

What kind of company is good for H-1B processing

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Submitted by Chief Editor on May 15th 2009

Can you give us some tips on legally what kind of companies should one look for to process H-1.

ANSWER:

I think this is a timely question. I can give some pointers based upon my experience.

H-1 approvals are easier:

- for in-house projects and for companies who can obtain letters from end-clients verifying the work; the degree of control they have over the H-1 worker and the duration of the assignment; and

- for companies that do not have a negative history with USCIS. I do not consider investigations to be negative history. Investigations are a way of life. What I do consider negative is an adjudication of willful violation and/or a finding of misrepresentation in any prior case.

As a rule of human conduct, a company that lies for you will also lie to you (the same is true for lawyers). So, stay away from companies who are "easy going" with the truth. While good advocacy and emphasizing the positive points in any case being filed are legitimate and desirable goals, misrepresenting truth is a crime.

Also from my experience, there are plenty of honest, sincere people doing business out there. The laws are so complex that even with the best of intentions, employers can unknowingly be in violation. Usually, employers can avoid findings of willful violation by obeying the laws in good faith and not getting "cute" with the investigators, but not always. For a job seeker, this is all I can say. I will add to this note if I think of something else. Now I have to get some work done. Good luck!

Unless the context shows otherwise, all answers here were provided by Rajiv ^[2] and were compiled and reported by our editorial team from comments and blog on immigration.com ^[3]

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