

University of California, Merced
H-1B Process Overview

The H-1B process is lengthy and complex, involving various federal government agencies and entities. In order to ensure that everything goes smoothly, it is extremely important that you read through all of the material provided and follow the instructions. This will avoid unnecessary delays in processing the petition.

Please be advised, however, that any estimated processing times are subject to change without notice due to changes in the regulations or due to backlogs within a particular government agency. OIA cannot control delays of this nature.

<p>Step 1 –Department prepares and submits H-1B start-up packet</p> <p>Once OIA receives a complete H-1B start-up packet from the host department, the employment based specialist reviews document for accuracy and completeness. After review and determination that the foreign national is eligible for H-1B status, OIA initiates the case with a UCOP assigned immigration attorney. In certain instances if the H-1B beneficiary has foreign credentials, OIA will request for a foreign credential evaluation from a private credential evaluation specialist at this time.</p>	1 week
<p>Step 1 - Prevailing Wage/Actual Wage Determination</p> <p>When all documentation is received from the department, OIA will submit the Prevailing Wage Request form to the National Processing Center (NPC) or obtain a Prevailing Wage determination from the Foreign Labor Certification Data Center (FLCDC). The processing times vary greatly between a FLCDC determination and a NPC determination (between 1 week to 3 months respectively). OIA prefers a NPC determination, as this is the only ‘safe harbor’ method that is not scrutinized during a U.S. Department of Labor (DOL) audit. In cases with tight timelines OIA will use a FLCDC determination in the interest of time. The wage paid to the employee must be the higher of the Prevailing Wage or the Actual Wage that the employee is offered.</p>	1week - 3 months
<p>Step 2 – The 10 Day LCA Posting Notice</p> <p>A notice of intent to file a Labor Certification Application has to be posted and must remain, posted for 10 consecutive working days in at least two conspicuous locations where the H-1B nonimmigrant will be employed.</p>	10 Days
<p>Step 3 - The Labor Conditions Application</p> <p>After the Prevailing Wage has been determined and the posting notice done, the Labor Condition Application (LCA) is completed by OIA and is submitted to DOL. It takes approximately 10 days to receive the certified LCA. DOL keeps these applications on file, and employers are required by the government to meet the wage criteria reported on the application. Employers may at anytime be audited by DOL.</p>	10 Day
<p>Step 4 – Attorney prepares H-1B Petition and submits to UCSIC</p> <p>Petition is sent to UC Merced for signatures and filing fee checks and returned back to attorney for final review and filing.</p>	1 Month
<p>Step 5 - Submission of H-1B Petition to USCIS for Adjudication</p> <p>Upon certification by DOL of the Labor Conditions Application, OIA will submit the petition to USCIS. This process takes 90 - 150 days, possibly longer if USCIS requests additional information.</p> <p>Note: For an additional fee of \$1,225, USCIS will adjudicate the case in 15 calendar days or less using premium processing. Premium processing applies only to the 5th step of the H-1B process. The prevailing wage and LCA stages cannot be expedited.</p>	3-5 Months