

H1 B Visa Season is in Full Swing

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Dallas, TX March 11th 2010-The H1-b season is here. Many foreign workers with 4-year degrees will be filing their H-1 cases April 1st in the hopes of being able to work in the United States come October 1st. This visa is most popular amongst three groups of people: foreign students, medical professionals, and the tech sector. The H1b is fraught with a lot of misinformation. As a result, international lawyer Steven Riznyk has prepared a 9-page handout that people can download free at www.my-Immigration-Attorney.com in order to clarify the many questions immigration lawyers receive this time of year.

There is just so much misinformation out there, states Mr Riznyk, and with filing fees as high as they are, it would be a shame to file a case that would clearly not qualify. Additionally, the Internet is full of misinformation - information that is partial, preventing people from really understanding the issues. A call he received last week is indicative of what he means. A gentleman who drives trucks called me, states Mr Riznyk, and explained he had a job offer as a truck driver. We discussed his options and he had wanted me to call him back in Austria, which I did. He informed me that he did not want to hear from me anymore as he read a web site that informed him that for \$247 he could apply for an H-1B visa and he stated "lawyers are too expensive". The \$247 he read in the web site stated it included filing fees. The filing fees for an H1B are \$1570 or \$2320, depending on the number of employees, and the H1B requires a 4-year degree or equivalent for a position that requires a four-year degree. Unfortunately, that person will not only lose \$247, but also the filing date of April 1st. Most importantly he doesn't qualify for an H1B, but nothing I could say would dissuade him.

Another aspect of the H1 that many people are not aware of is that it can be used for part-time work. The reason this is important is that the wages for an H1B employee are guided by a "prevailing wage" that the person must be paid. Regrettably, many employers seek to hire a foreign person in order to pay them less. When they discover that these candidates have to be paid a

regulated wage, they often are unable to afford it. What they can do, states Mr Riznyk, is hire the person under the allowable budget, but on a part-time basis. However, states Mr Riznyk, there is a catch. If that person makes a high salary, that person is able to work part-time and still sustain themselves in the United States. If it is a low-paying position, the person may not make enough to cover expenses and that would lead to difficulties.

Lastly, cases should be well-documented. A lot of applicants pay the \$1000 fee for Premium Processing so that they can have a rapid reply. However, they may receive an approval, denial, or RFE. An RFE is a Request For Evidence, or another way of stating that the government has more questions. If a case is not well documented, states Mr Riznyk, an RFE will not only slow the case down, but drive up the legal fees as responses to RFEs can take as long as the original case to prepare or longer. A lot of the appeals clients bring us, states Steven Riznyk, are from cases that were poorly prepared. I would urge people to really make certain that the case has all the information required to document all of the material aspects of the case so that it is not returned to you.

Immigration law has many challenges for both the public and immigration lawyers alike. Part of the challenge is that people don't understand immigration law, as it is so complex. As a result, both the public and lawyers alike are faced with a public that is scared by a system they don't understand. Coincidentally, Steven Riznyk spent a year and a half creating the first DVD that explains US Immigration law to the world in simple language, and it can be found at www.US-Immigration-Explained.com. If you would like to reach Steven Riznyk, his web site is www.my-Immigration-Attorney.com, where you will find plenty of immigration information, as well as his immigration and business blogs; his business blog brings you into the world of running a company branch in Europe. His email is sr@USAexplained.com.

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