



# 10

# STEPS TO THE H-1B VISA

You should prepare for in

2015

#1



## Make Sure You Qualify for the H-1B Visa

In order to qualify for the H-1B, you need to possess at least a bachelor's degree or equivalent work experience (12 years) in a specialty occupation.

#2

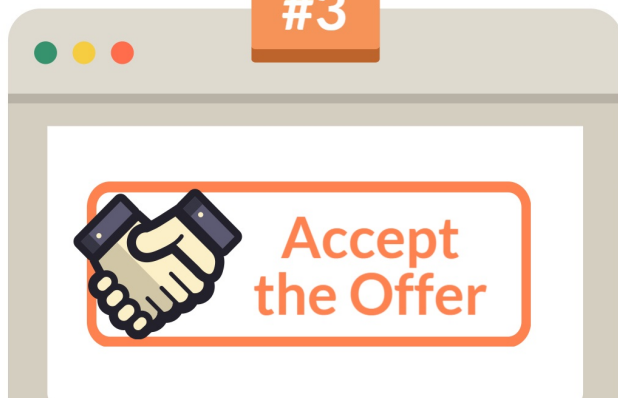


Search

## Find a U.S. Employer Willing to Sponsor You

Network and job search until you find job with a U.S. employer. The sponsoring employer must file an H-1B petition on your behalf. You cannot file your own petition!

#3



#4



## The Job Must Be a Specialty Occupation

A Specialty Occupation means a bachelor's degree or higher degree or its equivalent is normally the minimum requirement for the particular position.

## Your Sponsor Obtains a Prevailing Wage Determination

The sponsoring company is required to pay the higher of the wage offered or the prevailing wage.

#5



**Labor  
Certification  
Application**

### Get the LCA

The sponsoring employer is required to file and receive an approved Labor Certification Application from the Department of Labor (DOL). This should be handled by your employer's immigration attorney as mistakes can cause your visa to be denied.

#6



**File the  
Petition**

### File the Petition with USCIS

Most H-1B visas are cap-subject, which means you can only file during the filing season. This year's filing season has closed, so your petition will need to be filed in April 2016 unless you are exempt from the cap (i.e. anyone who will work for an institute of higher education or a related or affiliated non-profit entity).

#7



**Win the  
Lottery**

### Petition Selected in the USCIS Lottery

There is a cap of 65,000 H-1B visas per year. Most years the cap is reached the first week and USCIS will hold a computer generated lottery to determine which cases will be accepted for processing.

#8



**Petition  
Approved**

### Petition Approved by USCIS

After the lottery is complete, USCIS will begin processing the selected H-1B petitions. If your petition is approved by USCIS your employer will receive a Form I-797 Approval Notice.



## H-1B Visa Stamping

Apply to the U.S. Consulate to have your H-1B visa processed and stamped into your passport. Your wife and dependent children under age 21 may apply for H-4 visas. Consult with your attorney if you intend to apply for a visa stamp at a U.S. consulate in a country of which you are not a citizen.



## Arrive in the USA

Congratulations! You finally made it. If you were subject to the cap, you can only enter the USA ten days before your start date listed on your H1B Approval notice,

