

Bordeau & Noulles LLC

6701 W. 64th St., Suite 320
Overland Park, Kansas 66202
913-432-9994

It is important that you complete ALL SECTIONS of the following 4 PAGES and read through the information carefully!

H-1B Employer Name and Contact Info:			
Official Job Title of H-1B position:			
H-1B Employee Name and Contact Info:			
Employee's Annual Salary: \$		Is this position part-time? (i.e. less than 40 hrs/wk; not full-time)	☐ Yes ☐ No
H-1B Requested Start Date*			
	*Is there an orientation that the H-1B Beneficiary will need to attend? • If Yes, please note that the H-1B start date must cover that time and the orientation must be paid.		
Is there a Formal Salary Range for the position? ☐ Yes ☐ No. If yes, please provide the salary range: from \$ to \$			
If there is more than one person with the same job title and duties, please provide the lowest annual salary paid to an employee in the job: \$ and the highest salary paid to an employee in the job: \$			
*Note: While rare, the Department of Labor may review "actual wages" to verify that the H-1B worker is not paid LESS than the wage level paid to other individuals with similar experience and qualifications. To assure that the H-1B worker is making the required "actual wage", please verify the following: If required to do so, I am able to provide documentation that <u>higher paid</u> workers have different salaries based on education, education, experience, qualifications, job responsibilities and function, or specialized knowledge. ☐ Yes ☐ No Does the employer offer benefits such as paid vacation, health insurance, sick time, and retirement benefits to its US worker employees? ☐ Yes ☐ No Comments: Is the H-1B worker offered the same benefits as the employer offers to US workers? ☐ Yes ☐ No Comments:			
<u>Job Description (please write below or attach a formal description, if available):</u>			
<u>Minimum Requirements:</u>			

Employer's Primary Office Address:

Alternate/Additional job sites: Please provide addresses of any and all alternate or additional job sites if employee will be working at an address that is *different from the* Employer address listed above:

For H-1B Employees with multiple jobsites: Please provide an itinerary of where/when the H-1B Employee will be performing the duties (i.e., a proposed schedule of the specific months, days, etc. that the employee will be performing the work at each site)

Are these Alternate/Additional job sites owned by Employer requesting the H-1B?
____ Yes ____ No

If not, we also need contract/agreement information between the petitioning employer and the employer at the jobsite location for these alternate/additional jobsites.

We can request up to 3 years for H-1B work authorization, in most cases*. If you would like us to request LESS than 3 years, please indicate the time period:

*Please note, we generally recommend requesting the full three years, unless a shorter period of employment is expected. Each extension requires new fees, so it is usually more cost effective to file for 3 years; however, if the employer requests 3 years and the employer terminates the H-1B employment, the employer must offer the reasonable cost of transportation home.

TIMELINES, PREMIUM PROCESSING, & FEES:

The H-1B process requires case preparation, Department of Labor approval of the Labor Condition Attestation (LCA), a Department of Labor prevailing wage determination (in some cases, if required or requested by the employer), and review and approval by the USCIS. The time it takes to complete these steps is quite variable. It takes time for my office to prepare the case, it takes several days for the Department of Labor to issue the LCA and several weeks to issue a prevailing wage determination. The USCIS may take as little as 4 months to review a filed H-1B through normal processing or longer than 8 months, and that is after my office has prepared the required paperwork, obtained signatures, etc.

The USCIS offers premium processing of H-1B petitions for \$2,965, which will guarantee review in 15 business days after the case is filed. The USCIS is not required to approve the case in 15 days, but they must approve it or issue a Request for Evidence if they have questions about the petition. Premium processing may be requested at the time of filing or a case may be "converted" to premium processing after filing. Generally, the employer is not required to cover the cost of premium processing for an H-1B extension case, but may be required to cover the cost if for an important business purpose.

In terms of how quickly a case must be approved, please note the following:

If an employee is NOT PRESENTLY IN H-1B status (i.e. if he or she has F-1 OPT or J-1 work authorization), the H-1B petition must be APPROVED before the current work authorization expires. In some cases, the Department of employer may be required to cover premium processing if the case is not likely to be approved in time. Please call me to discuss this if you have questions.

If an employee or prospective employee is currently in H-1B status and is either (1) changing H-1B employers from his/her current employer to your company, or (2) is presently working for your company and is extending his/her stay, then the case only needs to be received by the USCIS before the current H-1B expires to have automatic work authorization by law for 240 days. In addition, where the prospective employee is changing H-1B employers to your company, we must file the H-1B change of employer petition with the USCIS before the individual can start working for your company. (H-1B's are employer specific--an individual cannot transfer to a new employer until a new petition is received by the USCIS by the new employer).

___No, I do not want to pay for premium processing at this time (note: you can convert to premium processing in the future should you desire; however, there is a legal fee of \$65 in addition to the \$2,965 premium processing fee to upgrade the case at a later date. **PLEASE NOTE: IF PREMIUM PROCESSING IS NEEDED FOR TIME SENSITIVE WORK AUTHORIZATION PURPOSES, THE EMPLOYER MUST COVER THE COST AND WILL BE BILLED.** This is not the case if the premium processing is requested for the convenience of the employee (ex. travel, renewing a driver's license, etc.)

___Yes, I do want premium processing. Please invoice me for an additional \$2,965 filing fee together with the regular H-1B fees the employer is required to pay.

REGULAR FILING FEES: The regular filing fees for ALL H-1B petitions are as follows: \$460 AND an additional anti-fraud fee of \$500 for new H-1B employees (i.e. new H-1B hires or employees who need H-1B work authorization who are working in F-1 or J-1 or another status). The USCIS also has an ACWIA fee of \$1,500 for the first H-1B and the first extension (reduced to \$750 if the employer has fewer than 25 FTE's) for those entities that are not exempt. Exempt entities generally include, but are not limited to, the following: universities and colleges, nonprofit organizations affiliated with a university or college, nonprofit or government research organizations, primary or secondary education institutions, and nonprofit entities that engage in an established curriculum-related clinical training of students registered at such an institution.

LEGAL FEES: Our standard legal fees for the H-1B are presently \$2,250 (reduced to \$2,000 for university faculty with teaching duties) + \$350 to set up the account with the Department of Labor (if one does not already exist). The legal fee is increased to \$3,000 for H-1B's with complex legal matters that require additional documentation/legal analysis (examples include but are not limited to employees working at multiple job sites not owned by the employer or employers with less than 25 FTE's). On a case-by-case basis we might quote a higher fee if the nature of the position requires extensive justification/documentation to demonstrate it is a "specialty occupation." In addition, we reserve the right to charge an additional fee of up to \$1,000 to respond to Requests for Evidence that would fall outside of the scope of the already agreed upon representation. Finally, we also may raise our standard legal fees from time to time, with notice.

Dependent FEES: Our H-4 legal fee is \$450, and the filing fee is \$470. Additionally, H-4's who are dependents of H-1B beneficiaries that have approved I-140's can apply for work authorization (the H-4 EAD). The legal fee for the H-4 EAD is also \$450 and there is a filing fee of \$520. While the employer is required to pay the H-1B fees, the employer is not required to cover the costs of any dependents.

___No, I do not want to pay for the costs of any dependents. Please invoice the employee separately.

___Yes, I do want to pay for the H-4 dependent cost. Please include those fees in the invoice.

___Yes, I do want to pay for the H-4 dependent work authorization cost. Please also include those fees in the invoice.

***Please note that there is an additional \$175 fee that will be billed to the Employer if the Employee is currently located outside of the United States. This fee covers the cost of the international courier service used to send the original approval notice the Employee abroad.**

Representation Agreement

The company wishes to retain the law office of Bordeaux & Noulles LLC to provide legal services, specifically to prepare and file the H-1B petition for the above employee.

Dual Representation Consent:

Bordeau & Noulles LLC represents both the employer and the foreign national employee, as is customary for immigration practitioners. For H-1B cases, the employer is the petitioner on the case and the foreign national is the beneficiary, and it is in the interest of both parties that the case be filed in accordance with applicable regulations so that the H-1B can be granted. While rare, conflicts of interest can arise. The most common example is where either the employer or the employee decides to terminate the employment relationship. If the employee quits or is terminated prior to the permanent residency approval, the employer must notify the USCIS that the H-1B beneficiary is no longer employed. In the event of a layoff or involuntary termination during the validity period of the H-1B, the employer must offer the H-1B beneficiary the reasonable transportation costs abroad if the H-1B beneficiary wishes to return home. Our office does not provide advice on the actual employment relationship to either the employee or the employer; rather we provide information to both parties on the immigration consequences resulting from a possible change in the employment relationship and the corresponding legal obligations. Other possible conflicts include problems with the prevailing wage obligation. The H-1B case require the employer to pay the prevailing wage or the actual wage, (whichever is higher), for the occupation as determined by the Department of Labor. Our office submits the current wage offer to the Department of Labor, and requests use of whatever wage survey we have available or can obtain that is the closest match to the wage rate negotiated by the employer and the employee.

By signing this Dual Representation Consent, the employer expressly consents to joint representation **on this H-1B and any future H-1B cases** and agrees that Bordeaux & Noulles LLC will provide the employee with information about the immigration consequences that may result from possible changes in the employment relationship as part of the dual representation process. Similarly, Bordeaux & Noulles LLC will obtain consent from the employee to provide information to the employer about the immigration consequences that may result from possible changes in the employment relationship.

Signature _____

Date _____

NOTE: Pursuant to 8 C.F.R. §214.2(h)(9)(i)(B), the H-1B petition may not be submitted to USCIS more than six months prior to the employment state date.

Please return the following:

**THIS QUESTIONNAIRE/ RETENTION AGREEMENT
THE POSITION DESCRIPTION IF DIFFERENT FROM LAST H-1B FILING**

to Sarah Noulles via e-mail: snoulles@kcvisa.com, or mail:
Bordeau & Noulles LLC
6701 W. 64th Street, Suite 320
Overland Park, Kansas 66202
fax: 913-432-9995

****Please note we CANNOT begin processing the H-1B paperwork until we have this questionnaire and the Position Description from you.**