



## US Immigration

Presented by- Global Mobility Group(GMG)



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# MOST IMPORTANT POINTS



**IMPORTANT-** Employees currently working from home/alternate worksites due to the pandemic impacts must ensure the distance between their home/worksites address and the work address authorized on their latest and valid work permit is within 50 miles distance from each other. Any discrepancy to this mandate could be non-compliant. Please reach out to GMG helpdesk immediately for support.

**Respect the Laws of the land** - While in the United States of America, you must adhere to the local laws and regulations.

**Immigration Policies and Regulations** – Please refer MyWipro>>GIMS>>Immigration policy for details.

**Mandatory Immigration & Travel documents** – Its important to understand the importance of various documents, viz, Visa, I-94, Work permit, I-9, etc and ensure you carry the requisite set of personal and immigration documents (original and Copies) during your travel and stay in Host country. Keep a copy of these documents for easy and quick access

**Work Permit compliance mandates** – US stipulates certain mandatory rules and regulations for work permit holders. Work location, Client, Role on assignment, duration of work permit play an important role in maintaining legal employment status in Host country. Any change in the employment status Involves necessary amendment actions and processes.

**I-9 Process-** It is mandatory to complete the employee verification process via I-9 forms immediately on arriving in US or joining in US.

**I-94 document-** This is the stay permit authorization provided at the US port of entry by Immigration officers. The arrival and departure dates sanctioned in the I-94 play a vital role in according you with a legal status in US.

**Beware of Scam and Fraud calls or e-mails** – If you get a call from anyone claiming to be a Government officials and asking you for money under various pretexts of non compliances to immigration / taxation or other regulations. Do not fall for it or make any payment contact your local HR.

**And of course GMG team is a phone call away to address your queries related to immigration and visa process. Contact details of GMG helpdesk provided in the last slide**

# Important immigration information contd..

It is crucial to understand the key documents and compliance requisite to traveling and residing in the US. Please ensure you read the instructions and updates triggered by GMG at regular intervals during and after the visa process.

## Passport

- Please ensure that your passport is not damaged (soiled pages, outer cover tears, water marks are signs of damage).
- Ensure 6 months validity on the passport. Please renew your passport well in advance to the expiry. Passport renewals must be self-managed at the local Home country Embassy/authorities.
- Please ensure at least 2-3 blank pages are available in the passport to accommodate travel date annotations
- Some countries link their visas to the specific passport on which the visa has been issued. Change in passport would require appropriate action to transfer / endorse the visa on the new passport.

## General info on US visas:

- Please ensure all the relevant documents you carry are clear, readable and undamaged.
- Kindly adhere to the Valid From (start date) and Valid To (end date) dates specified on the document during your travel, stay and exit from the US.
- Incase you travel outside the US and intend to re-enter back, please ensure that you hold a valid visa , reentry document as appropriate at the time of re-entry.
- You must reach out to GMG team to process visas for official travels and avoid applying visas on your own.
- US visa stamped on expired passports are valid for use. Please ensure you carry both the passport (Old and renewed)booklets during travel.
- Refrain from applying visa on your own accord for official travel requirement. You must reach out to GMG team to process visa required for official travels.

## Important immigration information contd..

### Business visa

- Business visa can be utilized only for the specific business activities available in GMG portal. Productive work is not permitted on US business travels.
- Invitation letter from client or Wipro US office is mandatory for business travels. Dates on the business travel invite must align with the actual date of travel
- Travel to US on business visa is permissible for a maximum of 45 days aligned to the purpose of travel.
- Do not accept or deviate from compliance associated to the visa classification under any circumstances; it could have a long term detrimental impact on your immigration history.
- In the event you believe your activities are in deviation from the compliant purposes of the visa classification, immediately reach out to GMG team for support on the matter.
- While your work permit to host country is under process, travel on business visa to the host country is not permissible.

### Work permit

- Work permits authorize you to work on the specific role, project, client, worksite and duration specified on the work authorization, ensure you adhere to the same.
- US Immigration authorities issue specific authorization documents for work permit(I-797 and I-129s) and stay permit(I-94), Please ensure both are valid to ensure legal employment in US.
- Authorities have the right to deny work permit. It is recommended that you exit from the US immediately on receipt of the denial update.
- Working without valid work permit is non compliant to the laws and has serious implications. Immigration authorities may initiate removal proceedings (deportation) which can impact your future immigration opportunities.
- Violating visa condition is against Wipro's Code of business conduct and can result in termination of employment. Ensure you comply with your visa conditions in the US.

## Important immigration information contd..

| Types of US Work permits | Description   |
|--------------------------|---|
| H1B                      | <p>Non-immigrant specialty occupation work visa classification.</p> <p>Permissible duration of stay is maximum 6 years.</p> <p>The spouse and unmarried children (under the age of 21) of H-1B work visa holders can apply for H4 visa as dependents and can accompany and remain in US aligned to the H-1B work visa holder's validity. H4 spouses cannot take up employment in US (unless pending GC process, EAD is obtained)</p>  |
| L1                       | <p>Non-immigrant Intra company transfer work visa classification. L-1 can obtained through Blanket L-1 consulate stamping or through individual L-1 filed with USCIS.</p> <p>Sub classified to L-1A for managerial applicants handling a significant sized and hierarchic team or department and L-1b for applicants possessing specialized knowledge on Wipro specific skills, processes or methodologies.</p> <p>Permissible duration of stay is maximum 7 years for L-1A and 5 years for L-1B classifications.</p> <p>The spouse and unmarried children (under the age of 21) of L-1 work visa holders can apply for L-2 visa as dependents and can accompany and remain in US aligned to the L-1 work visa holder's validity. L-2 spouses can take up employment after applying and receiving the EAD, but they continue remain dependent on L-1 holder's status in US.</p> |
| TN Work Visa             | <p>The TN visa was created by NAFTA (the North American Free Trade Agreement) Treaty. TN visa is sanctioned to Canadian and Mexican citizens for employment in US. It is issued for a duration of 3 years, extendable as justified and authorized.</p>  |
| E3 Work Visa             | <p>E3 is the work authorization granted to Australian citizens applying to work in U.S., temporarily.</p> <p>The spouse and unmarried children (under the age of 21) of E-3 holders may apply for <b>E-3 Dependent (E-3D) visas.</b></p>  |
| H1B1 Work Visa           | <p>H-1B1 is the work authorization granted to Singapore and Chile citizens applying to work in U.S., temporarily .</p>  |

# Important immigration information contd..

## Labor Condition Agreement (LCA)

- LCA( Labor Condition Application) is a mandatory document that Wipro, as the H1B sponsor/employer needs to file with US Department of labor before an H1B petition can be filed with USCIS.
- LCA document is always specific to the role and location of the H1B work authorization.
- As an H1B work permit holder, you must have, at all times, the copy of appropriate LCA aligned to you work location and role essayed by you in US. You can download the copy of your LCA aligned to you H1B applications from the GIMS portal on MyWipro.

## Request For Evidence(RFE)

- An RFE, generally known as a Request for Evidence, is an inquiry issued by the USCIS on the work permit application seeking additional evidences and details needed to make a decision pertaining to the work permit.
- An RFE does not signify or always result in denial. In the alternate its an opportunity to re-establish the work authorization application submitted to USCIS.
- Please ensure you provide the details and documents sought by the GMG SPOC to respond to the RFE, in a timely manner. Delays in response to the RFE results in denial of the work permit application.



## Work permit extension

- Ability to stay and work in the USA is determined by the validity of work permit and I-94. Ensure to file timely extensions before the expiry of these authorization. Please check the validity of your work authorization(I-797 in case of H1B and regular L-1; I-129s in case of Blanket L-1)and I-94 ( for you and your family members) and apply for work permit at least 6months prior to expiry of work permit or I-94 validity, whichever is earlier. Extensions for self and dependents can be initiated on GMG portal. Path→ MyWipro>GIMS>Apply for visa>Work permit/visa initiation> E/A/T.
- As the recipient of work and stay authorizations, you are expected to track the validity and expiry dates of your/your dependant authorizations and ensure that they are extended on time. GMG will help you with the extension of work permit and stay authorizations based on your extension initiation request approved on GIMS portal.
- Pending extension or amendment application with the competent authorities, it is advisable to remain in US till the application for extension or amendment is adjudicated.
- It is non-compliant to work in the United States when your extension application is denied and continuation of work has serious consequences. This can include the possibility of the US Government initiating removal(deportation) proceedings. Further, failure to comply with legal requirements, and therefore Wipro's COBC is grounds for termination of employment.

## Work permit amendment/Transfer

- In case of changes in the conditions of employment such as worksite address, customer, project or role you need to initiate an amendment/transfer request on GIMS portal. This is a compliance mandate on US work permits, deviations could render your employment status invalid
- Do not relocate to new worksite (even a floor/building change) or client project without due authorizations from GMG.
- For instances of worksite change, if the distance is <= 50 miles from the current worksite, an amendment/transfer request must be initiated on GIMS portal. → Path: MyWipro>GIMS>Apply for visa>Work permit/visa initiation> E/A/T.  
GMG team will issue a transfer letter (Work authorization letter) with an LCA (labor condition application) document. Employees are mandated to carry these documents to move to the new worksite.
- It is non-compliant to work at any non petitioned worksite without due authorizations of transfer or amendment process. If your amendment application for location change is denied, please cease employment at the worksite immediately and connect with your HR to initiate necessary actions.



# Important immigration information

## Form I-94

- Form I-94 Arrival/Departure record – Once you arrive in the U.S, ensure that you download the I-94 form for yourself and your dependents (if accompanying or arriving later) from this link <https://i94.cbp.dhs.gov/I94/#/home#section>
- Always check the validity of your work permit authorization (I797 in case of H-1B and regular L-1; I-129s in case of Blanket L-1) and I-94 (for you and for your family members) and apply for extensions atleast 6 months prior to the expiry of work permit or I-94 validity, whichever is earlier.
- If there are any discrepancies in the I-94 issued (errors in visa type, entry date, name, etc), please visit the nearest CBP offices and get the details corrected by showing the relevant documents. Below is the link to find CBP offices which can do I-94 corrections.  
[https://www.cbp.gov/sites/default/files/assets/documents/2018-Apr/deferred\\_inspection\\_sites\\_040318.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2018-Apr/deferred_inspection_sites_040318.pdf)
- As part of your after travel process in US, you must upload a copy of your valid I-94 on GIMS : MyWipro>> GIMS>> Pending Task>> After Travel>> I-94.

## Form I-9 Employment Eligibility Verification

- Every employee needs to complete **Section 1** of Form I-9 Employment Eligibility on the first date of arriving/joining in the US. This is a mandatory compliance to complete on Day 1 without which your payroll cannot be enabled.
- **Section 2** of the Form must be completed within 3 business days of employee joining/arrival in US, by an authorized signatory who could be your manager, peer or your HR once they validate your relevant documents, in person. All assignees receive the I-9 link from HRSS team based on your FTR approval. For all US hired employees, it is triggered based on the joining report shared by US HR/TA teams.
- **Address Changes**
- US work visa holders must report a change of address within 10 days of moving within the United States. AR-11 can be completed online at <https://egov.uscis.gov/coa/displayCOAForm.do>

## Details about Visa Exempt, ESTA, and GreenCard

### Visa Exempt

Countries exempt requirement of a visa based on country of citizenship. ESTA/ETA may be required for travel in some countries.

### ESTA

All eligible nationals or citizens of Visa Waiver Program(39 countries) who plan to travel to the United States for temporary business or pleasure under VWP are required to receive an authorization through Electronic System for Travel Authorization (ESTA) prior to boarding a U.S.-bound airplane.

### GreenCard

A Green Card holder (permanent resident) is an immigrant authorized to live and work in the United States on a permanent basis. As proof of that status, (USCIS) grants a person a permanent resident card, commonly called a "Green Card."

## Info on 240 days extension period and Denial of Petition:

### 240 days rule during Extension process

This is the H1B visa 240 day rule where an individual can continue to work for the current employer for up to 240 days after the current H-1B visa expiration if he/she is waiting for the USCIS decision.

This rule is applicable only when the H1B holder receives the receipt copy from USCIS.

### Denial of Petition

In case of a petition denial, employees have to exit USA immediately (especially if the I-94 has also expired). Employees are no longer authorized to work once the petition is denied. Payroll will be stopped and employment will be terminated.

## Important Travel Documents

- In the United States whether on short term or long term stay, please ensure that you securely carry all the original and copies of the below listed documents. Please retain clear photocopies of these documents at your residence and/or in office (if you keep the photocopies in office, the documents must be secured in a drawer) in US. It is also recommended that you maintain easily accessible Soft copies/Scan images of these documents.
- a) Original Passports – valid and expired.
  - b) Documents evidencing proof of legal presence in the country such as; 1-94, H1B/L1 petition papers.

**My Wipro>> GIMS>> Knowledge base(Select country, request type & Sub type)>> Pre-travel >> Documents to carry.**

| On business travels, please ensure you carry                               | For work permit travels, please ensure you carry   |
|--|--|
| Original passport with valid business visa                                 | Original passport with valid visa  |
| Invite letter with valid travel dates and specific purpose of travel.      | Original work authorization approval and petition papers in full set inclusive of the I797, I-129/I129s forms, LCA (applicable to H-1B only) |
| Return Air tickets   | Deputation/Contract letter   |
| Insurance document (best practice)   | Originals of marriage certificate and birth certificate (for children)- if accompanied by dependents   |
| Name and Contact details of Wipro/Customer Manager you are meeting in USA. |  |

# Readiness for FDNS Audits

## Site Audits

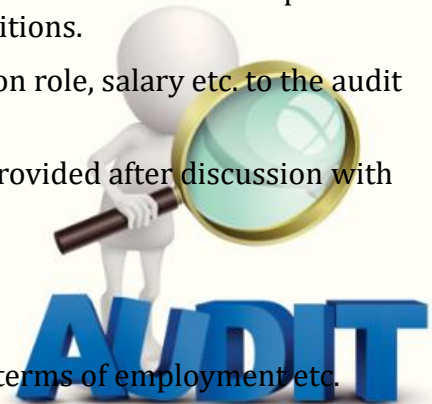
- USCIS started the Administrative Site Visit and Verification Program as an additional way to verify information in certain visa petitions. Under this program, Fraud Detection and National Security (FDNS) officers make unannounced visits to collect information as part of a compliance review.
- Compliance review verifies whether petitioners and beneficiaries are following the immigration laws and regulations that are applicable in a particular case.
- This process includes researching information in government systems, reviewing public records and evidence accompanying the petition, and interviewing the petitioner and beneficiary. It also includes conducting site visits.

## **What employees can expect in these FDNS audits:**

- The officer will want to speak to applicant who is on H-1B or L-1 visa or their manager.
- The purpose of this discussion is to determine if the applicant's employment is consistent with the terms and conditions provided in their petition. The beneficiary will be expected to know about the position and employment conditions.
- Employee must always keep a copy of petition in office and ensure to provide accurate information on role, salary etc. to the audit officers.
- If the employee is unsure, the officer can be informed to email their queries and responses will be provided after discussion with the relevant HR/Immigration team (GMG).

## **What to expect by Manager in these FDNS audits :**

- The officer may ask project managers few questions that include details of the position, duties, and terms of employment etc.



# Fraud and Scams

- Incidents reported of Fraud and Scam by persons claiming to be Government Officials, viz, Immigration officer, IRS authorities or law enforcement agencies.
- Employees are requested to be alert of phone, email scams, website offers by fraudsters claiming to be Government officials from Immigration, Tax or local law enforcement. These Fraudsters elicit information from employees under the pretext of 'errors/inconsistencies' in visa, work permit, Tax records, etc and threaten severe consequences if not heeded to. The Fraudsters typically insist on transfer of payments immediately in lieu of penalties or for correction of the records.
- Employees are requested to beware of such frauds/scams and refrain from providing any personal information or making any payment sought through such sources. If you receive a scam email or phone call, report it to the Local Law enforcement authorities immediately.



## Contact Us:

**GMG Support Centre (8:30 AM – 1:00 AM (IST))**

### **Global Mobility Group**

VOIP Number : 808 7777

PSTN Landline : +91 80 33587777 ; +91 80 67462222

Toll free number from India : 18002129625

Toll free number from US : 844 704 7787

Toll free number from UK : 00800 1400 7777

Immigration queries and support requests can be raised on myHelpline- <https://wiprocio.service-now.com/sp>.





**Thank you**  
**Global Mobility Group**