

H-1B Cap Season Checklist: A Step-by-Step Guide for Attorneys

Imagility's H-1B Cap Season checklist is designed to help attorneys navigate the H-1B cap season efficiently and effectively. It covers key steps from initial client consultation to lottery preparation and filing.



1. Pre-Registration & Client Consultation (January - February/March)

Initial Client Consultation

- Determine client eligibility for H-1B classification.
- Discuss the H-1B cap and lottery process.
- Gather basic client and beneficiary information.
- Obtain signed representation agreement and engagement letter.
- Explain required documentation and deadlines.

Prevailing Wage Determination

- Obtain a prevailing wage determination (PWD) from the Department of Labor (DOL) through the FLAG system or utilize a valid private wage survey.
- Ensure the PWD is valid for the intended period of employment.
- Document the source and methodology of the PWD.

Job Analysis and Requirements

- Review the job description and required qualifications.
- Determine the appropriate SOC code.
- Confirm if the position qualifies as a "specialty occupation."

LCA Preparation and Filing (Prior to H-1B Filing)

- Prepare the Labor Condition Application (LCA) (Form 9035E).
- Ensure accurate information regarding wages, work location, and working conditions.
- Post the Notice of Filing of the LCA at the intended worksite(s) for 10 consecutive business days (or use electronic posting methods).
- Obtain LCA certification from the DOL.
- Maintain a public access file containing required LCA documentation.

2. H-1B Registration (Typically March)

Create or Update USCIS Online Account

- Ensure the firm has an active USCIS online account.
- Verify account information and access.

Multiple Beneficiary Registration (If Applicable)

- If representing multiple beneficiaries for the same employer, ensure all registrations are submitted correctly.

Beneficiary Information Entry

- Accurately enter beneficiary and employer information into the USCIS online registration system.
- Double-check all data for accuracy to avoid rejection.

Registration Confirmation

- Obtain and save the registration confirmation number(s).

3. Lottery Selection and Notification (Late March/Early April)

Monitor USCIS for Lottery Results

- Regularly check the USCIS online account for lottery selection notifications.

Notify Clients of Lottery Results

- Promptly inform clients of the outcome of the lottery.

Prepare for H-1B Petition Filing (If Selected)

- Gather all necessary supporting documentation.

4. H-1B Petition Preparation and Filing (If Selected)

Prepare Form I-129, Petition for a Nonimmigrant Worker

- Complete all sections of Form I-129 accurately and completely.
- Include all required supporting documentation (e.g., LCA, PWD, beneficiary's educational credentials, experience letters, employer's financial documentation).

Assemble Supporting Documentation

- Organize all documents according to USCIS requirements.
- Ensure all copies are clear and legible.

Fee Payment

- Calculate and include the correct filing fees.

Petition Submission

- File the H-1B petition with the appropriate USCIS Service Center within the designated filing window.
- Obtain and retain the receipt notice.

5. Post-Filing

Track Case Status

- Monitor the case status online using the receipt number.

Respond to RFEs (If Issued)

- If a Request for Evidence (RFE) is issued, respond promptly and thoroughly with all requested documentation.

Prepare for Potential Approvals/Denials

- Advise clients on next steps based on USCIS decision.

6. Public Access File Maintenance (Ongoing)

Maintain a Complete and Organized Public Access File

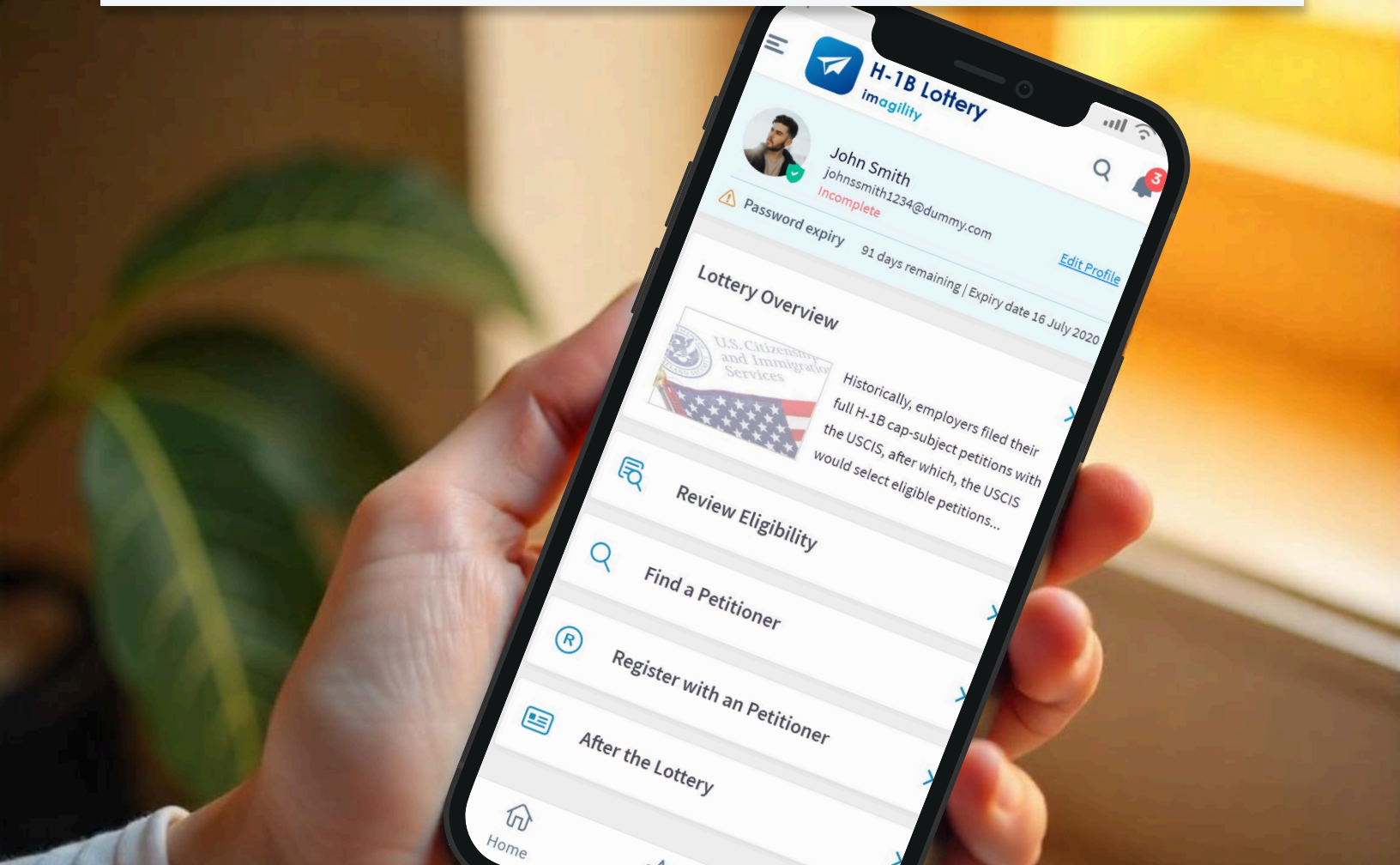
- Include the certified LCA, prevailing wage documentation, notice of filing, and other required documents.
- Ensure the file is readily available for public inspection.

7. Premium Processing (If required)

Maintain a Complete and Organized Public Access File

- Discuss the benefits and costs of premium processing with the client.
- If elected, file Form I-907, Request for Premium Processing Service, concurrently or after filing Form I-129.

This checklist is for informational purposes only and does not constitute legal advice. Consult with an experienced immigration attorney for guidance on specific cases. Alternatively, if you are looking forward to an app to simplify the H-1B process, we recommend downloading Imagility's H-1B lottery app.



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