



THE H-1B BOOK

Editor: Karen Weinstock

Contributors: Courtney Black, Mikiel J. Davids, Melissa Downing, Prakash Khatri, Rajeshri Patel, Ari J. Sauer, and Elissa Taub

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Book Outline

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- Qualifying The Employee
- Meeting Wage Requirements
- Lawyer's H-1B Consultation Questionnaire Form
- Lawyer's H-1B Task Checklist

Second Step: Send The Client Intake Forms And Related Information

- Intakes Summary
- H-1B Employer Intake/Questionnaire Form
- H-1B Worker Intake/Questionnaire Form
- The Complete H-1B Process: Company Flowchart
- The H-1B Process: Company's Step-By-Step Explanation
- Explanation and instructions for spouses and children

Third Step: Credentials: Verify That The Worker Has A US Bachelor's Degree Or Equivalent

- Credentials Summary
- If the worker has a U.S. degree - no evaluation is necessary
- If the worker has a foreign degree - order credentials evaluation
- If the H-1B petition is based on work experience or combination - order a work experience evaluation
- List of credentials evaluation firms, web sites and phone numbers

Fourth Step: Determine The Prevailing Wage

- Understanding the Prevailing Wage
- Determining the Prevailing Wage
 - O*NET, SOC, Wage Levels, Job Zone and SVP
 - SESA or SWA Wage Determination
 - FLC Data Center Wage Determination
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- Practice Examples in Determination of the Prevailing Wage

Fifth Step: Prepare And File The Labor Condition Application (LCA)

- Introduction to the Labor Condition Application (LCA)
- Preparing and filing the Labor Condition Application (LCA)
 - Online LCA filing
 - Complete Online LCA and Receive LCA Approval Online



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- Completing the LCA: Step by Step
- H-1B Dependent Employers Worksheet for the LCA
- Detailed Description of Form ETA-9035E and its Obligations
- Sample of completed LCA (form ETA-9035E)
- Copy of form ETA9035CP (LCA cover pages)

Sixth Step: Prepare The I-129, Related Forms And Petition Letter

- Form I-129
- H supplement to Form I-129
- Form I-129 H-1B Data Collection Supplement
- Form G-28
- Form I-907 if premium processing is applicable
- If the H-1B worker has a spouse and/or children:
 - Form I-539
 - Form I-539 Supplement 1 (if necessary for other family members)

Seventh Step: Send All The Forms And Petition Letter To The Client For Review & Signature

- Sample letter to client
- LCA posting notice
- Sample Letter to Employer Regarding Public Access File
- Memorandum to employers on Labor Condition Application
- Public Access File sample

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- General Filing Instructions (including list of service centers and filing addresses)
- Sample Cover Letter
- H-1B Petition document checklist
- Sample list of exhibits

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- Request for Additional Evidence
- Dealing with the dreaded request for evidence
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- I-9 Compliance, Social Security Numbers and Driver's Licenses
- Changes in H-1B Employment and Amendments
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- Summary of Post-Approval Issues
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- *Traveling On An H-1B Visa While Petition Or Application Is Pending* by Ari J. Sauer
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- *Temporary Visa Alternatives To The H-1B* by Courtney Black and Karen Weinstock
- *The History And Economic Impact Of The H-1B Visa* by Elissa Taub, Melissa Downing and Karen Weinstock
- *When Are H-1B Visas Cap Exempt?* by Karen Weinstock

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EDITOR

Karen Weinstock is the Managing Attorney of the Atlanta, Georgia office of Siskind Susser Bland. Karen graduated law school from Hebrew University School of Law in Jerusalem, Israel and is licensed to practice law both in Israel and in New York. She is also admitted to practice before the Supreme Court of the United States, the United States Federal Court of the Southern and Eastern Districts of New York, and the U.S. Court of Appeals for the 5th, 9th and 11th Circuits. Karen is fluent in English, Hebrew and also speaks Spanish. She is a member of the American Immigration Lawyers Association and the New York Bar Association. She is also a member of the Board of Directors of the American-Israel Chamber of Commerce and an outgoing Board of Directors member of the Georgia Indo-American Chamber of Commerce. She previously sat on the Board of Directors of the Georgia Association for Women Lawyers, and currently serves as a member of the Lawyer's Club of Atlanta, the Japan-American Society, and the British American Business Group, among other international organizations. Ms. Weinstock was nominated for the 2006 International Women of Influence Awards presented by GlobalEXECWomen and the International Council. Karen Weinstock's previous work experience includes employment at an intellectual property law firm in Tel Aviv, one of Jerusalem's largest law firms. Immediately prior to joining Siskind Susser Bland, Karen had a solo law practice in New York City, serving international clientele doing business or working in the U.S. Her corporate law experience enables her to serve the special needs of multinational corporations. Karen is an expert in representing U.S. and international companies in the technology and healthcare areas. Karen writes articles for Siskind's Visalaw Health Care Immigration Newsletter and to Siskind's Immigration Bulletin, a newsletter with over 30,000 subscribers which includes government officials. She is featured in newspapers, interviewed on television multiple times and is a keynote speaker on various immigration law topics in forums and events around the world. Karen is author of "The H-1B Visa Book", published by ILW.COM. She can be reached by e-mail at: kweinstock@visalaw.com.

CONTRIBUTORS

Courtney Black graduated from the University of Tennessee, Knoxville in 2005 with a B.A. in English. She is currently a student at the University of Memphis, Cecil C. Humphrey's School of Law and a 2009 J.D. candidate. Ms. Black is a law clerk at Siskind Susser Bland, PC and a member of the Tennessee Journal of Practice and Procedure.

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Court for the Northern District of Georgia. Ms. David's graduated with honors from American University's Washington College of Law (JD; 2005) and Emory University (BA; 2002), where she earned dual degrees in Political Science and Journalism.

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Ari J. Sauer is an associate in the Memphis office of Siskind Susser Bland, PC. While Mr. Sauer covers a wide variety of immigration matters, his main focus is to serve the needs of corporate clients. Before joining Siskind Susser Bland in 2006, Mr. Sauer was an immigration lawyer for the Frager Law Firm in Memphis, TN and the Law Firm of Michael Phulwani in Maywood, New Jersey. Mr. Sauer earned his Juris Doctor degree from Benjamin N. Cardozo School of Law, and his Bachelor of Science degree in Business Management from Yeshiva University. He is licensed in New York and New Jersey. Mr. Sauer has been published several times in the AILA Dispatch. He has also been a lecturer for Continuing Legal Education seminars for AILA, the Federal Bar Association, and the Tennessee Bar Association. He is involved in local politics as a member of the executive board of the Shelby County Young Republicans. Mr. Sauer is also an active member of the Congregations of Young Israel of Memphis and Baron Hirsch Synagogue.

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Eastern District of Pennsylvania and the U.S. District Court for the District of New Jersey.

TESTIMONIALS

"I found the book an easily usable and convenient guide to practically assist someone to complete the H-1B process for a client. I believe that the "Book" will be an indispensable tool for paralegals and new practitioners handling these type cases. In addition, there is sufficient detail for experienced practitioners to gain from its usage an as accurate and handy resource for updated and specific H-1B issues". **Joseph H. Rosen**

Karen Weinstock's H-1B Visa Handbook is a core book for any immigration attorney's law library. This easy to read comprehensive handbook covers all the basics of H-1B visa practice as well as the intricacies associated with this visa category. It is a must read for practitioners at all levels of experience. I highly recommend it." **Elaine H. Witty, Founding Partner, Witty Law Group, PLLC**

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