



# Retaining Talent: Tips for Attracting and Keeping H-1B Employees Long Term

Whether you are building a new H-1B program at your company or looking to strengthen an existing one, employee retention is an important area of focus.

Because immigration processes can be time consuming and costly, you want to make sure that when you invest in an employee, the employee will be with your company long term.

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## About Us

ILBSG is a law firm focusing on U.S. Immigration and Global Mobility Services.

Our business is to understand yours - and your challenges. We are trusted for our successful representations, primarily in immigration, international arbitration, and contracts. Our clients consistently rate us highly, noting our strategic insights, attention to detail, and personal attentiveness.

With proprietary technology central to our processes, we deliver an efficient and personalized legal solution, enabling clients to access our services anytime, anywhere. Clients also see the status of each case anytime, in real-time.

Our organization is MSDC-certified minority-owned, ISO-9001 Quality Management System certified, and our attorneys are licensed to practice in the states of NY, CA, and IL. We are also licensed in the U.S. District Court for the Northern District of Illinois, U.S. District Court for the Southern District of California, U.S. Court of International Trade, U.S. Tax Court, and multiple foreign jurisdictions.

Our team speaks 12 languages and employs high levels of cultural sensitivity, always focused on the experience of the individual.

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## **Make Immigration Simple**

First and foremost, make the immigration process at your company simple. For a foreign employee, immigration status is the number one priority. You want your employees to feel confident their immigration needs are in good hands and they won't suffer any complications or interruptions.

To make sure your H-1B program runs smoothly, you should designate a specific contact person at your company for immigration-related needs. One point of contact is really important, since employees get frustrated when they're given the run around or can't speak with the right person about an issue that really matters to them. This person should be knowledgeable and accessible, so your employees can always get the answers they need. You should also retain experienced immigration attorneys to handle your immigration cases and guide you on the process. Whether you allow your employees to communicate directly with your immigration attorney or not, having a designated contact person at your company to answer immigration related questions and coordinate with the attorney will simplify and streamline the process.

When it comes to the H-1B petitions, providing strong, thorough documentation can eliminate unnecessary Requests for Evidence (RFE) and ensure quicker approvals. Maintaining transparent immigration practices and working with your employees to provide everything they need is a great way to make your employees feel supported in this process. Employees want stability, now more than ever. When your company builds a reputation for swiftly and painlessly obtaining H-1B approvals, it will help you attract and retain existing talent long-term.



## **Provide Flexibility**

With remote work options available for most IT positions, employees may want to move to a different state. This could be based on wanting to be closer to family or simply wanting to live somewhere with a lower cost of living. Regardless of the reason, we have seen this happen at increased rates over the last few years. If you can accommodate this flexibility, it will increase employee retention.

For H-1B employees, a work location change requires an H-1B amendment and updated LCA, so there are some additional considerations to bear in mind if your employees are relocating. If your employee is moving to a state with a lower prevailing wage than their existing location, it can be tempting to adjust their salary accordingly. However, ILBSG strongly advises its clients to maintain the current salary for that employee.

The reason is twofold. First, you may raise a red flag with USCIS and/or the DOL if you lower a foreign worker's salary, particularly since you are obligated to pay the prevailing wage or actual wage, whichever is higher. If you have already been paying a higher salary for that employee for the same position and project, then that salary has become the actual wage for the position at your company. Second, if your employee is looking to move in order to enjoy a lower cost of living based on their existing salary, cutting their wages may push them to find another employer willing to maintain their current rate of pay or pay them even more. Particularly for experienced, mid-level employees, there are ample opportunities to find a new position or higher paying job. While it is understandable for a company to want to cut costs where possible, retaining talent means keeping salaries competitive.

Providing work location flexibility, where possible, is a major benefit that will keep employees loyal to your company. This kind of flexibility is possible with the H-1B visa, you just have to make sure you take the necessary steps to ensure compliance. An experienced immigration attorney can help.



## **Offer Long Term Growth & Stability**

Like any employee, an H-1B worker wants to continuously grow and be afforded new opportunities. Whether this means pay increases for additional responsibilities or a promotion to a more senior role, make sure your employees know that their hard work will pay off at your company. Keep in mind that pay increases or changes in responsibilities may require an H-1B amendment, so you'll want to plan for this and consult an immigration attorney beforehand.

Most employees are motivated by the opportunity for long-term growth and career stability. Particularly for foreign employees on temporary visas, an uncertain future can create a lot of anxiety. If you have a foreign worker employed on a nonimmigrant work visa who you wish to retain long term, consider sponsoring them for a green card earlier than later. This can ease their concerns about their future and help foster loyalty to your company.

In general, employees are likely to leave their existing positions for higher salaries. But foreign workers are also motivated by their immigration status, so this is an important benefit to consider. If another employer will sponsor them for a green card, they are more likely to leave. If you have already invested years in an employee, take the necessary steps to retain them long-term and start the green card process.





**If you need help with your H-1B program or ideas for how to improve talent retention at your company, consult with an ILBSG attorney today. We are here to help.**

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[Info@BizLegalServices.com](mailto:Info@BizLegalServices.com)**

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