H-1B Procedures Flow Chart

Step 1 Consultation with BIO: As early as possible

For change of status or new cases, Department or Campus Shared Services (CSS) contacts BIO to determine H-1B eligibility. Discuss position requirements, candidate’s eligibility, potential prevailing wage issues, internal approval, timing and/or any other issues. Consult BIO as soon as possible when potential H-1B cases arise.

Step 2 Submission of ISD record: 5-6 months before start date for standard New/Change of Status, or 2-6 months for other cases

Five to six months before new employment is to begin, or at least two months for premium processing cases, extensions, amendments, or change of employer cases, Department or CSS gathers all supporting documents and approvals, orders check(s), and submits an ISD request. Department/CSS ensures that a departmental announcement notifying of the intent to file a Labor Condition Application remains posted for 10 business days and includes copy of department announcement in ISD record. **Submitting all cases 5-6 months in advance may avoid issues around travel and DMV for continuing employees.

Step 3 Delivery of check(s) and original signed I-539 (if applicable for H-4 dependents): Within one week of ISD submission

Department delivers to BIO original check(s) and Form I-539 (if applicable for H-4 dependents in the U.S.).

Step 4 BIO review

BIO reviews ISD record and alerts Department/CSS if the record is incomplete or there are missing documents.

Step 5 Union notification (if applicable)

For positions covered by a union contract, BIO contacts UC Labor Relations, which notifies the union of the intent to file a Labor Condition Application.

Step 6 Within 30 days of posting notice (non-union positions) or upon notification of union

BIO obtains a certified Labor Condition Application (LCA) from the U.S. Department of Labor within 30 days of Departmental Announcement posting.

Step 7 BIO submits case to U.S. Citizenship and Immigration Services (USCIS) within 30 days of receipt of complete record in ISD

Upon receipt of certified LCA from DOL, original checks, and complete documents from Department/CSS, BIO prepares and submits the H-1B petition to United States Citizenship and Immigration Services (USCIS).

Step 8 USCIS processes case: 3-4 months regular cases, 15 calendar days premium processing

USCIS approval normally takes 3-4 months. USCIS 15-day “Premium Processing” is available for an additional $1225 fee. Approval notice is sent to BIO and BIO receives H-1B Notice of Approval from USCIS in approximately 1-3 weeks of approval. BIO notifies employing department when approval notice received.

Step 9 H-1B employee to start/continue employment

If employee is not in U.S., Department sends approval notice to employee abroad to obtain H-1B visa stamp and enter the U.S.

H-1B employees extending UCB employment may remain on payroll while waiting for approval if request was submitted to USCIS before the current H-1B expires.

H-1B status holders changing employers to UC Berkeley may be eligible for UC payroll when BIO receives the USCIS H-1B petition receipt.

Employees changing to H-1B status may begin working for UCB when the H-1B Notice of Approval has been received from USCIS.