1B SERVICES ▪ FEES (WITH THE EXCEPTION OF I-539) ARE THE RESPONSIBILITY OF THE HIRING DEPARTMENT, NOT THE SCHOLAR.

IMPORTANT WEBSITES	
	<ul style="list-style-type: none"> ▪ U.S. DEPARTMENT OF LABOR: HTTP://WWW.DOL.GOV ▪ U.S. DEPARTMENT OF STATE EMBASSIES AND WEBSITES: HTTP://WWW.STATE.GOV ▪ U.S. CITIZENSHIP & IMMIGRATION SERVICES: HTTP://WWW.USCIS.GOV/GRAPHICS/INDEX.HTM ▪ U.S. CUSTOMS AND BORDER PROTECTION: HTTP://WWW.CBP.GOV

(Modified version from NAFSA Adviser's Manual of Federal Regulations Affecting Foreign Students and Scholars, ed. David Fosnocht, NAFSA: Association of International Educators, Washington, DC: 2000.)

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