# Parties Involved in the H-1B Process

## 1. U.S. Department of Labor
- The National Prevailing Wage Center (NPWC) determines prevailing wages for occupations in the geographic area of employment.
- The Employment & Training Administration (ETA) receives and certifies labor condition applications (LCA) and maintains a list of such applications.
- The Employment Standards Administration (ESA) investigates complaints, determines employers' misrepresentation in or failure to comply with the LCA or the employment of the H-1B worker.

- Accepts the employer’s petition for H-1B temporary professional worker.
- Determines if occupation qualifies as a specialty/professional occupation.
- Determines if the scholar’s qualifications meet minimum requirements for H-1B classification.
- Confers H-1B status on the non-immigrant, either through a change of status in the U.S. or admission to the U.S. in H-1B status.

## 3. U.S. Employer Petitioner (UC Irvine)
- Attest to DOL obligations and makes LCA and supporting documents available for public inspection.
- Submits completed H-1B petition to USCIS/California Service Center.
- Employs H-1B worker pursuant to terms of LCA and H-1B petition after both are approved.

## 4. The H-1B Scholar Beneficiary
- Must be eligible for H-1B classification by demonstrating requisite academic/professional qualifications.
- Must not be subject to any bar to obtaining H-1B status (such as the 2-year home residence requirement of some J programs).
- Must intend to work for the petitioning employer.
- Must maintain status by complying with the terms of authorized H-1B employment.

## 5. The U.S. Department of State
- Responsible for issuing H-1B visas through U.S. Embassies and Consulates (Note: Individuals who obtain H-1B status inside the U.S. are not required to obtain an H-1B visa stamp from a U.S. embassy or consulate unless they travel outside the United States and wish to re-enter the United States in H-1B status.)

## Fees [As Applicable]
- Fraud prevention and detection fee of $500, payable to U.S. Department of Homeland Security. All initial H-1B petitions (including change of employer/transfer petitions) must include a separate $500 fee, in addition to the $460 Form I-129 filing fee. The $500 fee is not required for H-1B extensions.
- Recharge fee of $500 to International Center for Scholar H-1B services.
- Fees with the exception of I-539 are the responsibility of the hiring department, not the scholar.

## Important Websites
- U.S. Department of State Embassies and Websites: [http://www.state.gov](http://www.state.gov)
- U.S. Customs and Border Protection: [http://www.cbp.gov](http://www.cbp.gov)


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