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Immigration Playbook

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overview

This playbook will cover strategies to effectively navigate through the challenging Immigration landscape, immigration lifecycles, compliance and overall Immigration needs.

Various sections of this playbook walk you through the various elements of the H1B, how to build them effectively, ways to reduce RFEs and denials, thereby increasing revenue and margins. We have included interesting snippets, facts and statistics throughout, with links or QR codes to more information online.

To learn more about our product, contact sales@imagility.co or <phone number>

Key to building Effective Petitions

- Focus on key elements: Build a well-structured petition by picking the right SOC code, elaborating Job description, demonstrating a valid employer-employee relationship is crucial.
- Collaborate effectively: Keep all stakeholders engaged and invested in building the petition- beneficiaries, attorneys and petitioners can collaborate to build successful petitions.
- Review Thoroughly: A completed petition must be reviewed by a hawk-eyed experienced reviewer. Wish this was automated? We just heard that....check Reviewing Petitions (link).

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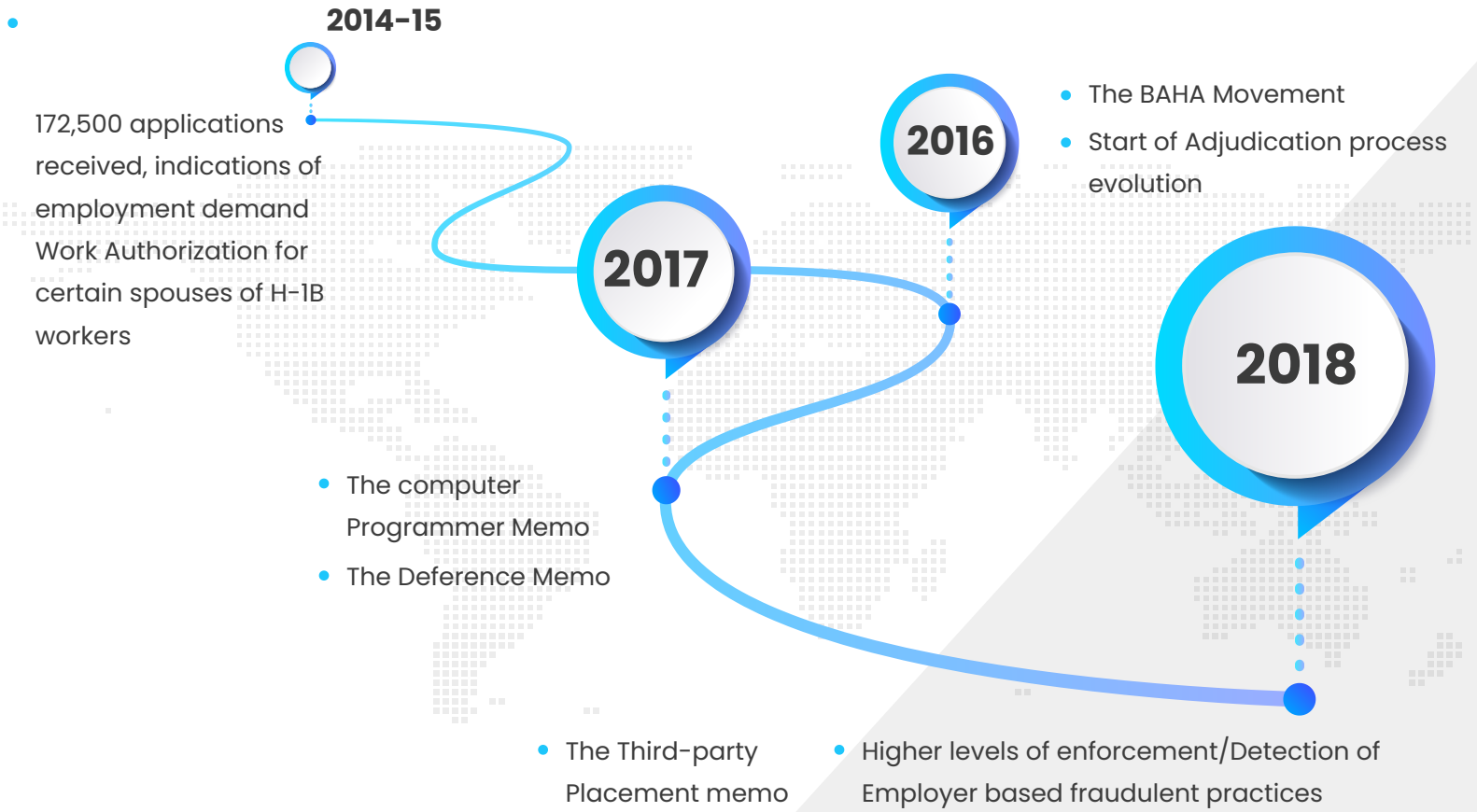
Immigration is your Responsibility

It is important to know how the immigration landscape has changed over the past 15 years. Denials and RFEs are steadily rising, causing distress to beneficiaries, revenue loss to Petitioners and attorneys, with workload increase. Is there a better way to improve outcomes for everyone? After all, everybody is working towards a common goal - visa approvals. All stakeholders can run this obstacle race together, take responsibility and ownership, to collaborate in executing immigration successfully.

Events that changed the Immigration Landscape

The H-1B petition has changed due to several events over the last two decades.



01.

Building Effective Petitions

The key to building effective petitions is to focus on core petition elements and be as thorough as possible. There are ways in which all stakeholders can collaboratively work to improve H-1B outcomes. Depth and quality of the petition can clearly affect the adjudication of the petition and could affect the type or complexity of the RFE issued.

Designing petitions

Stakeholders need to understand that Adjudicators have about 20-30 mins to make quick decisions while looking at a visa petition. Their focus is primarily on the petitioner and the petition. The support letter, complete list of documents needed and the completeness of those documents, thorough review to make sure nothing is missing or off, along with building the petition right is what seals the deal. Let's look at the key elements that can help build the petition the right way.

Anatomy of the H1B petition today

Job Description

- Position details
- List of Duties
- Work Location

Specialty Occupation

- Bachelors' degree Definition
- Mapping to OOH list of duties

Selecting LCA

- Getting the right LCA
- Selecting the right SOC code

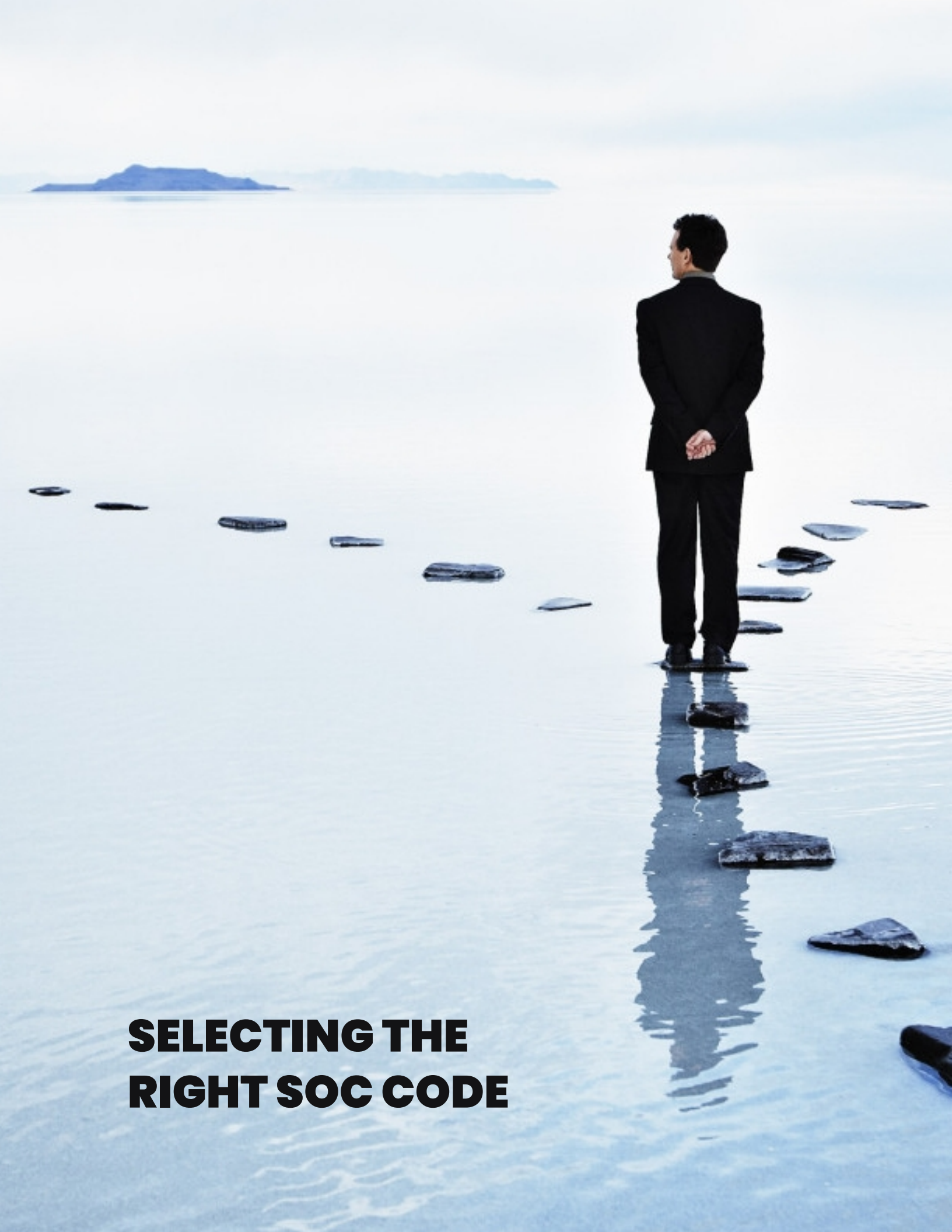
Beneficiary Qualifications

- Education/Work Experience/Immigration
- Itinerary of Services

Detailed Employer Employee Relationship

- Complexity of Project
- Client details
- Supporting Documents

Detailed support letter/cover letter



SELECTING THE RIGHT SOC CODE

Selecting the right SOC Code

The Standard Occupational Classification code is what the USCIS officer would use to analyse if the position mentioned in the petition is a specialty occupation. USCIS places great weight on the Occupational Outlook Handbook (OOH), published by the United States Department of Labor (DOL). In short, the SOC code decides if the position qualifies as a specialty occupation or not.

Why is it so important to choose the right one?

Choosing the wrong SOC code will disqualify the position as a specialty occupation, since the education level will fall short. Each of these occupations listed in the OOH, have a detailed list of tasks, skills, work activities, education, wages etc. But the most important ones are the education and wage levels. It is important to pick the right SOC code with the right education and wage level.

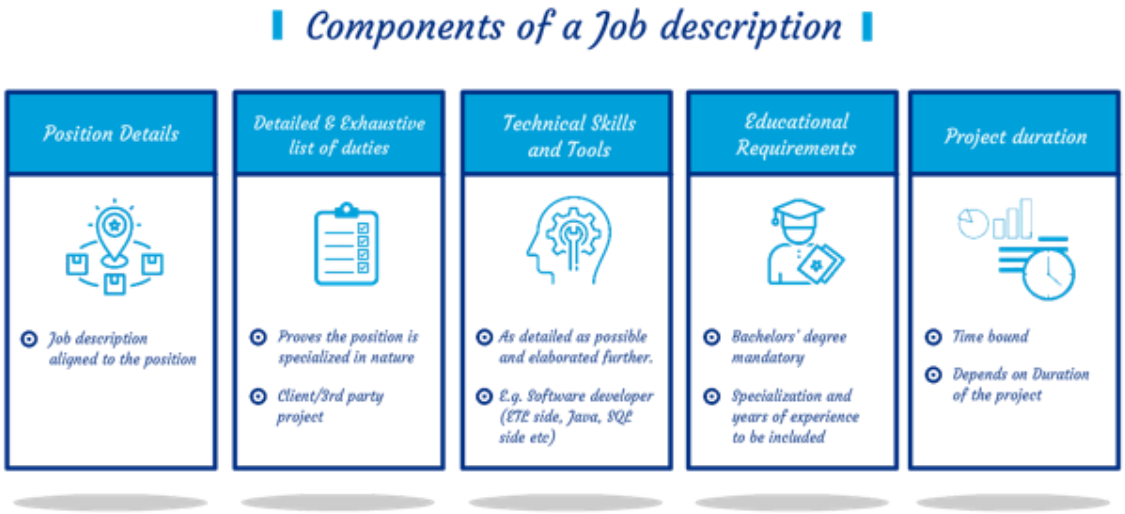
How is wage level and educational qualification linked to SOC?

To qualify as a specialty occupation professional position, it requires a minimum of a bachelor's degree in a specific field of study. If the chosen SOC code points to a position that allows associate degrees or less, it fails to qualify as a specialty occupation.

Each occupational category in the SOC system has four different wage levels. USCIS has asserted that if wage level 1 is selected, the position must be an entry-level position, and therefore it cannot qualify as a specialty occupation position.

Designing Effective Job Descriptions

To prove that the job is specialized, it is important to detail out the job description. A generic job description does not prove the intricacies and complexity of the job, along with tools and technologies needed. Everything in the job description should support its specialized nature.



How to write detailed duties and sub duties?

A list of duties and sub duties will explain how each of these activities is unique, specialized in nature and is related to the technology the individual is expected to work with. First, list all duties the individual is expected to handle for this position on the project. Then, break down the activity into detailed sub tasks or activities. This gives a good idea of what duties/responsibilities the person is expected to handle in this position.

List of duties & sub duties for an ETL developer

01. **Work closely with ETL Developers, System Analyst and users**

- Design and develop data feeds, interfaces, data warehouses and enterprise reporting to support the various types of healthcare-related data—membership, claims, laboratory, pharmacy, authorizations, EDI, HL7 etc.—utilized in healthcare insurance organizations that take insurance risk.
- The developer will work closely with internal departments and with counterparts with health plans during implementation and through ongoing operations.

02. Design and architect an ETL solution in a Big Data environment

- Data analysis, Dimensional Modeling and ETL Design using Teradata in a Data warehousing environment.
- Development of a big data platform in Hadoop using pipeline technologies such as Spark, Oozie, and more to support a variety of requirements and applications.

03. Develop/Modify Teradata Mappings/Workflows and PL SQL Procedures

- Responsible for creating and managing Pl/SQL packages, triggers, and stored procedures, views and sql transactions.
- Perform ad-hoc analysis and data manipulation for various underwriting systems on massive and complex data sets.
- Design and layout a database schema from scratch, including table objects, constraints, indexes, foreign keys, and triggers

04. Develop/Modify the ETL design, manage ETL development activities from inception to completion including interdependencies with other teams

- Develop Oracle and Big Data database data profiling and quality assessment processes. Develop data filtering, transformation and loading requirements.
- Determine appropriate translations between source data and target databases. Capture metadata as it pertains to sources and targets.
- Load and transform data from data sources into target databases. Design and implement appropriate error handling procedures

Co-relation between the position and JD

Let's do this with an example. The position maybe Software developer, but it could be for a software developer on the ETL side, SQL side, Java side, Salesforce, QA automation, Business analyst, any other technology. The JD should be detailed for each of these specialties.

DEMONSTRATING THE EMPLOYER-EMPLOYEE RELATIONSHIP

To hire a foreign worker on an H-1B visa Employers need to meet some criteria. Use this checklist:

- Must be a US Employer
- Comply with prevailing wage requirement
- Agree not to displace American workers
- Agree not to replace a laid off worker with a H-1B worker for a period of time
- Agree not to employ H-1B workers during a strike or lockout

Elements of an Employer-Employee Relationship

Employer must establish that it has Employer-employee relations with respect to the H-1B beneficiary “to hire, pay, fire, supervise or otherwise control the work of any such alien employee”. Employers need to provide exhaustive documentation to prove the “right to control”:

- The manner and extent of supervision: both petitioner and client site supervisor details
- Right to control daily work and work product: Project description, timesheets, milestones, requirements documents, technical documents etc.
- Right to hire, pay and fire the beneficiary: client documents, project documents, SOW, Client letter, offer letter etc.

Possible engagements between Employer & Employee

Three types of engagements are possible between Employer and Employee: Third party site, In House Client and In House.

Third Party Site: The beneficiary will work outside the petitioner company, at the end client worksite. Needs exhaustive documentation to establish valid relationship between Employer and Employee.

In House Client: Client projects will be done in-house at the Employer site with a valid MSA from client. Needs extensive documentation on the project and relationship with client to be proved.

In House: Internal projects to the company. Direct relationship between Employer and Employee. Extensive details on project to prove it's a genuine one and prove company credentials.

Checklist of documents for EE Relationship

- ☑ SOW
- ☑ Client letter
- ☑ Offer letter
- ☑ Itinerary of services with names, dates, and
- ☑ Copies of the employment agreements signed by the beneficiary and petitioner
- ☑ Specific details pertaining to the duties/ responsibilities of the worker
- ☑ Project requirements documents
- ☑ Technical documents
- ☑ Copy of work schedule/project plan with milestones
- ☑ Copies of work orders, contracts, official documents, etc.
- ☑ Copy of the organizational chart including supervisor hierarchy
- ☑ Performance review system