MONTESSORI MAKERS GROUP

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H-1B Visa Sponsorship

1. Overview

- What is an H-1B?
  A non-immigrant visa permitting a foreign national to work in the U.S. for up to three years in a "specialty occupation" (one requiring at least a bachelor's degree in a related field). Employers may extend an H-1B once for an additional three years, allowing up to six years of total stay.

- Specialty Occupation:
  Position must demand a minimum of a U.S. bachelor's (or foreign equivalent) in a specific discipline.

2. Basic Eligibility Requirements

1. Job Qualifications

   - Role must qualify as a specialty occupation.

   - Employer must offer a wage at or above the prevailing wage (average for similar roles in the same geography, per DOL).

2. Employee Credentials

   - Bachelor's degree (or higher) in the field required by the job.

   - Maintenance of valid non-immigrant status if already in the U.S.

   - Eligibility for the advanced-degree cap (U.S. master's or higher).

3. Annual Cap & Lottery (Cap-Subject Petitions)

- Congressional Cap: 85,000 new visas per fiscal year

  1. 65,000 general category

  2. 20,000 advanced-degree exemption (U.S. master's or higher)

- Registration & Lottery

H-1B Visa Sponsorship

1. Registration Window: Opens in March (dates announced in January).

2. Entry: Employer drafts petition data; employee or employer approves in USCIS's online portal.

3. Fee: $215 per registrant.

4. Lottery Drawing: Conducted end of March; selections notified by late March.

Cap-Exempt Employers: Institutions of higher education, affiliated nonprofits, and certain nonprofits/government research organizations may file anytime and do not participate in the lottery.

4. Pre-Filing Steps

1. Confirm Eligibility: Ensure both position and candidate meet criteria (see Section 2).

2. Labor Condition Application (LCA):

   ○ File via DOL's FLAG system.

   ○ Post notice at worksite (physically or electronically).

   ○ Processing typically ≥ 1 week.

3. Compile Supporting Documents:

   ○ Employer support letter detailing job duties, requirements, salary.

   ○ Company evidence (e.g., business licenses, annual reports).

   ○ Employee's academic records, credentials, and status history.

5. Petition Filing Window & Process

- Cap-Subject Petitions: April 1–June 30 for selected registrants

- Cap-Exempt Petitions: Year-round filing

- Form I-129 Package Must Include:

    ○ Certified LCA

    ○ Form I-129 and Supplement(s)

    ○ Employer support letter

    ○ Evidence of company operations

    ○ Employee qualifications and status documentation

6. Fees Summary

Fee Type	Amount	Notes
Base I-129 filing	$460	
ACWIA fee	$750/$1500	Determined by employer size
Anti-fraud fee	$500	Forest-time or new-employer petitions
Public law 113-114 fee	$4000	Employers with > 50 employees, >50% in H/L status
Premium processing (optional)	$2500	15-calendar day adjudication guarantee
Consular visa application	~$190	Paid by employee at U.S. Consulate (if outside U.S.)

Note: This information is provided for general informational purposes only and does not constitute legal advice. Employers and applicants should consult a qualified immigration attorney or official sponsor for guidance tailored to their circumstances.

7. Visa Issuance & Start Date

- Fiscal Year Start: October 1 for cap-subject approvals

- Cap-Gap Extension: F-1 students on OPT whose authorization expires before Oct 1 automatically extend to Sept 30 upon timely H-1B filing

- Cap-Exempt Approvals: Employee may begin work immediately upon approval

8. Post-Approval Compliance

- Employment Obligations:

  - Work only in the H-1B role, at locations listed in the petition

  - Maintain at least the wage listed on the LCA

- Material Changes:

  - Any significant change (title, location, salary) requires filing an H-1B amendment

- Record-Keeping:

  - Retain copies of all filings, LCA notices, and USCIS correspondence

  - Post LCA notices at new worksite locations as needed

For comprehensive guidance and up-to-date forms, see:

- USCIS H-1B Specialty Occupations & Electronic Registration Process

- DOL Office of Foreign Labor Certification (LCA instructions)

- Consult qualified immigration counsel for complex cases.

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