

Terms of Clearance Acknowledgement

Collection of Qualitative Feedback through Focus Groups

OMB Control Number: 1615-0126

Summary of the utility of studies and description of the how the information collected is being used by the agency.

Understanding the Experiences of H-1B Beneficiaries and Petitioners

High-skilled foreign labor plays an important role in the U.S. workforce. To better understand the characteristics of this population and their experiences with the H-1B visa petition process, U.S. Citizenship and Immigration Services (USCIS) contracted with Mathematica Policy Research and Migration Policy Institute (MPI) to study the experiences of H-1B beneficiaries and petitioners. Specifically, the study's key research aims include: (1) increasing understanding of the global dynamics of high-skilled labor by identifying current and projected trends in nonimmigrant labor flows from the perspective of employers and examining the common reasons leading H-1B beneficiaries to work in the U.S.; (2) detailing how business practices and other factors influence the flow of high-skilled labor by exploring the causes of changes in the flow of high-skilled nonimmigrant petitions to the U.S. and how the use of high-skilled nonimmigrant labor achieves particular business objectives; and (3) providing USCIS with information that will inform our processes and policies to improve the visa program experience for customers by examining how beneficiaries and petitioners experience the H-1B application process and interactions with USCIS.

Using a series of interviews with focus groups, the study gathered views of employers and high-skilled nonimmigrant beneficiaries across key industries of different sizes and in different locations. The focus group interviews were held in the San Francisco Bay Area, New York, Houston, and Boston. To collect the perspectives of former H-1B visa beneficiaries who returned to their home country, an additional focus group interview was held virtually with beneficiaries in India. The focus group interviews provide illustrative information on the key research aims and are not meant to be generalized to all employers' or beneficiaries' views or experiences with the H-1B visa process.

Key Findings:

- Employers noted that a lack of U.S. workers with the talent, specific skill set, or education required by their companies led them to look for high-skilled foreign workers. Employers expressed a desire to hire the best talent, regardless of their country of origin.
- Employers stated that the cap on the number of high-skilled foreign workers in the H-1B visa category (the primary visa category used to hire high-skilled foreign workers) impacts their business practices. Specifically, employers noted that the once-a-year filing

period does not match business hiring schedules, and that the lottery method for petition selection hinders business planning.

- Most beneficiaries interviewed reported having “low involvement” in completing the H-1B petition process, stating that it was largely taken care of by their companies’ human resources staff or lawyers. A minority of beneficiaries described more substantial involvement in the petition process, often because they were working for smaller companies or start-ups that did not have as much experience with the H-1B petition process.
- Employers noted that preparing the application, gathering the required documentation, and using premium processing were the smoothest parts of the H-1B process. Conversely, employers found petition preparation, submission, and adjudication, among other issues, to be the more challenging aspects of the process. Some beneficiaries did not understand why they were required to provide identical documents and information to USCIS for renewal petitions. Some were frustrated by the lack of updates from USCIS while waiting for a decision on their petitions. Employers noted that it takes an average of four to six weeks to prepare an H-1B application and five to seven months to receive a decision using standard processing.
- Some beneficiaries reported that insufficient information was available on the portability of the H-1B visa; under the portability provision, an H-1B beneficiary can start working with a new employer under the same visa while their petition is pending, as long as the employer files a petition for that beneficiary with an unexpired and approved Labor Condition Application (LCA) covering the same work that the beneficiary is being hired to perform. At the same time, however, other respondents were frustrated that the H-1B visa was tied to employment, wherein beneficiaries must maintain the same role and duties for which the visa was filed. Some expressed uncertainty about whether they had a grace period if they lost their job.

Key Recommendations:

The report offers a series of process and policy recommendations organized around the following areas: (1) electronic filing and revisions of the petition form; (2) communication and customer service from USCIS; and (3) the adjudication process. The report recommends that USCIS:

- Institute electronic filing for H-1B visa petitions in order to reduce costs and problems associated with paper filing.
- Increase the visibility of changes to visa petition forms by better publicizing the extent and nature of these changes once they have been finalized. Beneficiaries and petitioners expressed frustration concerning the structure and frequent changes of these forms.

- Consider developing a trusted filer program for frequent, dependable users of the H-1B program.
- Increase opportunities for direct communication between USCIS and beneficiaries.
- Improve the USCIS website's navigability and user interface.
- Improve customer service for employers and beneficiaries who submit petitions through standard processing. Some employers perceived a substantial disparity between the level of customer service for those using premium processing and those using standard processing.
- Create online beneficiary profiles to facilitate self-service, allowing beneficiaries to access information such as the amount of time left on their visas until renewal or amendment, whether their petitions are missing information, and which service center is processing their visas.
- Inform petitioners of visa adjudication timelines, as many respondents felt that they waited a long time before hearing whether their petitions had been accepted.
- Provide officers with more industry-specific and subject-matter training, as some respondents perceived that officers did not understand their industries, their companies, or the functions of their jobs when they issue RFEs.
- Share findings related to respondent perspectives on H-1B visa processing and entry into the U.S. with the Department of State and Customs and Border Protection. Some respondents were frustrated with several aspects of visa processing, including uncertainties created by the need to travel internationally to obtain the visa. Some were worried that their visa would not be issued and/or that they would be denied admission when they attempted to re-enter the U.S.
- Continue publicizing the new proposed rule to extend employment authorization to spouses of certain H-1B workers, since current regulations do not allow work authorization to dependents on H-1B visas.

The E-Verify Employers Focus Study

During April 2015, Westat conducted cognitive focus groups of E-Verify employers to pretest the draft 2015 questionnaire for the *National Survey of E-Verify Employers*. The focus groups

each targeted one of the following five types of companies that use E-Verify: small companies, medium-sized companies, large companies, very large companies, and employment agencies. The primary purpose of the pretest was to identify and correct any potential issues with new and modified survey items before full-scale implementation of the 2015 survey. The results of the work were used to update and revise the 2015 National Survey of E-Verify Employers, (for which we obtained a separate OMB clearance.) That main project is described below.

2015 National Survey of E-Verify Employers

Final Reports, Briefings and Slides due: June 2016. This project has obtained data from employers to evaluate how well E-Verify is meeting their goals established by IRIRRA in the context of changes in the Program and changes in the population of E-Verify users. Building upon recent evaluations, the study examines the proper implementation of the E-Verify Program and the advantages and disadvantages of such a program from the perspectives of different types of employers.