



Tips on H-1B Petition Filing

(Post Lottery Selection)

In recent times, navigating the H-1B petition process has become more challenging with new changes getting introduced. Understanding these updates is crucial for a successful application. Here are some tips to help you ace your H-1B petition filing while addressing the latest alterations and optimizing your strategy for success.

New Changes and Updates

Recent changes regarding the lockbox and fees demand meticulous attention. Ensure you're up to date with the latest requirements and fee structures to avoid any delays or complications in the filing process.



Correct H-1B Filing Fees

The filing fees for H-1B petitions vary depending on the filing category. For paper filing, the fee is \$780 plus additional fees, while the fee for online filing is \$730 plus additional fees. Additionally, there are specific fees for the Asylum Program, Fraud Prevention and Detection, and American Competitiveness and Workforce Improvement Act (ACWIA). Ensure that the correct fees are submitted, as outlined in the USCIS fee schedule.



Filing in the Lockbox Facility

When submitting your petition, be aware of the requirement to file in the appropriate USCIS lockbox facility. Ensure that all forms and supporting documents are properly prepared and sent to the designated lockbox address to facilitate timely processing of your petition.



New Edition of Form I-129

Be sure to use the 04/01/24 edition of Form I-129, Petition for a Nonimmigrant Worker, when preparing your H-1B petition. Using outdated forms may result in delays or rejection of your petition. Check the USCIS website to download the latest version of Form I-129 and review the instructions carefully before completing the form.



E-Filing Preparedness:

With the mandate from the USCIS for all companies to create myUSCIS accounts to register and e-file petitions (if selected) in FY 2025, it is important to read all related literature on the USCIS portal. Online H-1B petitions and related premium processing requests will be required to be submitted through an organizational account. The H-1B Form I-129 is the first employment-based petition available for online filing. Petitioners will still have the option to file a paper-based Form I-129 and I-907 for their H-1B cases.



Filing Timeline

April 1, 2024 is the earliest date employers can begin filing H-1B petitions for registrations selected in the lottery. Petitioners can also submit Form I-907 for premium processing (faster processing) on this date. Employers whose registrations were selected have 90 days from the date of selection notification to file the complete H-1B petition with USCIS. This deadline typically falls in late June.



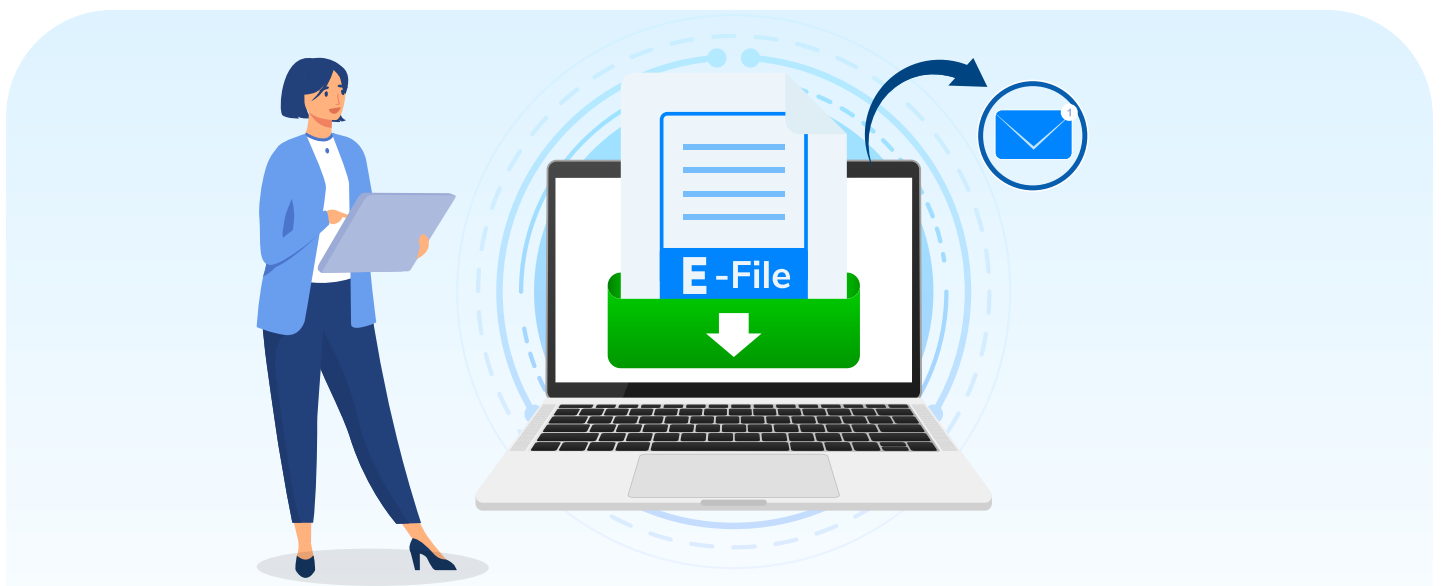
Company Description and Qualification

It is crucial to craft a compelling company description that highlights your organization's standing as a reputable employer. Emphasize your company's specialization and the unique value it offers. Ensure that the offered position qualifies as a specialty occupation, requiring specialized knowledge and a bachelor's degree or higher.



Addressing Speciality Occupations and Beneficiary Qualification

To minimize the risk of receiving a 221(g) query, particularly for staffing firms, focus on demonstrating how the beneficiary's skills align with the specialized nature of the job. Showcase your company's website and social media presence to underscore its legitimacy and credibility. Provide detailed information about the size and location of your office to minimize the likelihood of site visits and RFEs.





Minimizing Requests for Evidence (RFEs) and Notices of Intent to Deny (NOIDs)

To minimize the chances of receiving an RFE or NOID, ensure that your petition is meticulously prepared and supported by comprehensive documentation. Conduct a thorough market analysis and establish client relationships to strengthen your case for in-house projects. Anticipate potential concerns and address them proactively to bolster the strength of your petition.



Consulting an Immigration Attorney

Consider seeking guidance from an experienced immigration attorney to navigate the complexities of the H-1B petition process. An attorney can provide invaluable insights and assistance in preparing a strong and compelling petition that maximizes your chances of success.



Consulting an Immigration Attorney



Quick Tips on H-1B Petition Filing

By adhering to these tips and staying informed about the latest changes, you can streamline the H-1B petition process and position yourself for success. With careful planning, thorough preparation, and strategic execution, you can increase the likelihood of securing approval for your H-1B petition.



1 Filing Fees

- Familiarize yourself with the current filing fees for the H-1B petition. These fees can vary depending on the nature of the petition, such as initial filing, transfer, or extension.
- Ensure that you include the correct payment method, whether it's a check, money order, or credit card payment. Double-check the USCIS website for the most up-to-date fee information.

2 Correct Signatures

- Make sure all required forms are signed by the appropriate individuals. This typically includes the petitioner (employer) and the beneficiary (employee).

3 Complete all Required Forms

- Carefully review the USCIS instructions and ensure that all required forms are completed accurately and in full.
- Missing or incomplete forms can lead to delays or even rejection of your petition, so thoroughness is key.

4 Evidence of Cap-Exempt Status or Cap-Subject Lottery Selection

- If your petition is subject to the H-1B cap, provide evidence of cap-exempt status or proof of selection in the H-1B lottery.
- This may include documentation demonstrating affiliation with a cap-exempt institution or notification of selection in the lottery from USCIS.

5 Include LCA (Labor Condition Application)

- Obtain a certified Labor Condition Application (LCA) from the Department of Labor before filing your H-1B petition.
- Ensure that the LCA is included with your petition package, as it is a crucial document demonstrating compliance with prevailing wage requirements.

6 Support Letter about Specialty Occupation

- Include a detailed support letter outlining why the position qualifies as a specialty occupation.
- Describe the specialized duties, educational requirements, and any other factors that demonstrate the complexity and uniqueness of the role.

7 Proof of Beneficiary's Qualification/ Passport information

- Registrants are required to submit evidence of the passport or travel document used at the time of registration to identify the candidate and each candidate must only be registered under one passport or travel document.
- Gather and include documentation verifying the beneficiary's qualifications, such as educational transcripts, diplomas, and relevant work experience.
- Ensure that the beneficiary meets the minimum qualifications required for the specialty occupation.

8 Submit Petition to the Appropriate USCIS Lockbox Facility

- Determine the correct USCIS Lockbox Facility to which your petition should be submitted based on your location and the nature of your petition.
- Review the USCIS website or consult with your immigration attorney to confirm the appropriate filing location.

9 Review Petition

- Before submitting your petition, conduct a thorough review to catch any errors or inconsistencies.
- Double-check all forms, supporting documents, and signatures to ensure accuracy and completeness.

10 E-Filing Petition

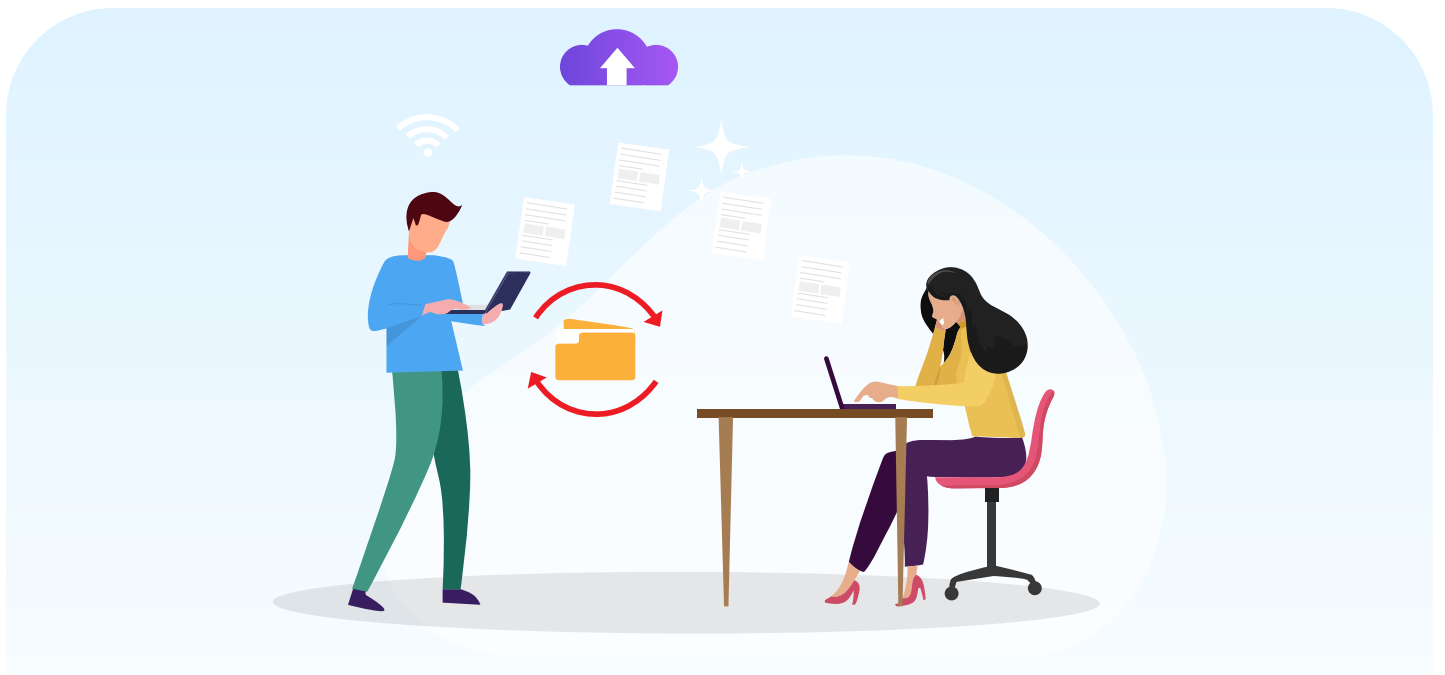
- Make sure that your company has a myUSCIS account to E-File petitions directly.
- If not, companies can still have the option to file a paper-based Form I-129 and I-907 for their H-1B cases

By following these tips and paying careful attention to detail, you can increase the likelihood of a successful H-1B petition filing. Remember to stay organized, stay informed, and seek assistance from immigration professionals when needed.

How Imagility Can Help

Leveraging the right tools and resources can streamline the process and enhance efficiency. Imagility, with its advanced features such as E-filing, bulk upload and petition analysis, provides invaluable support for H-1B petitioners.

Imagility's E-filing feature automates the entire process of E-Filing with the USCIS portal. It automatically populates all beneficiary and petitioner data into relevant forms without any manual intervention. By incorporating Imagility into your H-1B petition filing process, you can optimize your strategy, minimize errors, and improve your chances of a favorable outcome.



The Final Word

In conclusion, navigating the H-1B petition process requires attention to detail, thorough preparation, and staying updated with the latest changes. By following the tips outlined in this guide, you can increase your chances of a successful petition filing.

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