

**ATTACHMENT A**

**RECRUITMENT COVER EMAIL FOR POSSIBLE  
CASE STUDY COMPANIES**

Dear [NAME]:

We are writing to ask you to participate in an important new study funded by U.S. Immigration and Citizenship Services (USCIS), designed to help it better understand employers' needs for high-skilled nonimmigrant workers, learn about pathways to legal permanent residency for visa holders, and improve the H-1B visa petition process. Mathematica Policy Research, an independent, nonpartisan research firm, is conducting this study on behalf of USCIS. We have been working with a variety of contacts to identify companies that employ high numbers of H-1B visa beneficiaries. [NAME OF SPECIFIC CONTACT] suggested that we contact you and your company about participating in the company case studies we are conducting.

Please see the attached letter for more detailed information about this study and your company's potential contribution. The letter discusses the logistics of participation in the study, the benefits to your company, and the confidential nature of our research. If your company decides to participate, Mathematica would conduct the following activities:

- A review of any relevant public external documents about your company.
- A 1½ day site visit to your company, during which we will conduct in-depth interviews and focus groups with staff who are knowledgeable about or participate in the visa process.
- A review of any nonproprietary documents provided by your company that are related to the recruitment, hiring, and employment of H-1B and other foreign workers.

We hope that you will consider participating in this important study to help us better understand and improve visa programs for high-skilled nonimmigrant workers in the United States. If you have any questions about this request, please contact [NAME], a [TITLE] at Mathematica, at [NUMBER]. We appreciate your time and attention to this matter.

Thank you,

[NAME]

**ATTACHMENT B**

**RECRUITMENT EMAIL FOR COMPANY  
CASE STUDY PARTICIPANTS**

Dear [NAME]:

We are writing to ask you to participate in an important new study funded by U.S. Immigration and Citizenship Services (USCIS). Mathematica Policy Research, an independent, nonpartisan research firm, is conducting this study on behalf of USCIS. We have been working with a variety of contacts to identify companies that employ high numbers of H-1B visa beneficiaries. [NAME OF SPECIFIC CONTACT] suggested that we contact you and your company about participating in the company case studies we are conducting.

The High-Skilled Nonimmigrant Labor Study is designed to help USCIS better understand employers' needs for high-skilled nonimmigrant workers, learn about pathways to legal permanent residency for visa holders, and improve the H-1B visa petition process. We are looking for companies that employ past and present H-1B visa holders to participate in an in-depth case study for this research. We want to hear from companies in a wide range of industries who have a mix of experiences with hiring and employing nonimmigrant, high-skilled workers. The company case study will help us to better understand trends in the demand for high-skilled, nonimmigrant workers and companies' experiences with the visa petition process.

Participation in the study involves three parts. First, the study team will conduct a review of any relevant public external documents about your company (such as mission statements or company websites). Second, we will make a 1½ day site visit to your company, during which we will conduct 90-minute in-depth interviews with key staff such as managers or human resources employees who are knowledgeable about the visa process, focus groups with past and present visa holders, and, if appropriate, focus groups with managers and human resources staff. The number of interviews and focus groups conducted will largely depend on the structure and organization of your company; thus, the study team will tailor the data collection effort on a case-by-case basis. Third, the study team will review any nonproprietary documents provided by your company that are related to the recruitment, hiring, and employment of H-1B and other foreign workers.

We would need your help to coordinate our visit and identify key staff who could participate in interviews or focus groups. The interviews and focus groups would be conducted on your company's premises during the normal workday. In addition, we would need your help to schedule interview and focus group times with staff, remind and encourage them to keep their appointments, and secure the company's permission to allow them to participate during work hours.

Everything discussed during the site visits is private to the extent allowed by law. We will never use individual names in any reports or written materials; however, the name of your company may appear in some reports. Any opinions expressed by employees during the interviews or focus groups will never be attributed to the company as a whole or represent company policy. All opinions expressed are solely those of the participants.

We hope that you will consider participating in this important study to help us better understand and improve visa programs for high-skilled nonimmigrant workers in the United States. Your participation in the study will have direct influence on the recommendations we provide to USCIS to improve its policies and procedures involving high-skilled nonimmigrant labor. If you have any questions about this request, please contact Mathematica at [NUMBER]. We appreciate your time and attention to this matter.

Thank you,

[NAME]

**ATTACHMENT C**

**CONSENT FORM FOR CASE STUDY INTERVIEW RESPONDENTS**

Mathematica Policy Research is conducting the High-Skilled Nonimmigrant Labor Study, funded by U.S. Citizenship and Immigration Services (USCIS). This study will help USCIS better understand employers' needs for high-skilled nonimmigrant workers, learn about pathways to legal permanent residency for visa holders, and improve the H-1B visa petition process.

We are conducting this interview to better understand your experiences with visa programs for high-skilled workers. We expect that this interview will be approximately 90 minutes long. During this interview, you will discuss questions regarding the following topics:

- Your company's need for immigrant workers at varying levels of seniority
- The recruitment paths your company uses for different types of workers
- At what point in the recruitment and employment process your company considers visa sponsorship, and whether financial and administrative costs are deterrents to sponsorship
- Your experiences with the H-1B petition process and your recommendations for immigration policy or other policy/procedure change
- The decision-making process for sponsorship of permanent residents
- Strategies that your company implements when visas are not available

Everything we discuss in this interview is private to the extent allowed by law. We will never use individual names in any reports or written materials; however, the name of your company may appear in some reports. Any opinions expressed by you during the interview will never be attributed to the company as a whole or represent company policy.

No direct benefits are expected from participation in this study other than the opportunity to discuss issues that may be of interest to you. However, we expect that your participation in this conversation will yield valuable information that will help us to make recommendations to USCIS to improve the H-1B visa petition process.

We do not anticipate any risks from participating in this study. You may decline to answer any question you do not wish to answer.

If you would like more information about this study please contact [NAME], [TITLE] at Mathematica Policy Research, at [NUMBER] or [EMAIL]. If you would like to contact the local Institutional Review Board, which reviewed and approved this study, please contact [NAME] at [NUMBER].

**Please read the following statements and fill out the appropriate section.**

- 1. Yes, I wish to participate in this study.** I understand that my responses will not be associated with me personally in any way. Data from the interview will be audio-taped and transcribed. Any names or places that could be attributable to me personally will be omitted from any reports or findings based on the interview.



I understand that I may choose not to answer specific questions asked during my interview by simply stating, "Pass" or "I prefer not to answer."

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**2. No, I do not wish to participate in this study.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**ATTACHMENT D**

**MASTER PROTOCOL FOR CASE STUDY INTERVIEWS  
WITH HR REPRESENTATIVES OR MANAGERS**

**INTERVIEWER: This protocol is a master protocol for all case study interviews. Questions that apply to Human Resources staff are coded as HR in parentheses prior to each question. Questions that apply to Managers are coded with an M before each question. Questions that apply to both display HR, M in parentheses prior to each question.**

**Please bear in mind that this coding scheme represents general guidelines. Each company's organizational structure is likely to be unique in such a way that can affect the ability of the respondent to answer certain questions. Carefully review the protocol prior to the interview and based on what you know about how the company is organized, consider whether modifications should be made to the question list as necessitated by the company's structure or the duties of the interviewee.**

As you may know, Mathematica Policy Research and the Migration Policy Institute are conducting a study funded by U.S. Immigration and Citizenship Services (USCIS) to examine high-skilled nonimmigrant H-1B labor. The High-Skilled Nonimmigrant Labor Study is designed to help USCIS better understand employers' needs for high-skilled nonimmigrants, learn about when, why and how visa holders pursue pathways to legal permanent residency and improve the H-1B visa petition process.

Thank you for agreeing to participate in an interview as part of the case study being conducted on your company. I just wanted to remind you that everything we discuss during this interview is private to the extent allowed by law. We will never use individual names in any reports or written materials; however, the name of your company may appear in some reports submitted to the funder. Any opinions you express will never be attributed to the company as a whole or thought to represent company policy.

- 1. (HR, M)** Please describe your industry and the role of H-1B workers in it.
- 2. (HR, M)** Please describe your firm, the types of jobs in which your firm employs H-1B workers, and your role in the hiring process for these workers.
- 3. (M)** How does your company assess its need for high-skilled workers in general and foreign workers in particular?
- 4. (M)** What changes in your industry, the economy, and the global marketplace have affected demand for high-skilled workers in general and foreign workers in particular over the past 5 to 10 years?
- 5. (M)** What is your firm's current need for high-skilled workers in general and for foreign workers in particular? How do you anticipate these needs evolving over the next 5 to 10 years?

*Probes:*

- Skill levels
- Types of occupations
- Mix of U.S. and foreign workers

**6. (M)** How does your firm recruit for high-skilled workers in general and foreign workers in particular?

- 

*Probes:*

- Intra-company networks
- U.S. and foreign universities (on-campus recruitment)
- Recruiting firms (including those that specialize in recruiting foreign workers)
- Professional associations, LinkedIn, etc.

**7. (HR, M)** Who is involved in the recruitment process for workers in general and for foreign workers, and what are their roles?

*Probes:*

- Human resources (HR) managers
- Attorneys (in-house or outside counsel)
- Managers (other than HR)
- First-line supervisors

**8. (M)** What factors would encourage you to petition for a foreign worker for employment through the H-1B nonimmigrant visa program?

*Probes:*

- Lack of availability of U.S. workers
- The current state of the U.S. economy or certain federal economic policies
- Inability to access foreign workers through other programs (e.g., L, O)
- Specialized knowledge and experience held by foreign worker
- Firm-specific knowledge and experience held by foreign worker
- Expiration of Optional Practical Training (OPT) for current foreign workers
- Flexibility of foreign workers in terms of schedule and geographic work location
- Expectations of foreign workers for wages and benefits
- Easier to terminate foreign workers

**9. (M)** What factors would discourage you from petitioning for a foreign worker for employment through the H-1B nonimmigrant visa program?

*Probes:*

- Availability of U.S. workers

- The current state of the U.S. economy or certain federal economic policies
- Availability of other visa programs
- Cost (visa fees, attorney fees, premium processing fees)
- The position and/or the potential employee's skills do not align with H-1B visa requirements
- The H-1B cap (i.e., uncertainty that the petition will be accepted)
- Employee expectations and uncertain future ability to renew the H-1B visa and/or sponsor the employee for permanent residence

**10.(HR, M)** Please describe a typical H-1B visa holder employer at your firm.

*Probes:*

- Occupations (types and levels of positions, back-office versus front-office/customer interaction positions)
- Types and levels of formal education (educated in United States versus abroad)
- Types and levels of professional experience
- Demographic characteristics: countries of origin, gender, age, marital status

**11.(HR, M)** Once you've decided to sponsor a worker for an H-1B visa, who is involved in preparing the petition and what are their roles?

*Probes:*

- HR managers
- Attorneys (in-house or outside counsel)
- Program or section chiefs
- First-line supervisors
- Potential beneficiaries

**12.(HR)** While preparing a petition to submit to USCIS, what challenges are most typically encountered and which are most onerous?

*Probes:*

- Providing evidence of the alignment between worker credentials and H-1B eligibility requirements
- Labor attestation requirements (prevailing wage; covering transportation costs; bars on strikes, lockouts, and recent layoffs)
- Difficulty collecting supporting evidence
- Unclear guidelines from USCIS on petition preparation/requirements

**13.(HR)** How would you assess the clarity of the guidelines that USCIS provides on petition requirements?

*Probes:*

- What would you suggest that USCIS do to make the guidelines clearer?

**14.(HR)** Have you used premium processing? If so, why did you use it? What were your experiences?

*Probes:*

- Use premium processing for the initial filing of any cap-subject case
- Use premium processing in other instances
- Use premium processing for all petitions

**15.(HR, M)** Do filing date requirements and the cap for initial H-1B petitions affect your recruitment patterns and staffing needs? How?

*Probes:*

- Petition for more workers than necessary because of the lottery system
- Recruit and hire on a regular schedule (which may lead to less flexibility in hiring)
- Hire other workers who do not require an H-1B and may be less qualified for the job

**16.(HR)** After submitting an H-1B petition to USCIS, what challenges are most typically encountered and which are most onerous?

*Probes:*

- Petition not selected due to the cap
- Providing evidence of your ability to pay the H-1B worker
- Providing evidence that the position itself meets H-1B eligibility requirements
- Providing evidence that the foreign worker meets H-1B education/experience requirements
- Delays in processing the petition (standard processing period and delays beyond the standard period)
- Clarity and reasonableness of requests for evidence

**17.(HR)** If a petition is denied, what is your typical course of action?

*Probes:*

- Motion to reopen



- Administrative appeal
- Re-file the petition
- Judicial review

**18.(HR, M)** Once a petition has been approved, what other interactions have you had with USCIS about the beneficiaries for whom you petitioned, and what have been your experiences with these interactions?

- *[For any topic below the respondent does not mention, ask the following:]* Did you have any interactions with USCIS about beneficiaries regarding:
  - Submitting amendments for changed location/job duties? If yes: What were your experiences like?
  - Working offsite, travel, or related issues? If yes: What were your experiences like?
  - Renewing the H-1B visa? If yes: What were your experiences like?
  - Sponsoring for permanent residence? If yes: What were your experiences like?

**19.(HR, M)** For H-1B workers employed at your firm, at what point do you typically begin discussions related to visa renewal with these workers? Who initiates this discussion (you or the H-1B worker), and what factors affect the timing and outcome of this discussion?

**20.(HR)** For H-1B workers employed at your firm, at what point do you typically begin discussions related to permanent residence with these workers? Who initiates this discussion (you or the H-1B worker), and what factors affect the timing and outcome of this discussion?

**21.(HR)** Approximately what percentage of H-1B workers leave your company if you decline to sponsor them for permanent residence?

**22.(HR)** Approximately what percentage of H-1B workers leave your company after you sponsor them for permanent residence?

**23.(HR, M)** When workers leave your company after you sponsor them for permanent residence, does it affect your decision to petition for H-1B workers in the future?

**24.(HR, M)** Do H-1B workers face any particular obstacles to advancement in terms of responsibilities, titles, and wages relative to their non-H-1B counterparts? If advancement is uneven, what do you perceive as impediments to the advancement of H-1B workers?

**25. (HR, M)** How well does the current level of outreach and support you receive from USCIS about the high-skilled nonimmigrant petition process help you to meet your staffing needs?

**26. (HR, M)** Where do you see opportunities for increased collaboration and communication with USCIS on the high-skilled nonimmigrant petition process?

**27. (HR, M)** Do you have any recommendations for improvements to the H-1B petition process?

*Probes:*

- Changes to the USCIS website
- More or alternative forms of outreach by USCIS
- Information and outreach specifically on policy and procedural changes that could affect petition preparation
- Guidance provided by USCIS for those preparing petitions for adjudication
- Changes to the petition filing instructions
- Changes to business practices by companies filing petitions
- Any other recommendations?

**28. (M)** What policy changes would you recommend with respect to maximizing the benefits your company gets from hiring H-1B workers?

**29. (HR, M)** Do you have any further comments or concluding thoughts?