

## INTERNATIONAL FACULTY & SCHOLARS

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# H-1B Process Overview

The following forms and/or steps must be completed for initial H-1B petitions, extensions/amendments of H-1B status, and transfers of H-1B status. The processing times referenced below are governmental processing times and are not inclusive of IFS processing times.

### **Step One: Prevailing Wage Request (PWR)**

The "prevailing wage" is a calculation of the average wage paid to similarly-employed workers in the occupation in the geographic area of intended employment. The prevailing wage is used as a measure of the minimum allowable wage to be paid by employers seeking to employ a foreign national. The Prevailing Wage Request Form (PWRF) is submitted to the U.S. Department of Labor (DOL). DOL assigns the position a specialized code and determines the PW. This process takes up to **90+ days** from the time IFS submits the PWRF to the DOL. This is subject to change without notice. IFS has no control over the processing times for PWRs and there is no expedited process to move this process faster.

If the PW is higher than the offered wage:


- IFS may submit a revised PWRF one (1) time as accorded by law. Revised PWRs take the same amount of time to process, 90+ days.
- If the PW remains above the actual wage after the revised submission, the sponsoring department will have to decide between raising the salary to meet the PW, hiring a U.S. worker for the position, or offering to support another visa status (J-1) if available. By law, employers are required to pay 100% of the PW.

### **Step Two: Posted Notice & Labor Condition Application (LCA)**

After the PW and Actual Wage have been determined, the LCA is completed by IFS and submitted to the Department of Labor (DOL). This process can take up to **10 business days**. DOL keeps these applications on file, and employers, including individual departments, are required by the government to meet the attestations (wage, dates, location, etc.) reported on the application. Employers may at any time be audited by the DOL. Before submission of the LCA, a posted notice declaring the intention to hire a FN must be posted in **two (2) conspicuous locations at EACH worksite** for public viewing for a minimum of ten (10) consecutive business days. The NLCA posting notice will be emailed to you once the required information has been completed and approved by IFS.

### **Step Three: Completion by IFS & Submission to USCIS for Adjudication**

Once **all** documentation, including fees and checks, has been received from the FN **and** the sponsoring department, IFS will prepare the petition for submission to USCIS. Adjudication by USCIS can take anywhere from **6 - 12 months**, and possibly longer if USCIS sends a Request for Evidence (RFE). Current processing times can be found at <https://egov.uscis.gov/processing-times/>.



If the department wishes to expedite the adjudication, the department may elect to pay an additional fee of **\$2,500** payable to “**U.S. Department of Homeland Security**” and an additional **\$350** to IFS. USCIS will then guarantee a processing time of fifteen (15) calendar days. In rare cases, the FN may be permitted to pay the additional fee. This must be cleared with IFS to make sure that this business expense will not adversely affect the FN’s actual required wage.

**\*\*IMPORTANT NOTICE\*\***: To minimize any potential problems with the processing times outlined above, it is important that departments log into My Global, <https://myglobal.arizona.edu/>, months in advance of the requested start date.