10 SOLUTIONS
TO COMMON U.S. IMMIGRATION CHALLENGES

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Employers are noticing increased complexity in the immigration process, especially when it comes to compliance, documentation and policies. Higher levels of uncertainty surrounding immigration today, paired with increasing employee anxiety, is a growing challenge for employers. Longer processing and approval times and lack of visibility into the process are exposing stark inefficiencies within organizations worldwide.

To understand what adaptations are within your control is to understand the key to unlocking an optimized immigration experience. Because of the bureaucratic nature of U.S. immigration, there are certain elements that fall out of the realm of control for most employers, such as already-submitted applications, wait times, processing procedures and increased RFEs, just to name a few.

Other parts of the immigration process are in your control, however. Petitions and all they entail, including gathering documentation, getting attorney guidance and advice in a timely manner, having insight into your overall immigration program, providing transparency to and empowering sponsored employees, and forecasting for talent management in the future – all that matters. And staying compliant once your employment-based visas have been awarded is more critical than ever before.

We've uncovered 10 of the biggest immigration challenges employers are facing today as well as some solutions to help you navigate them.

CHALLENGE #1:
CONFUSING AND COMPLEX IMMIGRATION PROCESSES

Immigration is not a simple function that can just be added to HR's full workload with the expectation of success. However, in HR, there is a delicate balance of priorities, and all too often one person, or a small team, is tasked with managing immigration regardless of expertise or experience in the immigration field. Because so many organizations consider immigration an afterthought, that person or small team is expected to navigate immigration tasks while also managing other critical HR functions. It can be a lot for any department, let alone teams that are understaffed or overwhelmed. And for larger HR teams with their eye on growing their global mobility program, the challenges of international immigration – complicated and changing policies in different countries, for example – are often overwhelming.

There are always plenty of immigration-related tasks that need to get done. HR is helping employees move from non-immigrant visas to green cards or enabling a global project get off the ground. All too often, HR struggles to deploy the efficient processes and technology they need for immigration to avoid disrupting critical work.

Solutions

A certification in immigration management, working with efficient attorneys, and subscribing to updates from industry experts are essential steps in establishing a strong compliance-focused immigration program.

GET CERTIFIED IN IMMIGRATION

In order to stay on top of immigration knowledge and protect your team against risk of non-compliance, team members can earn a certification in immigration management from SHRM or HRCI. Understanding how immigration works is the first step to solving issues before they arise.

SUBSCRIBE TO INDUSTRY UPDATES

Stay tuned into the changes in immigration policy in the U.S. and around the world by following experts in the industry. Subscribe to immigration blog or set alerts for news from the USCIS to keep on top of current immigration changes.

SELECT EFFICIENT ATTORNEYS

Selecting an immigration attorney who is comfortable with your caseload, but can scale with your company and company needs during times of changing regulations and political uncertainty, is invaluable. Immigration management technology can establish open and effective lines of communication that can move your cases along as smoothly as possible.

CHALLENGE #2:
INCREASED SCRUTINY OF PETITIONS AND HIRES

With increased scrutiny from immigration adjudicators, visa petitions are under the microscope. That means employers have to take special care to make sure everything is prepared well and on time.

For example, you should make sure you're prepared for a Request for Evidence (RFE) issued to some employers by USCIS after your employee's case has been submitted, especially since the number of RFEs increased by 45 percent in 2017. And it's not just non-immigrant petitions that are under increased scrutiny. In-person interviews are now necessary for work-sponsored green card applicants, an uncommon practice until 2017.

The scope of changes toward tougher immigration practices goes beyond the U.S., which means HR not only has to worry about more attention from American agencies, but immigration authorities abroad as well.

Solutions

Employers should keep all immigration documentation handy and well-organized, file on time and track employees as they travel across borders. Technology allows these processes to happen seamlessly, reducing the risk of anything falling through the cracks.

MAKE DOCUMENTATION EASY TO ACCESS

Immigration management technology has helped saved documentation organization today by allowing organizations to store immigration records in one, centralized location. Cloud-based storage allows HR to ping an employee when an immigration form needs to be filled out, and it allows you to communicate directly with an attorney to get your questions answered. When your HR team, sponsored employee and attorney are all working from the same real time forms, you can reduce the risk of error. With the right technology, maintaining accuracy in employee records – and ensuring everything is where it needs to be – helps enable compliance. This includes keeping compliant digital public access files, which are becoming more commonplace and need secure and organized digital storage.

TRACK YOUR GLOBAL EMPLOYEES

Secure online documentation storage and organization helps ensure all documents are up to date at the time of the employee's departure or arrival back into the country. Tracking global employees and their documentation can help avoid issues from occurring.

CHALLENGE #3:
EMPLOYEE FEAR AND ANXIETY

In a recent Envoy report on 2018 immigration trends, we learned that the biggest immigration-related change for 42 percent of employers over the past year has been increased employee anxiety and questions.

A lack of transparency throughout hiring and employment and no solid corporate immigration policy to rely on can lead to anxiety. Plus, with attitudes toward immigration shifting in the U.S. and abroad, it's no wonder uncertainty is a big concern for employers, employees and dependents alike.

Slow onboarding

In Envoy's recent Global Talent Perspectives report, we found that 28 percent of sponsored employees waited between two to seven months after their first interview to start their first day of work. Months-long immigration processes open up potential foreign talent to other opportunities. If you're not prepared with a seamless immigration plan early on, you could lose that talent to a business with a quicker, more efficient immigration onboarding strategy.

Little or no transparency

Sponsored employees and their families face lots of barriers when they come to the United States to work – long wait times, uncertainty amidst changing immigration policies, competition, complicated regulations, and little or no transparency. Employee experience matters, especially when there is so much at stake.

Changing policies and regulations

Changes in immigration policy from U.S. authorities and immigration offices abroad are a major factor in increased employee anxiety. With executive orders like "Buy American, Hire American," the travel ban and subtle regulatory shifts in adjudication and enforcement, it can feel as if changes are happening weekly - sometimes daily.

No immigration program

Companies that don't have a uniform immigration program run the risk of inefficient internal practices. Not having a handle on common visas and how to apply for and maintain them compliantly can cause delays, missed deadlines and could cost companies valuable talent.

Solutions

A solid immigration program, streamlined onboarding solution and technology-enabled case transparency go a long way to hiring and keeping happy employees.

ONBOARD EFFICIENTLY

Onboarding sponsored employees in a way that directly addresses these issues will likely make a difference in attracting and retaining valuable global talent. Your onboarding plan for new employees should be as clear as possible. From a globally competitive compensation package to a bias-free interview process, there are many ways to ensure your sponsored employee is acknowledged right from the start. A strong global onboarding process must be inclusive.

Also, utilizing an immigration platform to help you prepare visa petitions as part of the onboarding process is critical to retention. Companies without efficient immigration programs risk losing valuable talent to the open marketplace. Immigration management software can also increase productivity and help you stay on top of visa application or extension deadlines.

STAY TRANSPARENT

Transparency and clarity about what and when documentation needs to be submitted, and on immigration status updates, will do wonders to easing the stress and anticipation of your new sponsored employees. Plus, using technology that allows your employees to log in and see their status or notifications any time can take one thing off your plate and help with peace of mind.

ESTABLISH A GOOD IMMIGRATION PROGRAM

A good immigration program starts by determining which visas your company is (or is not) willing to sponsor. Consider posting these publicly on your company's global recruitment page to help eliminate questions during the hiring process and set expectations for incoming applicants. Then, decide if you're going to sponsor employment-based green cards. According to the Envoy 2017 Immigration Trends Report, 70 percent of visa holders say a company's green card policy is very or extremely important in deciding whether they'd work for the organization. You should also develop payment and reimbursement guidelines as part of your immigration program. There are certain portions of the green card process that you are legally obligated to pay for, and some that you or the employee can cover.

CHALLENGE #4:
SUBPAR SECURITY MEASURES FOR EMPLOYEE DOCUMENT STORAGE

If you are filing, faxing, emailing or snail mailing paper copies, you're likely not secure.

Solutions

Using immigration technology that can store all your important employee documents, help all interested parties access the information they need (and nothing more), run reports and let you communicate easily with corporate counsel can be a security game-changer.

STORE AND SHARE DATA IN A CENTRALIZED LOCATION

When communication, document sharing and sensitive company and employee information are housed in a secure, cloud-based platform with multi-factor authentication, your data is more likely to be safe and your team is more likely to remain compliant. All immigration-related documentation can now be stored digitally, but keeping everything secure often requires compliance-focused immigration technology.

CREATE NEED-BASED ACCESS

With the right technology platform, you can allow users – like sponsored employees, attorneys and HR team members – to access the information they need without compromising other sensitive data. This allows you to have transparency and efficiency throughout the immigration process.

LET EMPLOYEES UPLOAD DOCUMENTS FROM THEIR PHONES

Mobile capabilities can offer your employees the opportunity to upload their necessary supporting documentation, images and files for your petition or green card application right from their phone to the centralized platform. You could be notified when an upload is complete, and you won't have to risk paperwork getting lost, or misfiled.

CHALLENGE #5:
LACK OF VISIBILITY INTO YOUR IMMIGRATION PROGRAM

When there are a million initiatives going on, it can be hard for HR to manually keep track of deadlines or whether certain documentation is needed. Too many organizations miss visa caps because they weren't prepared or didn't submit the proper documentation on time, putting their organization at risk of losing valuable talent.

HR and sponsored employees also struggle with seeing the progress of each case. This lack of transparency can be extremely frustrating and puts you in the middle, triaging frequent and complicated questions between your employees and your attorney. Answers can be slow to come by when they're sent via email to a busy law firm, and then HR is too often left trying to translate legal-speak for employees.

Solutions

An immigration technology platform can provide visibility into the process, track cases, send you automated alerts and notifications and make communication with your attorney faster (we're talking hours, rather than weeks) for you and your sponsored employee.

USE CASE-TRACKER TECHNOLOGY

Using technology to track cases and guide you through the process can increase productivity and better ensure you don't miss any visa petition or extension deadlines. The right tech tools give you the power to relay critical information to employees to ensure compliance and set their minds at ease. Some technology even empowers your employees to check on their case statuses themselves and forward any questions directly to attorneys.

EMPLOY AUTOMATED PROCESSES

Automated immigration management helps HR update all frameworks, templates and forms in the system with a click of a button. When there's a change in regulations, one click can save teams hours of extra work, ensure all information is correct and prevent the possibility of submitting an outdated or expired document resulting in costly delays. And you can set up automatic prompts, alerts and notifications as needed so you can upload the right documentation and stick to deadlines.

COMMUNICATE WITH REAL-TIME MESSAGING

An online platform with real-time messaging means immigration managers don't have to wait days or weeks for responses to questions. They can have them answered in hours by directly communicating with an immigration practitioner who knows their cases well. Advances in immigration technology also allow for scalability,

including message communications with immigration practitioners. This scalability allows immigration managers to rely on fixed cost models rather than unpredictable expenditure.

An app-based immigration platform could allow mobile access for sponsored employees, giving employees the opportunity to check on their status and upload documents on their own (even from their phone). Also, with an online immigration platform, you can complete casework faster because you and your team can complete your tasks anytime, from anywhere in the world.

Technology can enable trackable communication, so you always know what, when and to whom your communication was sent. This can help give you and your sponsored employees the insight that your communication was received and the confidence that it will be answered quickly.

CHALLENGE #6:
SLOW CASE PROCESSING AND APPROVAL

This past year has been full of changes to immigration data security regulations in the U.S. and abroad. The Department of Labor, Homeland Security and the Department of Justice announced a handful of enforcement initiatives to crack down on security measures in the immigration space.

Among other issues, these changes have resulted in hold-ups, backlogs and delays on the part of immigration authorities. The unease caused by this heightened attention to immigration has put additional pressure on HR, making it hard to react to delays accordingly and field questions from employees. Plus, with copious amounts of paperwork to get done before submitting a petition, even the application process is a slog.

Solutions

There are some parts of the immigration process that are out of your hands, but there are a few things employers can do to streamline the visa petition process. They can file petitions sooner, figure out ahead of time when renewal deadlines are coming up, and find ways to get faster responses from attorneys to prevent lengthy cases.

GET AHEAD OF THE GAME AND FILE SOONER

Filing sooner gives you a chance to adjust if there are problems with your visa petition For the

H-1B petition, for example, we recommend filing the Labor Condition Application as soon as possible to give the Department of Labor enough time to process your LCA and in case there are any issues that need to be addressed. By completing non-immigrant petitions and green card application forms sooner, you can help expedite the process. Immigration technology that stores all your documentation in one place and alert you if anything's missing can help speed up this process.

FORECAST ALL PETITION RENEWAL DEADLINES

You can see all deadlines for any renewals coming up with the right automated immigration technology. With a centralized visa organizer and company dashboard, employers can also track the status of petitions and renewals, and

they can run reports on the entire workforce. A platform that offers notifications of renewal and submission deadlines can help employers stay on top of changes as they happen.

GET FASTER RESPONSES FROM ATTORNEYS

With an online platform that offers attorney messaging capabilities, you can ping your attorney and expect an answer within hours during a normal business day. This simple feature can save days and weeks of waiting for answers to questions on a drawn-out case.

CHALLENGE #7:
REACTIVE MEASURES TO NON-COMPLIANCE AND SITE AUDITS

Employers are finding it difficult to stay focused on compliance amidst changes in policy and increased site visits. In a recent Envoy Immigration Trends report, we discovered that 42 percent of employers experienced a site visit last year from immigration authorities.

Employers tend to be reactionary rather than proactive when it comes to compliance, resting on their heels when they should be on their toes. Most site visits from immigration authorities are unannounced, leaving you little or no time to prepare documentation, proper legal procedures or prep employees. HR typically doesn't think about non-compliance until it hits them – and by then it could be too late.

Solutions

Technology can be an enabling force to help HR departments take a proactive approach to immigration compliance.

HAVE A SITE VISIT PLAN

In case the immigration authorities arrive unannounced, it's best to have an established procedure in place. Though site visits can be intimidating, it's essential to let employees know what to do and who to contact to help establish the legitimacy of the worksite.

ESTABLISH A CHAIN OF COMMAND

When you're creating your plan, start from the beginning. What should the first person who sees an immigration officer in your workplace do? Your front desk staff should know how to handle this situation. Sometimes companies are notified by immigration authorities before an onsite audit, so you should determine how to prepare your team when you know an officer is coming in.

USE TECHNOLOGY TO SELF-AUDIT

Employers can adopt technology that allows for easy assembly and audits of your documentation regularly, sends you notifications and provides action items. Using technology allows you to check for non-compliance in real-time, and empowers you to be responsible for compliance rather than relying on swamped attorneys who may let some things slip through the cracks.

CHALLENGE #8:
DISORGANIZED COMMUNICATION AND ROLES AMONGST INTERNAL STAKEHOLDERS

When too many stakeholders are involved in the day-to-day communication loop, it can lead to crossed wires and details falling through the cracks. While HR, sponsored employees, hiring managers, attorneys, corporate counsel, finance departments and the C-Suite all play a role in a company's immigration program, it's important to establish processes to help manage requests, questions and expectations.
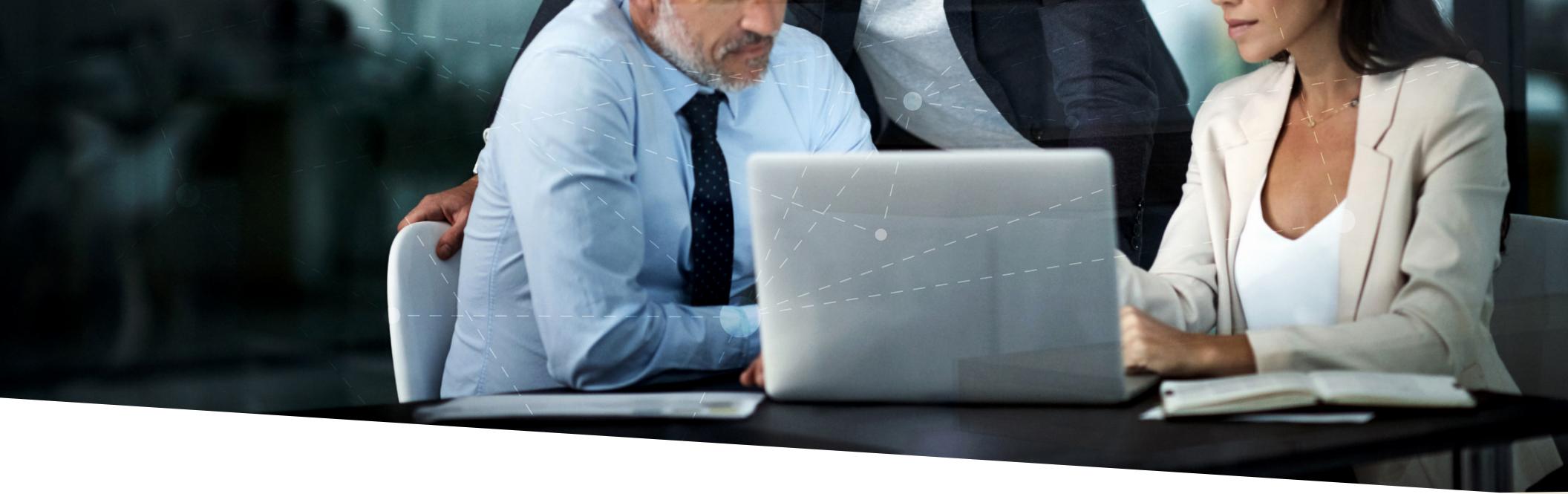
Solutions

To manage requests, questions and expectations that inevitably go along with immigration at any organization, it's important to create establish set roles and responsibilities, keep communication in one place and tap into immigration technology.

ESTABLISH A CHAIN OF COMMAND

Decision-making procedures for new international hires should be outlined in a company-wide compliance policy to make sure there's transparency throughout the organization and with outside counsel. This part of the policy can determine criteria for which hires should be considered and who should be sponsored. It's also critical internally since it helps determine beforehand where in the budget immigration costs will be allocated.

COMMUNICATE AND SHARE WITH PURPOSE

Creating a process for collecting information is essential so you don't miss any compliance-critical paperwork along the way. This part of the policy outlines clearly how you're going to get your hands on all the documentation you need, who is responsible for collecting what and where it's all going to be stored. Working with the right immigration partner can help you refine this process.

CENTRALIZE ALL CASES AND PAPERWORK

Using an online platform is the simplest and most efficient way to keep your paperwork all in one easily accessible place. Here, stakeholders can access what they need when they need it without anything getting misplaced or moved around.

CHALLENGE #9:
INCREASED COMPETITION FOR INTERNATIONAL TALENT

The skills gap is growing in the U.S., and more and more organizations are looking for talent abroad to fill open positions. Companies that seek international talent are finding increased competition when it comes to hiring and retention. Further increasing the competition for this international talent, some organizations are strengthening their green card policies, immigration perks packages and rethinking the onboarding process to attract talent away from other employers.

Solutions

Your approach to attract and retain valuable foreign talent should include all aspects of the employee experience, but focusing on developing a strong immigration program, including a comprehensive green card policy (for both the employee and their dependents), is a great place to start. Then, relocation and immigration perk packages as well as the onboarding, timing and overall employee experience should be reviewed.

DEVELOP A COMPREHENSIVE IMMIGRATION PROGRAM

If your organization is prepared to invest in valuable foreign talent, create an immigration program that you can use to attract that talent while you're recruiting and onboarding. A solid, formalized program that includes green card sponsorship, transportation costs, relocation expenses (or whatever works for your organization) will likely help your acquisition and retention rates improve. Working with the right partner can help you develop a customized and optimized immigration program for your company.

FOCUS ON RETENTION WHEN FRAMING YOUR GREEN CARD PROGRAM

Companies who offer employment-based green cards to foreign talent gain an edge on their competitors, increase the diversity of their workforce and help promote national economic growth. Sponsoring an international employee for a green card can help demonstrate your long-term commitment to them.

CHALLENGE #10:
INABILITY TO FORECAST AND BUDGET FOR IMMIGRATION EXPENSES

Too many organizations lack the ability to forecast out their immigration spend. If you're not asking about, reporting on or forecasting areas of growth in your organization, you're missing an opportunity to optimize future success by strategically hiring. Manual immigration reporting or simply looking at your sponsored workforce from a big-picture lens can lead to missed opportunities to grow and scale with data to support future hiring decisions.

Solutions

Immigration technology can offer forecasting capabilities that manual processes can't and can be a more predictable approach to budgeting for immigration.

LOOK INTO YOUR WORKFORCE

The right technology helps employers manage immigration by offering a company real-time insight into the status of its workforce. This can help you see when renewal fees will need to be paid and see a year-over-year look at your immigration spend.

FORECAST STRATEGICALLY

Forecasting casework and its associated costs can help you determine where your organization will grow and where you may have a need for certain employees or skills in the future. These are the building blocks of a sustainable immigration plan. The right technology can help you plan for next year in a strategic way – all the while demonstrating the tangible value and ROI your immigration management brings to the organization.

CHOOSE FLAT RATES

Immigration partners with flat rates can help you accurately plan next year's budget. This reduces surprise and, more importantly, budget deficits.

Conclusion

Challenges in immigration are increasing for employers. It's essential for organizations to be prepared for changes in policy and practice as well as shifts in workforce demand. HR can make a big difference by implementing these solutions when faced with challenges. If you invest in global talent or sending workers abroad, technology can help improve your immigration processes so you can breathe easy knowing the value you bring to the organization.

Envoy is pleased to provide you this information, which was prepared in collaboration with Sara Herbek, who is the Managing Partner at Global Immigration Associates, P.C. (www.giafirm.com), Envoy's affiliated law firm.

If you're interested in learning more about how technology can help your company more efficiently manage immigration processes, please contact Envoy at **envoyglobal.com/contact** today.