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2023 IMMIGRATION TRENDS REPORT

Insights from 500+ HR Professionals Specializing in Corporate Immigration and Global Mobility

KEY FINDINGS

1 Foreign employees on visa sponsorship were negatively impacted by layoffs and hiring freezes in 2022, but they remain highly sought after by U.S. employers.

2 Immigration barriers in the U.S. are leading employers to relocate foreign employees overseas and outsource jobs.

3 Employers largely appreciate the Biden administration's direction on employment-based immigration but believe significant improvements are still needed.

4 Companies require more support, both internally and externally, to meet their immigration and global mobility needs effectively.

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In 2022, companies with foreign national employees experienced layoffs and hiring freezes due to macroeconomic trends.

78% of companies instituted a hiring freeze.

51% of companies laid off foreign national employees.

Source: Envoy Global's 2023 Immigration Trends Survey. q1: How have macroeconomic trends impacted your company's global immigration program in the past 12 months? Data is the sum of respondents who selected "A. Our company implemented a hiring freeze" and "C. Both A and B;" and "B. Our company laid off foreign national employees" and "C. Both A and B."

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But many companies benefited by recruiting foreign talent impacted by earlier layoffs.

89%

of companies hired one or more foreign national employees who were previously laid off by another company in the last six months.

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And generally, employers continue to recruit foreign talent.

87 %

of employers are currently recruiting and hiring foreign national employees in the U.S.

Source: Envoy Global's 2023 Immigration Trends Survey. q5: Is your company currently recruiting and hiring new foreign national employees in the U.S.? Data is % who chose "Yes."

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In fact, employer demand for foreign talent is higher now than in early 2022, when the Department of Labor recorded an all-time high in foreign employee sponsorship.

71%

of companies report recruiting more foreign nationals in Q1 2023 than during the same period last year.

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2023 H-1B Cap Shattered Previous Records

U.S. Citizenship and Immigration Services

This chart shows registration and selection numbers for fiscal years 2021-2024 (as of April 24, 2023).

Cap Fiscal Year	Total Registrations	Eligible Registrations*	Eligible Registrations for Beneficiaries with No Other Eligible Registrations	Eligible Registrations for Beneficiaries with Multiple Eligible Registrations	Selections**
2021	274,237	269,424	241,299	28,125	124,415
2022	308,613	301,447	211,304	90,143	131,924
2023	483,927	474,421	309,241	165,180	127,600
2024	780,884	758,994	350,103	408,891	110,791

*The count of eligible registrations excludes duplicate registrations, those deleted by the prospective employer prior to the close of the registration period, and those with failed payments.

**The number of selections was smaller in FY 2024 than in prior years primarily due to (a) establishing a higher anticipated petition filing rate by selected registrants based on prior years; and (b) higher projected Department of State approvals of H-1B1 visas, which count against the H-1B cap.

Source: https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/h-1b-electronic-registration-process

⚠️ **Be wary of "creative" H-1B Lottery Solutions**

THE WALL STREET JOURNAL.

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Tech Companies Are Colluding to Cheat H1-B Visa Lottery, U.S. Says

Multiple employers are said to enter same applicants to boost chances

By *Michelle Hackman* [Follow]

Updated April 28, 2023 10:10 am ET

Listen (6 min)

U.S. Citizenship and Immigration Services has laid out its findings on the H-1B visa lottery in a notice to employers. PHOTO: PETE MAROVICH/WASHINGTON POST/GETTY IMAGES

WASHINGTON—The Biden administration says it has found evidence that several dozen small technology companies have colluded to increase the chances that their prospective foreign hires will win a coveted H-1B visa for skilled

What does this mean for employers?

➤Denial of H-1B Transfer Petitions if no bona fide job offer
➤Investigation into any agreements to evade lottery
➤Screening needed for candidates who were multiple registered

What does this mean for employees?

➤Lottery selection/H-1B Status could be revoked
➤Could impact future immigration benefits
➤Potential financial fraud

What's next for the H-1B lottery?

➤More enforcement actions and investigations
➤New, more strict rules to combat fraud
➤Higher Fees

2

Despite the high demand to sponsor foreign talent in the U.S., immigration barriers are leading employers to relocate foreign national employees overseas and outsource jobs.

81% of companies transferred foreign national employees to an office abroad because of visa-related issues in the U.S. in the last year.

80% of companies relocated employees to work remotely overseas because of visa-related issues in the U.S. in the last year.

Source: Envoy Global's 2023 Immigration Trends Survey. q9: In the past 12 months, did your company transfer one or more employees to an office outside of the U.S. due to visa-related issues? Data is % who chose "Yes." q10: In the past 12 months, did your company relocate one or more employees to work remotely in a country outside of the U.S. due to visa-related issues? Data is % who chose "Yes."

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And as destinations abroad become more attractive for employers, the U.S. will lose out on foreign talent flows.

93 %

of companies expect to turn to nearshoring or offshoring to fill positions abroad due to immigration barriers and labor shortages in the U.S.
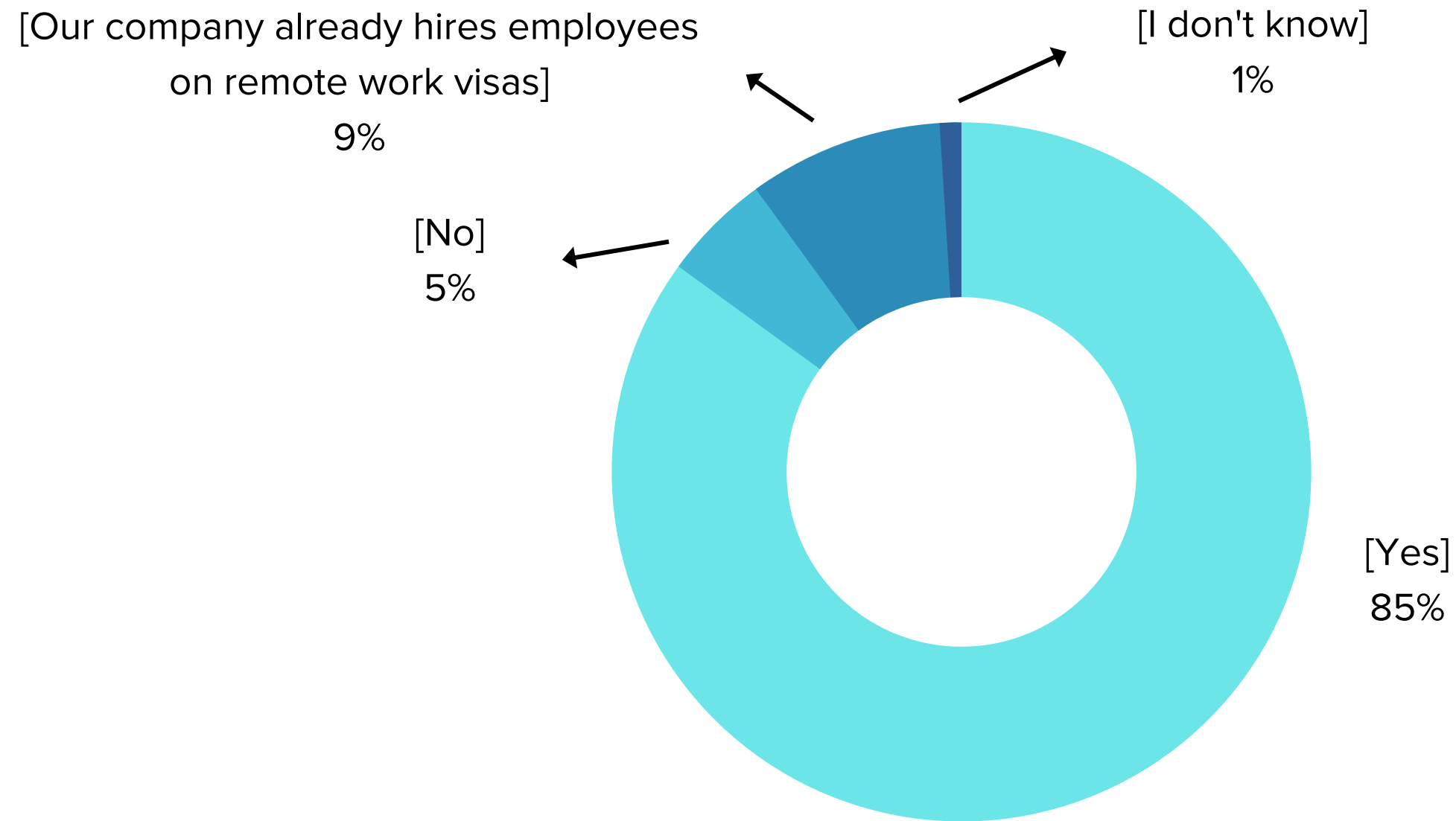
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In response to U.S. immigration barriers, companies relocated employees to Canada, Mexico and the UK most frequently.

62%	**48%**	**48%**	**31%**	**25%**
Canada	Mexico	UK	Germany	Australia
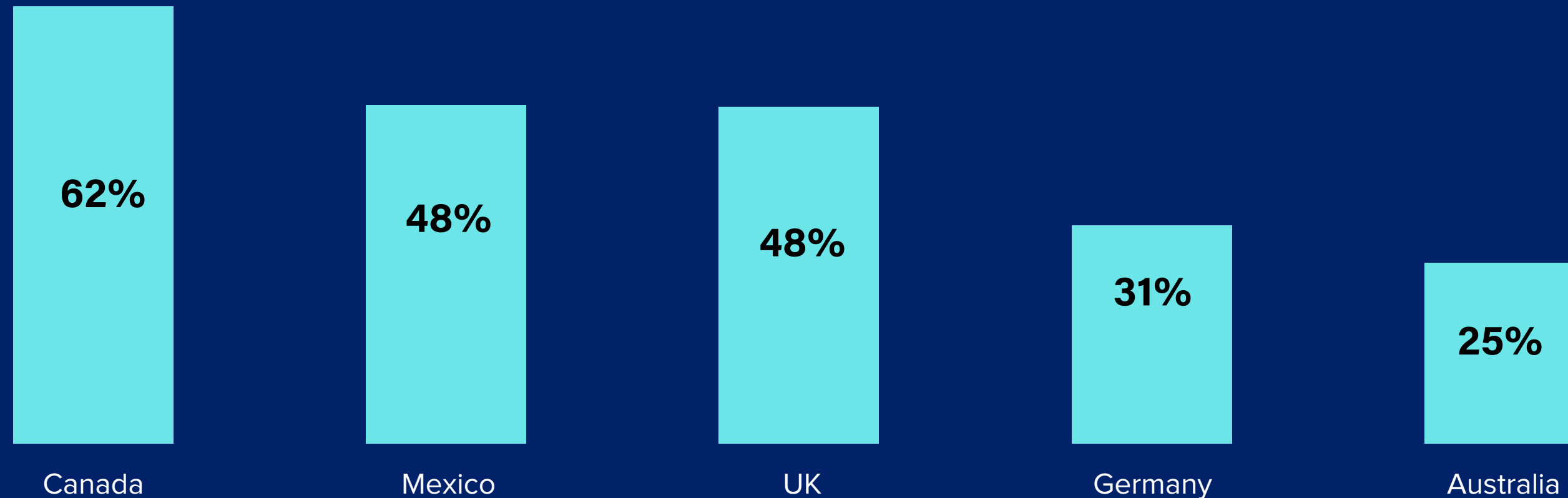
If your company transferred or relocated employees outside of the U.S. due to visa-related issues, which countries were they sent to?

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The growth of remote work has enabled companies to bypass U.S. immigration barriers by hiring and relocating talent overseas more easily.

[Our company already hires employees on remote work visas]
9%

[I don't know]
1%

[No]
5%

[Yes]
85%

Will your company pivot to hiring some employees on remote work visas to avoid undergoing the employment-based sponsorship process in the U.S.?

Source: Envoy Global's 2023 Immigration Trends Survey. q33: As of January 2023, more than 28 countries have introduced remote work visas. Will your company pivot to hiring some employees on remote work visas to avoid undergoing the employment-based sponsorship process in the U.S.? Data displays % who chose the listed responses totaling 100%.

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Benefits and Drawbacks of Each Alternative

	Benefits ✅	Drawbacks 🚫
O-1 Visa	• No cap on number of visas • New, more lenient standards on evidence	• Still requires proving extraordinary ability • Requires US sponsor
L-1 Visa	• Dual intent available • Easy for employers with US branches • Possible Green Card fast track option	• Stricter scrutiny by USCIS • Must have worked for foreign company for one year
E-3 Visa	• Relatively easy to obtain • Spouses can work in the US	• Only available for Australian citizens • Only 10,500 visas available per year
TN Visa	• Fast processing time • No quota	• Limited to Mexican and Canadian citizens • Only available for certain professions
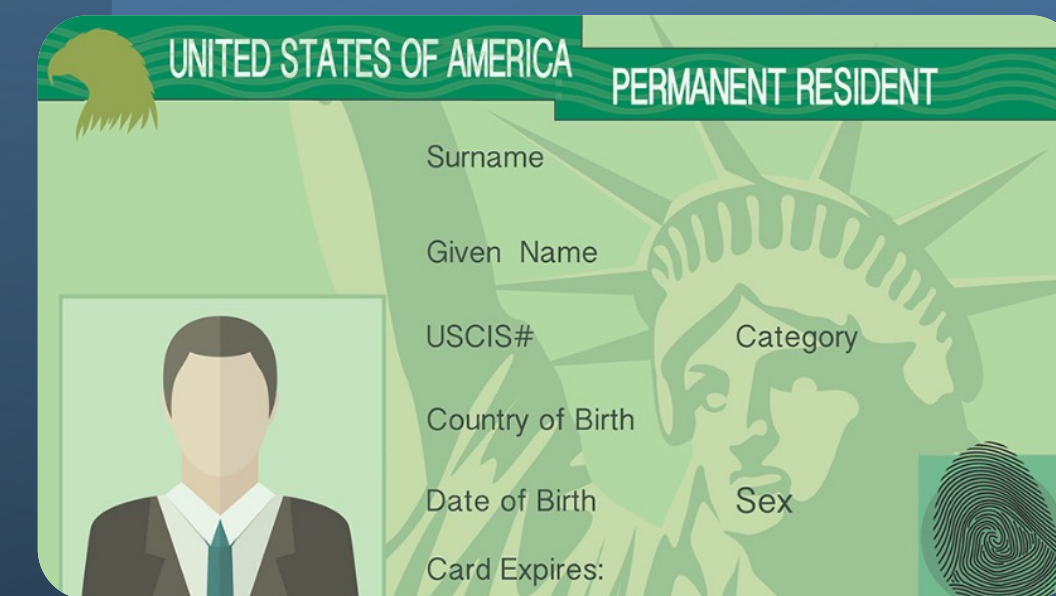
3

Employers widely approve of the Biden administration's approach to employment-based immigration, but many feel the system continues to become more difficult for businesses.

84% of respondents approve of the Biden administration's handling of employment-based immigration.

51% of respondents feel the immigration process in the U.S. is more difficult than in previous years.

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The government's inability to implement these popular solutions is impeding companies' ability to sponsor the foreign talent they need.

94%

of companies would hire more foreign nationals if there were fewer immigration barriers in the U.S.

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Employer frustration is mounting as the government continues to make little headway on the primary immigration barriers impacting companies, including:

The limited number of H-1B visas available — 47%
Slow and uncertain government processing — 13%
Government regulations and paperwork — 15%
Costs related to sponsoring a foreign national employee — 4%
All of the above — 21%
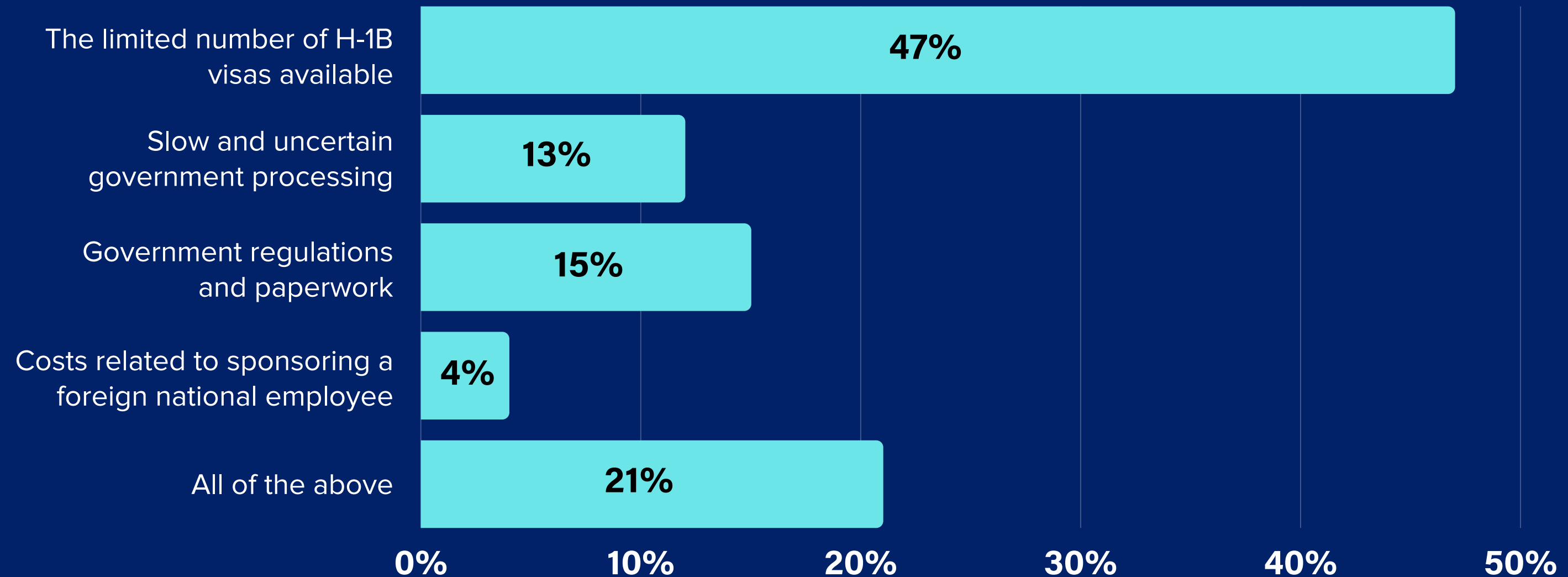
What is the primary barrier for your company when it comes to hiring and sponsoring foreign national employees in the U.S.?

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The business community supports key improvements to the employment-based immigration system, and some employers are willing to pay for certain enhancements to the system.

89% of companies would pay an additional fee to the government for faster processing of immigration cases (expanded premium processing).

93% of companies would prefer a digital government platform for immigration cases over the current paper-based system.

58% of respondents prefer Congress increase the overall number of employment-based green cards available each year over removing per-country green card caps.

41% of respondents prefer Congress remove per-country green card caps over increasing the overall number of employment-based green cards available each year.

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Will more money help?

Case Type	Old Fee	New Fee	% Increase
H-1B Lottery	$10	$215	2,050%
H-1B Visa	$460	$780	70%
E-3/TN Visa	$460	$1,015	121%
O-1 Visa	$460	$1,055	129%
L-1 Visa	$460	$1,385	201%

+ Asylum Program Fee of $600 per case

➢ Fees last increased 21% in 2016.

Will moving online help?

PERM			
Receipt Month[ii]	**Requests Received**	**Determinations Issued**[iii]	**Average Calendar Days to Process**[iv]
January 2022	14,005	13,835	204
February 2022	15,391	15,080	204
March 2022	17,538	17,183	204
April 2022	17,171	16,825	207
May 2022	15,822	15,451	210
June 2022	16,451	16,034	204
July 2022	16,408	15,778	197
August 2022	17,998	16,897	195
September 2022	16,830	10,830	190
October 2022	16,364	--	--
November 2022	15,530	--	--
December 2022	15,603	--	--
January 2022	18,230	--	--
February 2023	19,042	--	--
March 2023	22,491	--	--

While we wait for Congress to Act...

- H-1B Alternatives (O-1, TN, L-1, E-3)

- Multinational Manager (L-1) Fast Track: 1-year assignment

- Student > Green Card

- Analytics for early Green Card start

4

Companies require more support to handle the growing importance of corporate immigration and global mobility.

84% of respondents said their company needs to hire more internal support for immigration and global mobility.

48% of respondents said their company needs more support from immigration service providers.

Source: Envoy Global's 2023 Immigration Trends Survey. q41: In 2023, do you feel your company needs more support to manage immigration and global mobility functions? Data is the sum of respondents who selected "A. Yes, we need to hire more internal support for immigration and global mobility" and "C. Both A and B;" and "B. Yes, we need more support from immigration services providers."

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Administration
To reduce hours spent handling immigration tasks, maximize efficiency through a streamlined process that eliminates redundant tasks and manages all immigration-related documentation, communication and deadlines.

Transparency
Improved access to immigration data and case development through direct visibility into real-time expiration dates and analytics.

Scalability
As a growing company, sponsored employees are a key part of the workforce. Therefore, it is crucial to build a seamless immigration process that maintains compliance and case success while being cost-effective.

Centralization
Simplify and streamline immigration under one platform and provider to unify all case management, budgeting, compliance and planning.

Given the tight labor market for foreign talent, companies are increasingly offering better immigration perks for sponsored employees.

43% of companies start the green card application process immediately upon a foreign national employee's start date.

83% of companies start the green card application process within one year of a foreign national employee's start date.

81% of companies cover all green card related fees for foreign national employees, with approximately one-half of that group including a contractual pay-back stipulation if the employee leaves the company within a certain period.

83% of companies cover the government fees and legal expenses for the immigration cases of their employees' spouse and children.

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