



# Frequently Asked Questions: The U.S. Immigration Process

While you may be accustomed to the challenges and issues that are common when filing an immigration application, many of these may be new for hiring managers within your company. Below is a high-level summary of some common questions and inquiries to help you better understand the immigration process and effectively manage the expectations of other stakeholders (e.g. hiring managers, foreign nationals).

## 1. What is a standard timetable for an application?

A case can be initiated, prepared and sent to the government in as little as 1 day with VISANOW. This is dependant upon the completion of the necessary application items by the company representative and their employee. HR review of the required forms after attorney preparation and the gathering of all support documentation requires active participation and attention to detail in the process before the case can be sent to the government.

However, as a government regulated practice, the review of an application is often times consuming. Strict USCIS (U.S. Citizenship and Immigration Services) guidelines and multiple stages directly impact the length of their review process which occurs at their various service centers throughout the U.S. The processing time required for different petitions also varies significantly. This greatly affects the time between case initiation and when your employee can begin work.

A listing of estimated government processing times is included below, although these ranges are constantly changing. To check the most current processing times at each service center, please visit [www.uscis.gov](http://www.uscis.gov).

## 2. Why can't we hire a foreign national today and have them start tomorrow?

The immigration process is managed by the USCIS, an agency within the Department of Homeland Security. The USCIS maintains a highly regimented process to ensure that those foreign nationals entering the United States meet a number of requirements and that the proper limitations are placed on their visit. As a result, the immigration process involves a number of stages that must be navigated by employers before they can have a foreign national begin their employment.

In addition to these multiple stages, there has been a significant influx over the past few years in the number of applications received by these government agencies. As such, backlogs have been created that greatly impact the start times of foreign nationals. To help avoid these delays, it is critical to plan in as far advance as possible so your applications can be filed expeditiously.

VISANOW is your partner in the application process ensuring your petitions are filed with the USCIS in an accurate and timely manner. Combining legal expertise, unparalleled client service and patented technologies, VISA NOW streamlines the immigration process for corporations & their foreign employees.



## U.S. Immigration FAQ - continued

### 3. How can we speed up the process?

Premium processing is available on many types of applications which ensures that the USCIS will adjudicate your case within 15 days unless further information is requested. Once a case has been received by the government however, this is really in the USCIS' hands. They review and process all immigration petitions at their various service centers throughout the country and there are often differences in the speed at which each center reviews different types of applications. There is also no way to control which service center receives the case to review for adjudication.

Premium processing can be added after a case has been submitted to the government. If you determine that a case needs to be expedited after the initial filing or an unexpected delay occurs, this option can jump start the process and the case will be adjudicated in 15 days from that point.

### 4. What is normal and what is an issue?

Unfortunately, delays are commonplace when dealing with the USCIS. In most cases, these are nothing more than the usual challenges that arise when dealing with any government agency. The VISANOW legal team is continually monitoring the processing times of each service center and following up as needed. As a result, those situations which could possibly develop into a problem are consistently identified early so any issues can be avoided. In those occurrences when a specific issue with a case does arise, VISANOW will inform you immediately and provide options on how to proceed.

For example, a Request for Additional Evidence (RFE) may be issued by the USCIS if they determine further information is required to proceed with an application. This would be communicated to VISANOW who would then work with us to prepare and submit the RFE. Although not common, RFEs do spike across various service centers and are sometimes specific to certain types of visa applications. This is not an issue, just a procedure that at times becomes more prevalent within the USCIS.

### 5. Why is some information needed for one application and not for others?

Different applications are required for non-immigrant and immigrant visa options. Each visa category has a specific set of guidelines and limitations in regards to type of employment, responsibilities involved in position, length of employment, etc. As a result, the initial requirements, background information, and "burden of proof" may vary significantly for each.

For example, the information, background and documentation required for a Canadian citizen applying for a non-immigrant temporary work visa to work for a limited period in the U.S. is going to be minor when compared to what's required for a foreign national from overseas applying for permanent residence in the U.S. In addition, the length of time involved in the process – weeks versus years – varies as well.

### 6. Where can I find more information regarding employment eligibility issues?

There are a number of government websites that provide useful information regarding the immigration process and employment eligibility issues:

- U.S. Citizenship and Immigration Services: <http://www.uscis.gov/portal/site/uscis>
- Department of Homeland Security: <http://www.dhs.gov/files/immigration.shtm>
- U.S. Immigration and Customs Enforcement: <http://www.ice.gov/pi/worksite/>

In addition, VISANOW distributes a monthly e-newsletter, the VISANOW Voice, which summarizes critical issues and industry updates for employers.