Steps for Sponsoring an H-1B Employee

H-1B visas take 4-8 months to process, depending on if it is an initial, transfer, or extension.

1. Department selects a foreign national (FN).
   - HR provides FN with H-1B Data Collection Form and asks him/her to return it with documentation like CV, diplomas, passport, etc. (All foreign diplomas sent to OIS right away for special review.)
   - HR determines the salary for the FN (wage level determination form).
   - HR requests approval from ORAA. If approved, HR submits H-1B request through ARS.

2. OIS submits a request online for a Prevailing Wage Determination (PWD) to the U.S. Dept of Labor.
   - The prevailing wage is the average salary paid to workers similarly employed in the occupational field in UMCP’s geographical area. U.S. DOL is taking three or four months to process PWD.
   - If the prevailing wage meets the proposed wage, OIS will proceed to file the labor conditions application.
   - If the prevailing wage exceeds the proposed wage, OIS will contact HR.

3. OIS files a Labor Condition Application (LCA) with the U.S. Department of Labor. This step is required to monitor employment conditions and prevent the employment of H-1B employees where the employment would potentially have an adverse impact on the wages and working conditions of American workers. U.S. DOL is taking one week to process LCA.
   - OIS places the LCA on hold and emails the LCA to HR for posting in two locations for a minimum of ten working days.
   - After the LCA is certified, OIS will forward an original copy to HR to give to the employee on first day of employment.
   - OIS will email the following documents to HR for completion:
     - Form I-129 and H Classification Supplement
     - H1-B Data Collection and Filing Fee Exemption Supplement

4. HR submits a completed H-1B packet to OIS consisting of: Form I-129 (submitted by email), ORAA approval email, Supporting documentation, Filing Fees, I-539 and fee (dependents), fedex label and envelope.
   - OIS reviews all H-1B forms for accuracy, organizes the material, and mails packet to USCIS.
   - An automatic 240-day extension is given for extension, concurrent, and transfer petitions.

5. USCIS receives H-1B petition, issues and mails Receipt Notice to OIS.
   - OIS receives Receipt Notice three weeks after submitting petition. OIS notifies HR.
   - OIS receives Approval Notice from USCIS two months after OIS received the Receipt Notice. OIS notifies HR.
   - For initial and amended petitions, the new employment becomes effective on the start date.