



Pilot Program May Soon Help Streamline Employment-based Visa Process

Insights

4.21.16

On March 3, 2016, the U.S. Department of Homeland Security (DHS) launched a pilot program called “Known Employer” to streamline the process by which employers who sponsor foreign national workers send documents and information to the United States Citizenship and Immigration Services (USCIS). The program utilizes an online platform that allows certain employers who regularly file petitions with the agency to submit one set of corporate documentation and information about the employer’s business for preliminary adjudication by the agency, thereby eliminating the need to submit the same set of documents for each application. The pilot program is currently only open to certain preselected employers. If successful after the scheduled one-year trial period, DHS may expand the program.

As part of the current adjudication process, employers must submit hard copies of certain corporate documentation (e.g. articles of incorporation, tax returns, office leases, etc.) with each individual government filing. This information is required so that the USCIS adjudicator can confirm that the employer meets the requisite sponsorship requirements, which includes, but is not limited to, whether the employer has the ability to pay the wage offered to the sponsored foreign national employee. For employers who file a large number of petitions and applications with the agency on a yearly basis, the current process has resulted in the USCIS having to review and store multiple copies of the same sets of documents related to the employer’s business.

Under the new Known Employer program, employers will be able to create a profile on an online platform called the Known Employer Document Library (KEDL) and upload employer-related information and documents that may be used for multiple visa applications for preapproval. Once the documents are approved, the employer will be able to file visa applications for individual employees without resubmitting the employer-related documents.

By allowing employers to upload these types of documents for preapproval, the pilot program will help reduce paperwork, costs, and delays caused by USCIS requesting and reviewing the same employer information.

Currently, the program is available for the following visa categories: E12 (outstanding professor or researcher), E13 (multinational executive or manager), H-1B (specialty occupation worker), L-1A (intracompany transferee in a managerial or executive capacity), L-1B (intracompany transferee in a

position involving specialized knowledge), and TN (Canadian and Mexican citizens engaged in business activities under the North American Free Trade Agreement).

The Known Employer pilot program was made available to nine preselected employers, and it is scheduled to last for one year. After completing the pilot, DHS will publically announce the results, and if successful, seek to implement it for all eligible employers.

Fisher Phillips has knowledgeable legal professionals with many years of experience practicing federal immigration law. If you have questions about this new program, immigration sponsorship or compliance in general, please contact your Fisher Phillips legal representative for guidance.