

**H-1B AND LCA  
PETITION PROCESS  
FOR NEW USERS**

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# Contents of a H-1B Petition

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A H-1B visa is employment-based, the documents you will be collecting will be from both the client and the company who is sponsoring the client

## Specific Documents for Client Include

- Passport
- Previous I-94 Entry Card
- Previous Employment Authorization Card
- Previous H-1B Visa Approvals
- Current Address

## Specific Documents for Sponsoring Company Include

- Offer Letter of Position
- Current Address of Company
- Proposed Duties of Client
- Proposed Salary of Client
- Proposed Job Title of Client
- Proposed Employment Dates of Client
- Information About History of Company

These documents help establish the validity and proof of existence for the company to USCIS

# What is a USCIS Cover Letter?

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A USCIS Cover Letter is a formal document that accompanies a petition to the US Citizenship and Immigration Services Office

This document helps the USCIS officer navigate the petition by helping them look at the specific education documents/certifications of the client

The cover letter also lets the USCIS officer to know where to expect copies of original documents like the client's passport or the offer letter for the job provided by the sponsoring company

# Organizing the H-1B Petition

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The final step in this procedure is organizing the petition for your reviewing attorney.

1. organize your compiled documents and exhibits into the order that your USCIS cover letter mandates
2. place your support letter on top of the compiled exhibits
3. place your USCIS Cover Letter on top of the support letter
4. review for any spelling, grammatical, or regulatory errors
5. deliver draft to reviewing attorney

# Creating A USCIS Cover Letter

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This cover letter should act as an outline for your petition.

1. use a word processor to format a letter template
2. start with outlining visa type, names of client and company, and requested amount of years for the petition
3. detail included documents for client
4. detail included documents for company

# standard wage ranges for foreign workers

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standard wage ranges are integral to providing foreign workers a fair wage for their employment period

## **what standard wage ranges are used for**

a standard wage range enables a sponsoring company to know what the prevailing or justified range of wages is owed to their sponsored employee. this wage range will make it possible to determine what specific wage level is required later in a labor condition application based off of the workers skills and qualifications.

## **how standard wage ranges are aquired**

standard wage ranges are aquired through using the [flag.dol.gov](https://flag.dol.gov) website. this website enables a user to find wage data for foreign workers coming to the us on employment-based visas.

the [flag.dol.gov](https://flag.dol.gov) website can give a accurate range of wages based off a combination of factors that you input into the search function within the wage data section of the website. factors such as:

- location of proposed worksite (country, city, town)
- specific area of proposed worksite (county)
- specific job title of foreign worker
- type of industry that the foreign worker is apart of

## **how o\*net can find the correct job title**

o\*net (the occupational information network), is a source website sponsored by the department of labor to allow people to search for wage data.

a foreign workers job title will need to be translated into one of the many predetermined o\*net job titles based on how well their foreign job description matches with one of the o\*net job descriptions.

o\*net uses a variety of factors to determine which predetermined job title could match a foreign workers job title including:

- foreign workers current wage range
- foreign workers current job duties
- foriegn workers past education or obtained degrees
- foriegn workers current supervisory duties



# wage levels for foreign workers

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a wage level is a specific numerical wage within a wage range and allows foreign workers to know the exact range they should be paid based on their expertise and qualification

## calculative methods for finding wage levels

finding a specific wage level within a wage range requires a calculative method. often law firms use their own custom methods to meet this requirement

methods include:

- google sheets or microsoft excel calculative spreadsheets
- contacting the department of labor directly to receive a certified wage level for the foreign worker

## information that the calculative methods use

whether a law firm uses the department of labor or their own calculative method, the same information will be used to determine the wage level, such as:

<b>svp range</b>	the svp range measures the amount of training required for a specific occupation
<b>experience requirements</b>	the amount of experience needed to satisfy both the sponsored companys and o*nets predetermined job descriptions
<b>educational requirements</b>	the amount of education or degree needed to satisfy both the sponsored companys and o*nets predetermined job descriptions
<b>special skill requirements</b>	skills such as speaking another language or special licences and certifications

**supervisory duties requirements**

duties that involve the management of other employees or entire company teams

# determining the correct wage range in a labor condition application

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the wage range acts as a way to tell what is the correct wage a foreign, non-immigrant worker should be paid based on the area and expertise bracket they are in

- you must have access to the department of labor's wage website (flag.dol.gov) and the USCIS website
- you must have the foreign workers job description, job title, education, and expertise information

the correct wage range will enable the creation of the larger labor condition application for a foreign company

1. navigate to the homepage of the flag.dol.gov website
2. navigate to oflc wage search within the wage data tab
3. fill out fields within this page with the job description information you have for the company sponsoring the foreign worker  
if you do not know the o\*net occupation code for the given job description, you can use the o\*net occupation code search bar located on the same page to find it  
implementing the parameters, *data science* will result in the query result of multiple careers dealing with data science with more specific job descriptions and their corresponding o\*net code

once you have filled out the required fields, a range of wages should appear corresponding to the data you inputted

this wage range is required to determine the correct wage level for the labor condition application

# finding the correct wage level in a labor condition application

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finding the correct wage level will determine which specific wage you will use out of the foreign workers wage range for their job description and expertise level

- you must have a wage range for your foreign workers job description and expertise level
- you must have access to your law firms calculative method for determining the wage level
- you must have all of the required documents your specific petition requires for submission

once a wage range and a wage level is found, then the exact required wage for the foreign worker can be determined

1. determine your law firms calculative method for determining a wage level  
law firms may differ in the methods they use but they must meet USCIS determination standards

Indicator	Job Offer Requirements	O-Net Usual Requirments	Comments	Wage Level Result
SVP Range		SVP Range=		1
Step 1. Experience	How Many Years Does the Employer Require	How Many Years Does This Position Require on O- Net		0
Step 2. Education	What Degree Does the Employer Require	What Degree Does the Position Require on O-Net		0
Step 3. Special Skills	Y/N	Y/N		0
Step 4. Supervisory Duties	Y/N	Y/N		0
				Wage Level (0)

**2. determine job description svp range**

locate the svp range for the foreign workers job description on the given job titles home page on o\*net

**3. determine the expertise requirements**

a) input the years of experience required by both the employer and the o\*net job description

if the numbers are equal then input a 0

if the number of years required by the employer are higher than the years required by o\*net, input a number according to the numerical difference between the two

if the employer requires 3 years and o\*net requires 1, then add 2 to the sum of the final number

**4. determine the educational requirements**

a) input the degree required by both the employer and the o\*net job description

if the degrees are equal then input a 0

if the degrees required by the employer are higher than the years required by o\*net, you will input a number according to the numerical difference between the two

if the employer requires a masters degree and o\*net requires a bachelors degree, then add 1 to the sum of the final number

**5. determine the special skills requirement**

only add a number 1 to the sum of the final number if the foreign worker has any technical or special skills as determined by USCIS standards

**6. determine the supervisory duties requirement**

only add a number 1 to the sum of the final number if the foreign worker has any supervisory duties as determined by USCIS standards

the sum of the final number will determine the corresponding single digit number within the wage range for the foreign worker

# types of petitions that require lca

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the different types of procedures can provide additional information that is beneficial to petition creation

## petition types

petition	eligible countries	entry purpose
h-1b	any country nationality	specialized knowledge
h-1b1	chile and singapore	specialized knowledge
e-3	australia	specialized occupation