

**VISA Immigration Information Session
Employee Sessions
Q&A**

General

Q: Where do I find information on how to complete an AR-11?

A: Most non-citizens present in the U.S. must report a change of address within 10 days of the move using Form AR-11. The form and instructions can be found at: <https://www.uscis.gov/addresschange>.

Q: Who do I contact if I have questions about my immigration status or travel plans?

A: Please contact your BAL team, attorney and paralegal. Your BAL team contacts are listed in Cobalt, BAL's online case management tool.

Q: With the recent increase in ICE activity, including raids, is there advice for VISA employees?

A: The recent ICE activity targets individuals who are not authorized to work in the U.S. However, it is important for all foreign nationals to ensure that they maintain their status at all times. Be sure to regularly check your status documents (and those of any dependent family members) to ensure that your I-94 shows the correct status and expiration date. Before international travel, review your documents to ensure that your petition and visa stamp are valid and unexpired.

Job Changes

Q: How should changes related to a lateral move be handled?

A: Notify VISA Global Mobility (immigration@visa.com) and BAL teams (temporary work authorization and green card) in advance of any proposed move. We will assess whether any action such as an amended H-1B petition must be filed before the move can take place, and green card process, such as Visa preparing and filing a new PERM labor certification and I-140 immigrant visa petition.

Q: Once an I-140 is approved, can the employee's job change?

A: It depends on how significant the change is, including whether there will be a change in location and/or entity. Notify VISA Global Mobility (immigration@visa.com) and your BAL team working on your cases of any prospective changes before they occur and we will evaluate the potential impact and determine required action.

Q: Do employees need to inform VISA Global Mobility and BAL of changes to: Job Duties, Work Location OR Visa entity?

A: Yes, as some work authorizations will require an amendment.

H-1B

Q: How early is the H-1B extension process started?

A: VISA starts the extension process 7-8 months prior to expiration with the goal of filing the extension 6 months prior to expiration. USCIS will not accept extensions filed more than 6 months before expiration.

Q: Can my H-1B extension be filed using premium processing?

A: As a standard, VISA files all H-1B Extensions via premium processing, when premium processing is available.

Q: Is there a common reason for H-1B extension denials?

A: The government is currently focusing on whether positions qualify as specialty occupations (i.e. whether the position requires at least a bachelor's degree in a specific field): The government has rescinded its policy granting deference to prior extension filing approvals, and in general USCIS is scrutinizing H-1B extension applications more closely than in previous years. This change has been brought on by the Trump Administration.

Q: Is there a company-wide policy on how to handle employees for whom this is the last chance to apply for an H-1B cap case?

A: Visa Global Mobility team works closely with your manager to discuss the alternate options in case the H-1B lottery does not go through. Every situation is different and we want to ensure each employee has a favorable outcome.

H-4 EAD

Q: If the H-4 EAD regulation is eliminated, would unexpired H-4 EADs be cancelled?

A: We won't know for certain how the regulation will be implemented, including whether existing EADs would be cancelled, until the rule to eliminate the H-4 EAD is issued. However, based on past USCIS practice, we think it is unlikely the agency would cancel unexpired cards.

Q: My I-140 was just approved. Should my wife now apply for H-4 EAD even though H-4 EADs may be eliminated?

A: She may wish to apply now. However, she should be aware that there is a risk the regulation could be eliminated before her H-4 EAD is issued.

Visa Application/Travel

(Ver. 10/31/2018)

Q: How safe is it to travel outside the U.S. and reapply for a visa stamp?

A: We are seeing a slightly higher instance of visa applications being placed in administrative processing, which could result in a delay in returning to the U.S. after interview. However, we are not seeing an increase in visa application denials in the absence of a specific issue, such as an arrest or criminal conviction.

Q: Can employees apply for their visa stamps in Canada rather than returning to their home countries?

A: In general, we recommend applying for a visa in one's home country. Consular officers in the home country are typically most familiar with the required supporting evidence, such as education, marriage and birth evidence, and if there is a delay in visa processing, the applicant is in the home country. Having said that, it is possible to apply in Canada or Mexico, for example, if the applicant is willing to accept the risk that a processing delay, such as administrative processing, could result in the need to remain in the third country longer than originally planned or return to the home country.

Q: Does BAL assist with the visa application process?

A: Employees schedule their own appointments, pay the visa application fees and complete the DS-160. BAL provides comprehensive instructions regarding the visa application process with every petition approval and is available to answer any questions.

L-1

Q: What are common reasons for denial of L-1 cases?

A: The government is closely scrutinizing L-1B petitions filed with USCIS, in particular whether the individual possesses the required specialized knowledge. Most L-1 petitions at VISA are filed directly at a U.S. Consulate under VISA's approved Blanket L petition.

Green Card

Q: Is there a difference in green card processing if the requirements is a Bachelor's and 5 years of experience versus a Master's and 2 or 3 years of experience?

A: No. Both requirements would typically fall under the same immigrant visa preference category (Second Preference or "EB-2"). Note that the PERM requirements are determined by the company's minimum requirements for the position.

Q: Can experience acquired at a VISA entity outside the U.S. be used to meet the experience requirement in a PERM case?

A: Yes.

Q: What happens between approval of the I-140 and filing of the I-485?

(Ver. 10/31/2018)

A: For many people, this is a period of time when they are waiting for their priority dates to become current. They cannot file the I-485 until their priority date is current. Once we know that the priority date will become current, BAL notifies the employee who completes a questionnaire, undergoes a medical exam and provides any additional required documents not previously provided, such as birth and marriage evidence, and passport-style photographs. Biometrics occur after the I-485 is filed.

Q: When an employee's priority date becomes current, how quickly is the I-485 typically filed?

A: It typically takes approximately 4-6 weeks to prepare and file the I-485 and related applications.

Q: What happens at the interview? Will BAL assist?

A: The interview is usually very routine and covers the questions asked in the I-485 application. Your BAL attorney will prepare you for the interview including discussing what documents to bring to the interview, questions you should expect to answer at the interview, and any current trends in the interview process that we are seeing.

Q: Do I-485 interviews happen after the application is filed or just before adjudication?

A: Usually I-485 interviews are scheduled after I-140 approval and when the I-485 case is otherwise ready to be adjudicated and the priority date is current or will soon be current. In a few instances, we have seen interviews scheduled earlier, however.

Q: How quickly after interview is the green card application typically approved?

A: The case is usually approved within approximately 30-60 days of the interview. However, this time estimate may vary.

Q: I have an approved I-140. Due to a change in job, a new PERM and I-140 is being filed for me. Will my prior approved I-140 be cancelled?

A: No. The prior approved I-140 continues to exist. The filing of a new I-140 does not cancel it. If your approved I-140 is with a previous company, your previous company reserves their right to withdraw, or revoke, your previous I-140 petition with them.

Q: When can an old priority date (i.e. a priority date from a previously approved I-140) be recaptured?

A: The request to recapture a previous priority date is submitted to USCIS with the Visa I-140 immigrant petition filing. In some instances, if your previously approved I-140 is revoked for reasons that USCIS deems the issuance of that prior immigrant visa petition was through fraudulent means, then you may not be able to recapture that earlier Priority Date in a subsequent Visa Inc. I-140 petition filing. In those cases, your Priority Date would be the date that your Visa Inc. PERM application was filed with the U.S. Department of Labor ("DOL").