

Guide to Visa-Based Talent Management

To stay competitive in today’s global market, many U.S. companies look abroad to find talent. Companies that master visa-based talent management gain a competitive advantage.

The United States government issued nearly 1.2 million employment-based visas in 2024. Recruiting, hiring, and managing this talent requires strategic planning, compliance expertise, and a solid support system.

This guide provides HR teams with a practical framework to apply today. It explains how to recruit, onboard, and retain foreign talent while minimizing legal risks.

Top Work Visa Categories

Employment-based visas are not a one-size-fits-all solution. There are many options available. The one you choose depends on your foreign talent’s circumstances.

Visa Type	Visa Description	Processing Time (average)	Maximum Stay	Key Requirements
H-1B	Specialty Occupation Worker (e.g. software engineers, healthcare professionals)	4-8 months	3 years (extendable to 6 years)	Bachelor's degree (or higher) + specialized knowledge role
L-1A	Intracompany Transferee (e.g. executives and managers transferring from foreign offices)	2-6 months (premium processing available)	7 years max.	Must have worked for the company at least one year in foreign location
L-1B	Intracompany Transferee (e.g. specialized knowledge employees transferring internally)	2-6 months (premium processing available)	5 years max.	Must have worked for the company at least one year in foreign location + specialized knowledge role
O-1	Extraordinary Ability (e.g. Individuals with extraordinary abilities in sciences, arts, business, athletics)	3-6 months (premium processing available)	Up to 3 years (unlimited renewals)	Extensive documentation of extraordinary ability through awards, publications, expert testimonials
TN	NAFTA Professional (e.g. Canadian and Mexican professionals)	Canadian (at border): same-day Mexican (at consulate): 1-4 weeks	Up to 3 years (unlimited renewals)	Job must exactly match specified profession list, relevant credentials required

		All (via USCIS): 2-6 months (premium processing available for USCIS filings)		
E-3	Specialty Occupation Workers from Australia (Australian nationals in specific roles)	2-3 months	2 years (unlimited renewals)	Australian citizenship, bachelor's degree or equivalent, working in a specific role

Planning Around Processing Times

Approval times are based on averages. Successful HR teams counter this uncertainty by taking a conservative approach. They build a six- to 12-month buffer into hiring timelines for each visa-dependent position.

Employers can further reduce wait times in eligible categories with premium processing to expedite case consideration. The additional \$2,805 premium processing fee offers a 15-day processing time.

Recruitment Strategies for Visa-Dependent Roles

Quick Tips • Be selective about the positions you fill with visa-dependent workers, considering budget and approval chances • Leverage the expertise of skilled immigration attorneys and professional immigration service providers to help • Use a variety of resources to find top global talent • Differentiate your company from your competition with demonstrable immigration strategies and support
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Identify Visa-Suitable Positions

Not every role requires a visa-sponsored employee to fill. U.S. law prioritizes protection of domestic workers, and does that with:

- **Labor Condition Application (LCA)** - employer submits this with work visa application, showing that hiring a foreign national will not displace a U.S. worker
- **Annual caps** - some visas have maximum limits each year. For example, H-1B visas are limited to 85,000 each year.

Cost is also a factor. Visa sponsorship by an employer adds \$5,000 - \$15,000 in legal and filing fees per employee. Employers may face budget constraints that limit how many visas they can sponsor.

To optimize successful outcomes, HR teams should focus visa sponsorship on roles that:

- **Have genuine skill shortages or specialized requirements.** Employers must document the need to rely on foreign workers to meet business needs. Failing to prove the need can lead to a visa denial.
- **Are geographically static.** Some visa categories, like H-1B and E-3, restrict the worker's job location to the location listed on the LCA. Changing the employee's physical work location after visa issuance can put the visa in jeopardy.

Build Global Talent Pipelines

Partner with universities offering strong international student programs. Many graduates seek employers willing to sponsor work visas after completing their studies. You can also identify top graduates you can onboard via the Optional Practical Training (OPT) path. OPT allows them to work 12 months after graduation (up to 36 months for STEM graduates).

Build connections with professional associations serving immigrant communities. These networks help extend awareness of your brand and expand the reach of your job search efforts to friends and family overseas.

Get involved with industry associations. You can spread the word about your talent needs with leaders and professionals also in your industry. These contacts can share with their networks. Networking is always a solid way to find and attract fresh talent.

Position Your Brand Effectively

If a foreign worker is highly skilled and qualified, your competition is likely pursuing them, too. Standing out among your competition will help you attract top foreign talent.

Highlight your company's immigration support process. Future hires want to know they can trust their future employer to successfully manage the visa application process. Providing dedicated HR support at all stages demonstrates this. Experienced immigration resources available and managing the process is another way.

Create clear sponsorship policies. Define and share eligibility criteria, timing expectations, and employee responsibilities. You'll also want to share information on how your company supports eligible candidates in the transition from temporary visa to permanent residency status.

Offer clear career progression paths. Employees invest significant time, money, and emotion into pursuing an employment-based visa. They move far distances, often bringing dependents with them. They want to know there are career growth opportunities available before making such a big commitment.

Create a Solid Onboarding and Compliance Process

Quick Tips

- **Start the visa petition immediately after a job offer is accepted**
- **Verify employment eligibility within 3 days of an employee's start date, using Form I-9 and E-Verify**
- **Understand any restrictions attached to a work visa (both employee and employer)**
- **Amend approved visa application if changed circumstances require amendment**
- **Maintain detailed immigration records for each foreign hire**
- **Ensure Public Access File (PAF) are available when required**

Pre-Arrival Preparation

Begin immigration paperwork immediately after a job offer is accepted. Processing delays are a reality and can push start dates out by months. HR teams that submit paperwork quickly are best positioned to manage delays.

Coordinate with professional immigration resources to prepare comprehensive visa petition applications. Working with immigration experts helps companies avoid submitting incomplete applications. It also reduces government requests for additional evidence.

Establish clear communication channels between HR, immigration experts, and hiring managers. Regular status updates prevent miscommunication and missed deadlines. It also lets hiring managers build contingency plans to keep projects on track.

Verify Employment Eligibility

When your foreign talent reports for work on day one, HR teams must verify eligibility to work in the U.S. This is done via Form I-9 Employment Eligibility Verification. In some cases, employers also use E-Verify.

I-9 Employment Eligibility Verification

Form I-9 must be completed within three business days of an employee's start date. Visa holders must present original documents proving work authorization.

Form I-9 includes three categories of acceptable documents:

- **List A:** Documents that prove both identity and work authorization (like a U.S. passport)
- **List B:** Identity only (such as a driver's license)
- **List C:** Proves work authorization (like a Social Security card).

The employee chooses which documents to provide from these lists.

Employers cannot demand a specific document, ask for documents not on these lists, or reject valid documents. HR teams must be fully trained on I-9 forms and requirements around the acceptable documents lists.

E-Verify

E-Verify is a tool for employers to validate an employee's right to work in the U.S. Its use is voluntary for some employers, but required for:

- Federal contractors and sub-contractors
- Some federal agencies
- Employers in certain states

E-Verify is a tool to use in addition to Form I-9, not as a replacement. Employers that use E-Verify must begin the process no later than the third business day after the employee's first working day.

Maintain Compliance with Visa Requirements

Employment-based visas often impose limitations. HR teams must ensure both they and the affected employee understand these restrictions. The information should also be documented in employment files.

- **Visa employees may work only for sponsoring employers in approved positions.** Side employment or freelance work can violate visa conditions.
- **Document any significant changes to employment terms.** Salary increases, promotions, or location changes may require amended visa applications.
- **Track travel requirements carefully.** Some visa categories require valid documents for international travel and re-entry to the United States.

Keep Detailed Records

Keeping good records isn't just a responsible business decision, it's also required.

- **Maintain complete immigration files for each sponsored employee.** Include petition copies, approval notices, and correspondence with government agencies.
- **Make Public Access Files (PAF) accessible.** Some work visas, like the H-1B, require employers to make information like wages and working conditions available to the public. PAFs must be available within one day of filing the Labor Condition Application (LCA).
- **Protect sensitive personal information.** Immigration documents contain Social Security numbers and other confidential data. Be sure your filing system includes processes that protect this sensitive data.

Case Study

Managing the visa process can feel overwhelming, especially for smaller organizations or HR teams with limited resources. Getaround, a peer-to-peer car rental service, faced that challenge. The start-up was trying to scale while simultaneously onboarding foreign talent to fuel that growth.

Getaround turned to Boundless for help. The Boundless team stepped in to drive Getaround's immigration processes with:

- **Centralized control** by aggregating and automating all immigration data on a single platform. This provided stakeholders with instant insights on a single dashboard.
- **Personalized roadmaps** for every international employee. These tracked everything from visa expiration dates to Green Card application processes.
- **Real-time legal support** that managed immigration paperwork, status tracking, and issue resolution. This freed up Getaround's People Ops team to focus on growth.

Boundless helped position Getaround for optimal growth powered by world-class, global talent.

Support Employee Retention and Career Development

Quick Tips

- **Begin the renewal process at least 6 months before a work-based visa expires**
- **Be aware of renewal limitations for certain visa types, like H-1B and L-1**
- **Keep visa limitations in mind before finalizing promotions or changing job responsibilities or working location**
- **When you plan to sponsor green cards for top talent, start that process as early as possible**

Visa Extensions and Renewals

Managing visa renewal criteria and expiration dates is a key part of visa-based talent management. Build a tracking system that alerts HR teams to upcoming expiration dates for every visa. Start the renewal process at least six months before current status expires.

Some visa categories also have limitations on renewals:

- **H-1B holders can extend status for up to 6 years total.** After the maximum period, employees need different visa categories or permanent residence to continue working.
- **L-1 extensions follow different timelines** based on position type.
 - L-1A executives and managers can stay up to 7 years.
 - L-1B specialized knowledge workers have 5-year maximums.

Monitor extension eligibility requirements carefully. Job duties, salary levels, and employer circumstances must continue meeting original petition standards.

Don't wait until the last minute to begin the renewal process. This can create work authorization gaps that have an adverse impact across an organization.

Internal Mobility and Job Changes

Some employment decisions require careful analysis of visa requirements before finalizing promotions or changing work conditions.

- **Significant job duty changes** may need amended petitions even within the same company.
- **Promotions affecting job titles, salaries, or work locations** often trigger amendment requirements. File these changes before implementing new employment terms.
- **Changes to an employee's corporate location** can complicate visa compliance. An H-1B worker may need a new LCA approval for office transfers to a new metropolitan statistical area.
- **Green card applications create additional mobility restrictions.** Job changes during the process may require starting permanent residence applications over from the beginning.

Keep visa constraints in mind when planning succession and cross-training programs. Key employees on temporary status may have limited flexibility for emergency coverage or project assignments.

Green Card Pathways and Timing

To retain top foreign talent long-term, sponsoring a path to permanent residency is the natural next step. It's especially important if the employee has a visa type that is not indefinitely renewable, like H-1B or L-1. There are exceptions to non-renewability rules, but only if certain criteria are met.

The earlier in your top talent's visa period you begin the permanent residence process, the more likely you will bypass visa non-renewal rules. Green card applications can take 2-10 years depending on country of birth and preference category.

Preference categories for green card sponsorship are:

- **EB-1:** Individuals with extraordinary abilities, outstanding researchers, or multinational executives. The fastest path to permanent residency.

- **EB-2:** Professionals with advanced degrees or exceptional abilities. The average path taken by most applicants.
- **EB-3:** Skilled workers, professionals, and other workers that don't qualify for EB-1/EB-2 categories. The slowest path.

The sooner you start sponsorship, the sooner your top talent is assured the right to stay and work.

Manage Risk and Legal Compliance

Quick Tips

- **Have alternative plans in place for denied visa applications or renewals**
- **Take additional steps to support laid off visa-based employees**
- **Maintain detailed records, protect confidential data, and be ready to respond to government inspections and audits**
- **Build relationships with immigration experts and attorneys to stay abreast of immigration policy changes**
- **Have a crisis management plan in place to address likely work disruption scenarios**

Prepare for Common Visa Issues

HR teams must be ready to respond to the bumps in the road that are part of hiring global talent. Even with the best planning, some unexpected situations arise that require a nuanced response.

Handling Visa Denials

The most prepared HR teams can't always predict when visa denials will happen, but can take steps to mitigate the impacts.

- **Plan backup visa categories.** An H-1B denial might still qualify for O-1 status with additional evidence of extraordinary ability.
- **Prepare response strategies.** There are time limits for appeals and motions, some as short as 15 days. Work with immigration experts to have key documents ready, so you can respond quickly.
- **Plan alternative work protocols.** Work with managers to cover roles and responsibilities for current workers no longer able to work. Encourage hiring managers to create alternative work plans when key talent onboarding is delayed.
- **Keep affected workers updated.** Current workers need guidance on maintaining legal status and work authorization options when renewal is denied. Future hires need assurance there is an alternate visa path if the initial approach failed.

- **Budget for expedited refiling costs.** Premium processing fees and attorney time for new petitions can exceed \$10,000 per case. For key roles, ensure these extra expenses are available.

Managing Layoffs and Workforce Reductions

Special attention is required for visa-based employees impacted by layoffs or reductions in workforce.

- **Understand immediate notification requirements.** H-1B employers must notify USCIS within 10 days of employment ending for any reason.
- **Plan grace periods and transition support.** Most visa categories provide 60-day grace periods for finding new sponsors or changing status.
- **Consider immigration-specific severance packages.** Additional time and resources help employees secure new sponsorship or transition to different visa categories.
- **Evaluate alternatives to layoffs for sponsored employees.** Unpaid leave, reduced hours, or temporary furloughs may preserve immigration status while cutting costs.
- **Document legitimate business reasons.** Discriminatory patterns in layoffs can trigger government investigations and civil rights violations.

Legal Documentation and Evidence Preservation

- **Maintain detailed records** of all employment decisions affecting visa-dependent workers. Clear documentation protects against discrimination claims and regulatory violations.
- **Preserve email communications and decision-making materials** related to immigration cases. Government audits may request extensive documentation dating back several years.
- **Create backup systems** for critical immigration files and deadlines. Lost documents or missed filing dates can destroy employees' legal status and career prospects.
- **Establish attorney-client privilege protocols** for sensitive immigration matters. Proper communication channels protect confidential information during government investigations.

Prepare for Government Audits

There are different U.S. government entities that can audit your visa-based employment records and facilities at any time. This includes the Department of Labor (DOL), U.S. Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE).

Preparing ahead of time will streamline these audit requests and visits.

- Keep all files current, complete, and readily accessible. This includes I-9 forms, wage records, working condition attestations, and Public Access Files (PAF). Be sure to safeguard confidential records and information.

- Establish protocols for responding to government requests for information. Designate specific staff members to handle official correspondence and document requests.
- Have a plan in place for announced or unannounced government agency visits. Designate an internal point-of-contact to manage these situations. Make sure employees know what to expect and how to respond, especially if government officers interview them.

Create a Crisis Management Plan

Immigration policy changes can happen overnight. New regulations or enforcement priorities can affect existing employees and future hiring strategies.

- Build a working relationship with external immigration experts to stay on top of new developments as they occur.
- Create contingency plans that will help your organization quickly respond to immigration policy changes.
- Create emergency response procedures for detained employees or family members. Immigration arrests can disrupt work schedules and require immediate legal intervention.
- Plan for business continuity if key visa holders cannot return from international travel. Unexpected entry denials or document problems can create operational challenges.

Human Resources Action Checklist

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Before You Start Hiring

- ☐ Establish relationships with professional immigration resources
- ☐ Create written visa sponsorship policies and procedures
- ☐ Budget for immigration-related costs in hiring plans
- ☐ Train HR staff on immigration compliance requirements
- ☐ Develop record-keeping systems for immigration documentation

During the Recruitment Process

- ☐ Clearly communicate visa sponsorship availability and timelines
- ☐ Verify candidate eligibility for intended visa categories
- ☐ Plan realistic start dates that account for processing delays
- ☐ Prepare comprehensive job descriptions supporting visa requirements
- ☐ Coordinate with immigration experts on petition preparation strategies

Before and After Onboarding

- ☐ Begin immigration paperwork immediately following job offers

- ☐ Schedule I-9 completion within required timeframes
- ☐ Monitor work authorization expiration dates closely
- ☐ Track any material changes that require amended petitions
- ☐ Maintain complete and current immigration files

Ongoing Management Requirements

- ☐ Conduct regular compliance reviews with immigration experts
- ☐ Update employment policies reflecting immigration considerations
- ☐ Provide ongoing training for managers supervising visa holders
- ☐ Plan permanent residence sponsorship timelines proactively
- ☐ Establish protocols to manage government inquiries

Ensure Long-Term Success

Successful visa-based talent management requires viewing immigration support as a strategic business investment rather than a compliance burden. Companies that do so create competitive advantages in global markets while building diverse, high-performing teams.

The key lies in proactive planning, consistent execution, and providing support to employees during the immigration processes. When done well, visa sponsorship programs become powerful tools for attracting and retaining top international talent.

Start with clear policies, invest in proper legal advisors, and build systems supporting compliance and employee success. Your commitment to helping foreign workers build careers in the U.S. will pay dividends through increased loyalty, productivity, and innovation.

The U.S. immigration system will continue evolving, but the fundamental need for global talent remains constant. Companies positioning themselves as immigration-friendly employers today will thrive in tomorrow's competitive marketplace.

How [REDACTED] Can Help

[REDACTED] can help HR teams move ahead with confidence when hiring foreign talent.

[REDACTED] specializes in making immigration processes clear and accessible for employers and employees. Our experts help develop immigration support strategies, ensure compliance, and streamline visa application processes to improve recruiting and retention of foreign talent.

Don't go it alone. Leave the immigration details to [REDACTED], and free up your HR teams to focus on other priorities.