

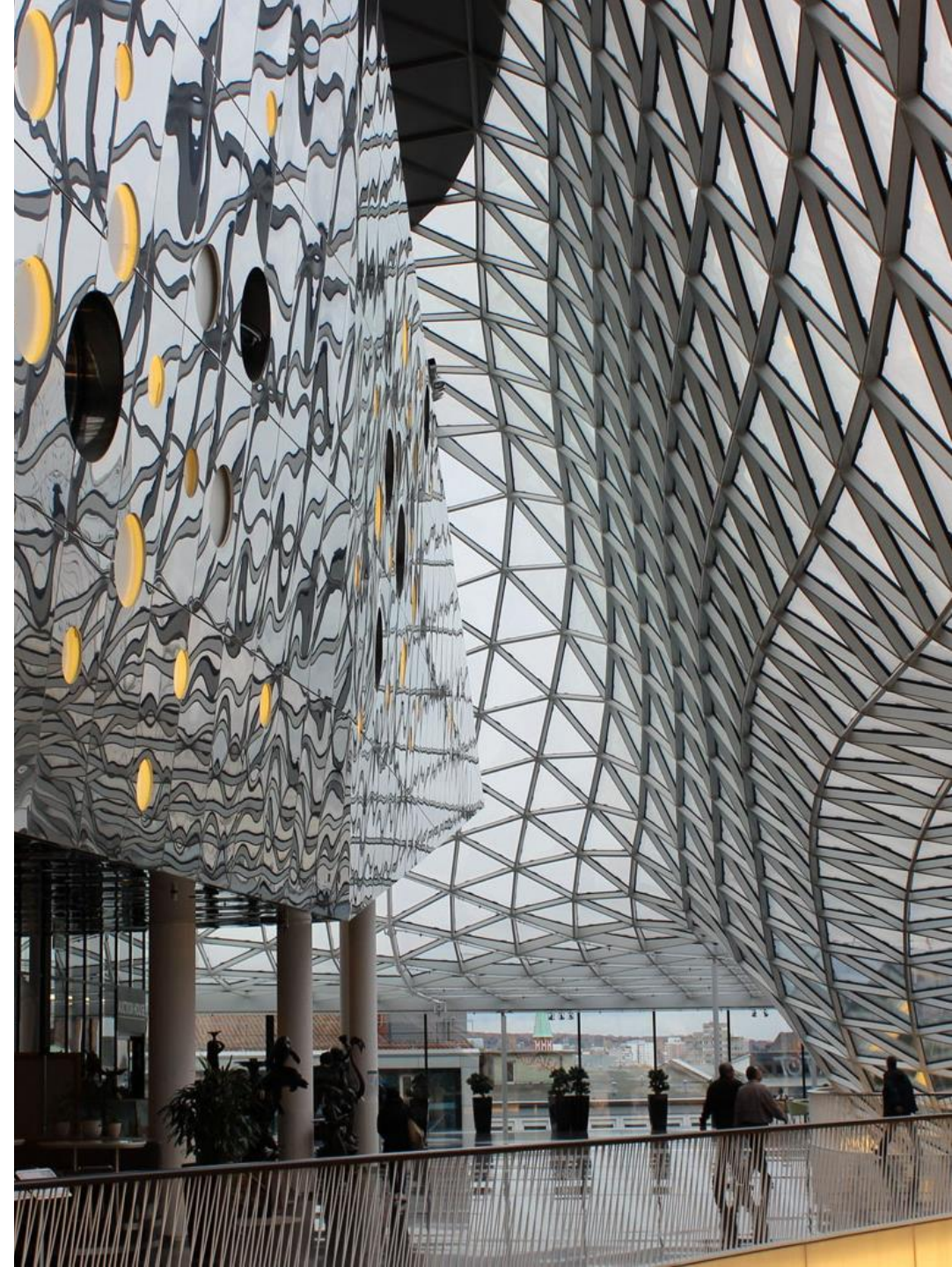
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**VISA**

## Visa Immigration Town Hall Sessions *Employee Session*

June 5, 2019 - Austin, TX

June 12, 2019 – Foster City, CA



# With You Today



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# Challenging Immigration Climate

- ▶ Increased Uncertainty & Scrutiny on all petitions – H-1B, L-1, TN
- ▶ H-1B Transfers – PP is back, more RFEs, Risks & Start Dates
- ▶ H-1B Cap – lottery changes, new Pre-registration process will change in 2020
- ▶ H-1B Extensions – more RFEs, increased risk of denial
- ▶ L-1 Risks at Consulates and USCIS
- ▶ F-1 Students – Cap Gap, max out time, accrual of unlawful presence
- ▶ More administrative site visits
- ▶ Premium Processing (PP) – periodic suspension
- ▶ AOS interviews for all employment based cases
- ▶ Delays in visa issuance at Consulates (administrative processing)
- ▶ H-4 EAD elimination still expected
- ▶ Dependent in-country applications (H-4, TD, etc.) - fingerprinting now required

# Visa Program Enhancements & Support



**PREMIUM PROCESSING FOR NONIMMGRANT FILINGS**



**FEEDBACK THROUGH VOICE OF THE CUSTOMER**



**FILING STRATEGY MODIFICATION TO REFLECT TRENDS**



**BAL ONSITE RESOURCE & MORE INFOSESSIONS**



**SSO SET UP FOR COBALT**



**PERM PROCESS IMPROVEMENTS: KICK-OFF CALLS, MANAGER SESSIONS, TIMELINES**



# Visa Supports You

- **Green card** support for H-1B, L-1 and TN employees when onboard
- **Adjustment of Status (AOS) & EAD/Advance Parole** filings for employee and dependents, AOS interview prep call with BAL attorney
- **H-1B challenges**
  - Educate
  - Collaborate
  - Re-strategize
  - Plan for lottery chances
- **Monitoring changes**
  - Visa has a very low RFE and denial rate
  - BAL's Government Relations team issues DC Policy Updates
  - GM and BAL message important updates

# Green Card Process

## STAGE 1

Step 1: After getting **Manager** and Employee PERM questionnaires, finalize job description

Step 2: Request Job Classification (may take up to 5 months) **AND** employee obtains signed reference letters

Step 3: Recruitment (test the job market – approx. 45 days). Employee cannot be involved

Step 4: **Manager** must review resumes during 30 day quiet period

Step 5: File PERM. Filing establishes Priority Date

1

PERM filed with DOL – PERM process overall approx. **15** months

## STAGE 2

Step 1: For most EB2 and all EB3, must have approved PERM. Send questionnaires and prepare I-140 forms

Step 2: Submit to USCIS with evidence employee meets requirements on PERM

2

I-140 petition filed with USCIS – may take **4 to 6** months. Premium (expedited) processing available with **Manager** approval

## STAGE 3

If Priority Date is current on the Visa Bulletin, may file I-485 with the I-140. If not current, must wait to file the I-485

3

I-485 adjustment of status filed with USCIS – may take **8+** months (if priority date is current). In-Person interview now required

### PREFERENCE CATEGORY DEFINITIONS

**EB1:** Extraordinary Ability, Outstanding Researcher, Multinational Manager/ Executive (exempt from stage 1)

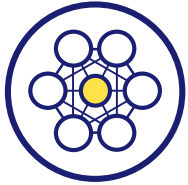
**EB2:** Advanced degree holder (Master's or higher or Bachelor's and 5 years progressive experience)

**EB3:** Skilled Workers: Professionals requiring at least a Bachelor's degree (or combination of degree and experience)

# Changing Roles at Visa

- Job changes may require new filings before change
- Potential triggers for action before a job change:
  - Visa Entity Changes - Visa U.S.A. Inc., CyberSource Corp., VTO
  - Work location
  - Job duties
  - Title change only typically does not require action
- Recruiters should reach out to Visa Immigration – BAL will provide assessment

# Important Reminders



**Verify I-94, Visas, Passports**



**Address Changes – AR-11**



**Consult Before Job Changes**



**Visa Entity Matters! Paystubs & I-797 should match**



**Update Cobalt Profile**



**Check Before Travel**





Thank you!