



# THE H-1B BOOK 2008-2009 Edition

Editor: Karen Weinstock

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## Book Outline

### Chapter One: Interview The Client

- Qualifying the Position as a Specialty Occupation
- Qualifying The Employee
- Meeting Wage Requirements
- Lawyer's H-1B Consultation Questionnaire Form
- Lawyer's H-1B Task Checklist

### Chapter Two: 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

### Chapter Three: 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

### Chapter Four: 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
  - Wage Determination Through Other Wage Surveys
- Practice Examples in Determination of the Prevailing Wage

### Chapter Five: 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
  - 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)

### Chapter Six: 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
- Form I-539
- Form I-539 Supplement 1 (if necessary for other family members)

### Chapter Seven: Send All The Forms And Petition Letter To The Client For Review & Signature

- Sample letter to client



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

## Chapter Eight: Assemble The H-1B Petition And Send To The USCIS Service Center

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

## Chapter Nine: Troubleshooting

- Introduction
- Request for Additional Evidence
- Dealing with the dreaded request for evidence
- I-9 Compliance, Social Security Numbers and Driver's Licenses
- Changes in H-1B Employment and Amendments
- How Mergers, Acquisitions and other corporate Transactions Affect the H-1B

## Chapter Ten: Post-Approval Case Management

- Summary of Post-Approval Issues
- Sample H-1B Approval Letter to Employees that are in the U.S.
- Sample H-1B Approval Letter to Company - Employee(s) Abroad
- Sample H-1B Approval Letter to Employees Abroad
- Non- Immigrant Visa Consular Processing Information Sheet

## ABOUT THE EDITOR

[Karen Weinstock](#) is the managing attorney of Siskind Susser's office in Atlanta, Georgia. Karen graduated law school from Hebrew University School of Law in Jerusalem, Israel and has a license to practice law both in Israel and in New York State. 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 speaks some Spanish. She is a member of the New York Bar Association and the American Immigration Lawyers Association. She is also a member of the Board of Directors of the American-Israel Chamber of Commerce and an outgoing member of the Board of Directors of the Georgia Indo-American Chamber of Commerce. She also sat on the Board of Directors of the Georgia Association for Women Lawyers, and is a member of the Lawyer's Club of Atlanta. She was also nominated for the 2006 International Women of Influence Awards presented by GlobalEXECWomen and the International Council. Karen Weinstock worked in an Intellectual Property firm in Tel Aviv and later in one of Jerusalem's largest law firms. Immediately prior to joining Siskind Susser, Karen had a solo law practice in New York City, focusing on serving international clientele doing business or working in the U.S. Having practiced corporate law, Karen can accommodate the special needs of multinational corporations. She represents U.S. and international companies, and specializes in the technology and healthcare areas. She focuses on serving entrepreneurs, business owners and physicians from all over the world. Karen authors and is the editor of Siskind Susser's Visalaw Health Care Immigration Newsletter and also contributes to Siskind's Immigration Bulletin, a newsletter with over 30,000 subscribers. She also writes for newspapers and is a keynote speaker at immigration law forums and events. Karen authored a book on the H-1B visa that will be published this year

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