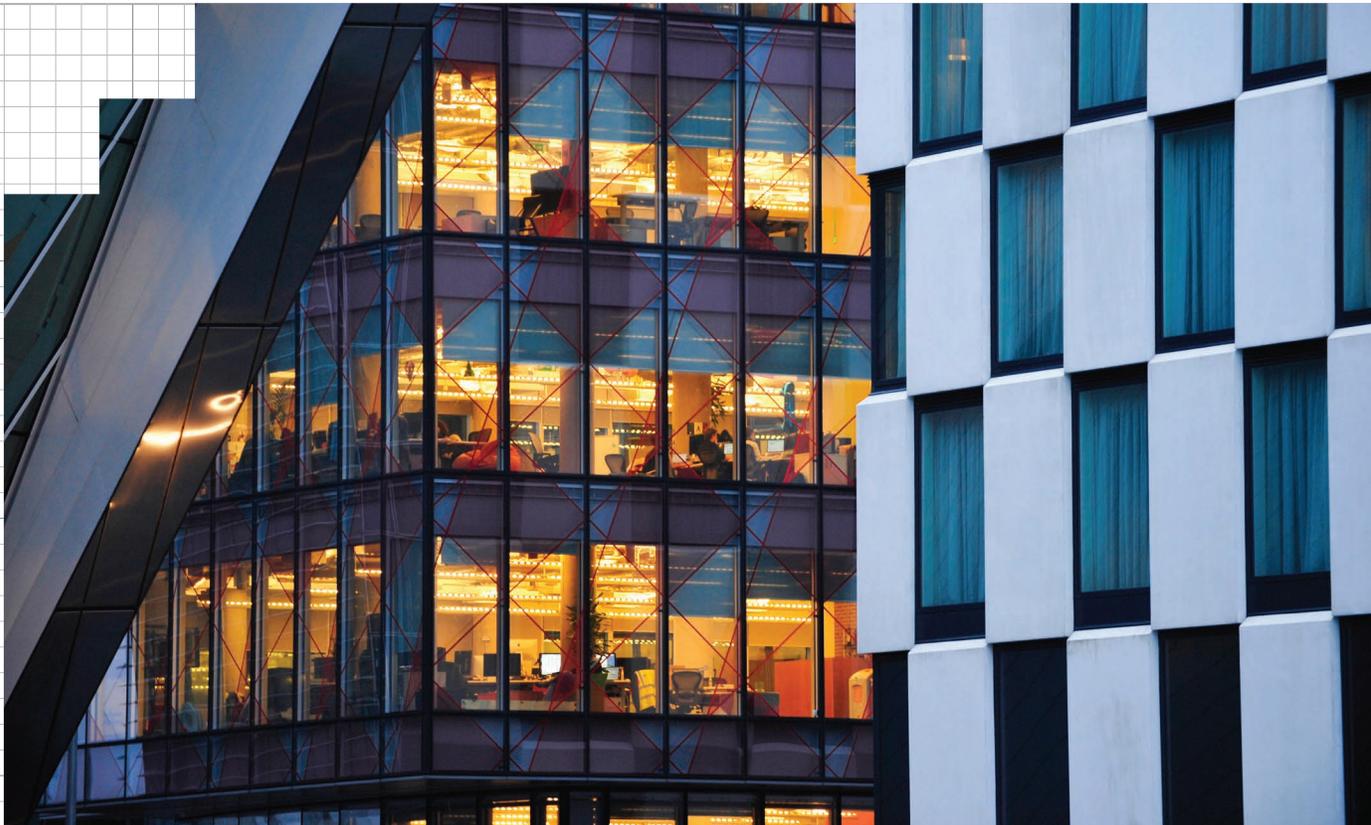




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## Up Against Barriers: What It Takes to Build a Global Workforce

By Sarah Maxwell, Head of Global Immigration, Envoy and Jamie Gilpin, CMO and Workforce Trends Analyst, Envoy



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*Jamie Gilpin is the chief marketing officer at Envoy and plays a key role in driving a powerful brand for Envoy that represents its dedication to providing education, support, unparalleled value and a better experience overall for both businesses and employees navigating through the arduous immigration process. As Envoy's Workforce Trends Analyst, Jamie leverages her decade of experience working with HR organizations around the country on their talent management programs. She is a frequent speaker and author on the topics of international recruiting, workforce issues, the skills gap, employer brand, candidate behavior, marketing and big data. Prior to joining Envoy, Gilpin was the vice president of marketing and branding at CareerBuilder LLC. Gilpin received a master's degree in business administration from Northwestern University's Kellogg School of Management and a bachelor's degree in public relations from Florida State University.*

The statistics are startling: 2.4 million open STEM-related jobs in 2018. 1.4 million more jobs than applicants for software developers by the year 2020, according to the U.S. Department of Labor. Seventy-seven percent of employers believe having a global workforce is extremely important to filling the skills gap – unsurprising given the worrying challenge ahead.

The talent management landscape is rife with obstacles and challenges. Recruitment, retention, and engagement are all critical pieces in the talent management puzzle. Management of a global workforce requires the highest caliber expertise and technology to keep it all together, and the glue necessary to do this is the processes to strategically develop this workforce, forecast growth, and find opportunities for efficiency.

This globalization of business has shifted the traditional role of HR. Human resources is in a unique position to envision and enact the global workforce and help drive strategy as an organization grows beyond national borders.

HR also carries the burden of monitoring and effectuating compliance. Workforce management now includes responsibility for monitoring the constantly shifting regulations, policies and practical impact of such changes in any country where a company employee travels for business or work. To this end, HR must have strategic insight into all facets of the company involving employee mobility. Too many times, projects rely on employees traveling to another country with little to no lead time, and HR has almost no time to ensure that the proper authorization is obtained in advance of travel. Additionally, business units or supervisors may be unclear as to the scope of the activities an international project requires, which could potentially result in non-compliance if the correct work or travel authorization is not obtained. This kind of isolated mobility can't effectively exist in a company with a defined global strategy and a commitment to immigration compliance.

Compliance, and the consequences of failing to comply, are far too great to not include HR in strategic mobility policy discussions.

Importantly, people are not the only thing at risk of violating international regulations when they travel for work – information is also at risk. New laws in the European Union dictate that individuals' rights to their own data is paramount, and companies must take data protections to the next level. Businesses are required, for example, to report any data breaches within 72 hours or risk noncompliance. The protection of sensitive data moving with mobile personnel across borders is complex and needs to be taken seriously if the company is not to be put at risk of penalties.

Should data or employees overstep compliance regulations in a particular country or region, the consequences vary dramatically. Whereas some instances warrant only a slap on the wrist, certain cases could result in jail time or even prevent the business from operating in that region going forward.

Monitoring all international travelers across a company – in addition to each traveler and the company's sensitive data -- is crucial to maintaining a seamless global

workforce. Multinational companies and those businesses operating at a global level cannot afford to lose track of a key employee's immigration status in a particular country, or fail to obtain the correct visa type for a company employee. The consequences of failing to comply with global immigration regulations is a question of not if, but when, in this era of increasing scrutiny on international travel from countries across the globe.

## **Ever-Changing World of Immigration Policy**

In 2017 alone, immigration policy in the United States has been constantly in the news and under review. At present time, it is too early to attempt to predict the exact implications of any specific proposed policy or regulation once finalized and implemented; however, the trend thus far is increased scrutiny and reform.

Both employers and their employees are concerned about how each announcement and potential change could impact them. The changing immigration landscape is presenting many companies with complexities that their current policies and practices may not be equipped to handle. Employers are worried that new challenges will arise, and they won't be poised to continue competing on a worldwide scale—in a global marketplace, with a global workforce.

The confusion and anxiety surrounding the future of U.S. immigration—particularly in the employment context—is understandable. Many of the proposed and ongoing actions are focused on prioritizing American hires over international visas, and highly scrutinizing global employment in the U.S.

On March 31, for example, the office of U.S. Citizenship and Immigration Services issued a memo addressing whether the position of computer programmers is eligible for an H-1B visa. Now, applicants looking to fulfill these roles will be scrupulously examined for further eligibility requirements. At this time, it is unclear whether this memo represents an actual change in adjudication or is simply a restatement of existing USCIS internal policy; however, this memorandum, coupled with previously reported drafts of future possible executive orders from the White House point to the likelihood of additional complexities and restrictions in the works for businesses relying on the H-1B visa.

Additionally, USCIS is also becoming increasingly scrupulous with site visits to existing visa holders, determined to focus more attention on employers petitioning for offsite H-1B workers and employers with a high H-1B worker to U.S. worker ratio. Furthermore, employers also report recent site visits directed at L-1, intracompany transfer visa holders. L-1 visas are issued for internationally posted executives or managers transferred to offices within the United States or for foreign companies looking to move personnel to establish an office here. This increased scrutiny comports with a leaked

draft executive order from earlier this year, indicating an increased level of site visits directed at L-1 visa holders.

As it stands, only 85,000 H-1B visas are currently awarded annually, a number barely large enough to cover one third of the demand – in fiscal year 2016, there were 236,000 applicants for these 85,000 spots.<sup>1</sup>

In congress, H-1B and L-1 visas are being addressed in multiple proposed bills, which seek to further scrutinize eligibility, enforcement, and the prevailing wage. Although, these bills are not finalized, they may ultimately become law that alters the way multinational and globalizing companies do business in the U.S.

### **How to Keep Up With It All**

Keeping up with constant changes can be a challenge for HR professionals in global companies, especially as the areas of potential noncompliance appear to be growing. Either way, it seems the ultimate goal is a shift in the way inbound immigration is carried out in the U.S.

Swept up in the inevitably globalizing marketplace and the global workforce driving it, companies are left wondering how policy and practice can fit together. The supply of global talent, and the demand for it, is booming. Smart companies are poised to take advantage of borderless hiring strategies and up their mobility game within the organization. Without a global outlook—even amidst nationalist policy trends—employers will fall behind the competition on the global scale.

If there's a takeaway from the changing landscape, it's that immigration policy is as mobile as we are. It's constantly in flux, and it seems to be shifting month to month. Businesses should keep their eye out for more big shifts in policy and enforcement this year that could make immigration a much more grueling process. The bottom line is that businesses are not going to stop global hiring—that's just not possible in a world where the global workforce is a growing force. But, it is becoming more complicated with increased executive actions and legislation regulating immigration flows—and not just in the U.S., but all over the world as well.

Compliance is even more important now, with the risk of noncompliance potentially greater than it has been in the past.

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<sup>1</sup> The H-1B visa is subject to a congressionally mandated cap congressionally mandated cap of 65,000 H-1B visas (commonly known as the "regular cap"). An exemption from the H-1B cap for beneficiaries who have earned a U.S. master's degree or higher (commonly known as the "advanced degree exemption") is available until the number of beneficiaries who are exempt on this basis exceeds 20,000.

## **Mobility and the Rest of World**

The U.S. isn't the only country that is taking a closer look at its business immigration policy. China, for example, is in the process of commencing a new Unified Work Authorization Policy—which represents the second large-scale change to Chinese immigration regulations in four years (the country most recently implemented legislation in July of 2013). Similarly, the Australian Prime Minister recently announced the abolition of the country's skilled work visa, the subclass 457. Reforms to the program began immediately following the announcement, and plan to continue until the visa is replaced by March of 2018 with an entirely new program designed to support businesses in addressing genuine skill shortages in their workforce. The new category will contain a number of safeguards which prioritize Australian workers. According to the Australian Department of Immigration and Border Protection, this new visa is part of the Government's significant reform package to strengthen the integrity and quality of Australia's temporary and permanent employer sponsored skilled migration programs.

Accordingly, companies not only need to be aware of the effects of U.S. immigration policy changes on their business strategies, but those multinational companies or companies engaged in global project work and travel must also have an understanding of regulations around the world.

One difficulty here is that regulations and business needs don't always see eye to eye.

"There's often a disconnect between the way business sees the world and the way the law does," says Sarah Maxwell, head of global immigration at Envoy, a global immigration services provider. "That is, complying with the necessary regulations doesn't always comport with a company's preferred business strategy. However, the best approach for businesses is to prepare for that disconnect rather than ignore it. Policy volatility and unpredictability are global risks unto themselves, and it's best to be ready with the right expertise and technology instead of being caught off-guard. Global immigration compliance is not a 'nice to have' – it's a must have."

It's critical that businesses don't just build a global workforce, but that they build a compliant one and that HR and mobility teams have the tools to seamlessly (and lawfully) manage it as regulations change.

## **Mobility Is Opportunity**

Global mobility is, of course, valuable to any company with a market or supply chain that extends beyond national borders. Mobility allows employees to have on-the-ground international experiences that can, in turn, inform a global company's

operations and growth. One of the best ways employees can develop world-ready skills is through programs that stretch them and push them beyond their comfort zone. That includes international mobility for leadership, according to Betsy Welch, global mobility manager for IAG, which has more than 88 million customers in 130 countries.

“Mobility creates unique opportunities for leaders in global firms to expand their leadership experience, find synergies that bridge gaps between locations,” says Welch. And though employee development can be implemented without mobility, the value of the global perspective can too easily be overlooked without it. As Welch puts it, “There is no substitute for the experience of living and working in another country.”

Kevin Martin, chief research officer at the Institute for Corporate Productivity (i4CP), is even less optimistic about businesses that aren’t on board with mobility. “The era of the national company is over,” says Martin. “Given the complex diversity of customers, supply chain, and markets, if companies are not developing global-minded leaders they will fall short.” Not only should your teams be given development opportunities to expand the global interactions throughout every department, a company’s leadership should reflect the diversity of global markets and the supply chain. Only then can they truly compete.

i4CP’s 2015 Talent Mobility Matters report showed that for companies in which talent mobility was a priority, performance excelled, with a direct link to profitability, revenue, customer satisfaction, and market share. It turns out that high-performance organizations are twice as likely to have prioritized talent mobility than low performance organizations – proof that thinking globally has other implications well beyond leadership alignment.

In organizations that don’t prioritize mobility, the strategic impact of mobility professionals is lacking. Only 10 percent of mobility professionals reported some kind of strategic alignment with their company’s overall talent agenda, according to a 2016 Brookfield Relocation Services survey on trends in mobility. And all those professionals noted that they are busy working toward a more cohesive, and logical, relationship between employee mobility and talent management as a whole.

## **Recruitment and Retention Are Both Global**

“Mobility is also a great retention tool,” says Travis Cossitt, senior manager of organization effectiveness for global financial services firm Western Union. At Western Union, talent management and mobility are inextricably linked. In annual talent reviews, potential for mobility opportunities are looked at, especially as it helps senior leaders expand development and stay engaged through new assignments.

“Tying mobility to talent development makes us more agile and innovative, which we need to stay ahead of the competition,” he adds. This tie helps the company fulfill key positions quicker and more seamlessly since management can effectively tap into the existing talent, lowering both recruitment and onboarding costs. “Mobility gives leaders a world perspective,” Cossitt says. “It demonstrates to local customers and employees that the company is truly a global organization.”

On the other end of the spectrum, young talent can also be engaged with effective global mobility strategies that are well integrated into talent management. According to PwC’s Talent Mobility 2020 Report, 71 percent of millennials expect and want an overseas assignment during their career. The chance to work internationally and be challenged on a global scale is enticing for those trying to build a career in today’s globally connected business world. Young talent is hungry for the chance to go global. “They often want the opportunity to learn, try new projects, and work in other countries, and they look for employers who offer that,” says AIG’s Welch.

According to the 2016 Brookfield study, 41 percent of companies recruit candidate with mobility policies and 61 percent say they emphasize to employees that taking advantage of assignments abroad is an important way to grow their career.

### **Prepare for Challenges Before They Arise**

With immigration laws in the United States and internationally in a state of increased scrutiny and change, there seems to be even more confusion for companies and in HR departments all over the country. This confusion and increasing scrutiny on international employment norms could be the cause of intra-organizational anxiety about how to fulfill dreams of a global workforce.

Or, it could be the best opportunity for companies to get a handle on how to build that workforce, one person at a time.

### **About Envoy**

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Founded in 1998, Envoy is a global immigration services provider offering the only immigration management platform that makes it seamless for companies to hire and manage an international workforce by combining expert legal representation — for both inbound and outbound immigration — and proprietary technology. Envoy empowers companies to acquire the best talent regardless of where they are in the world; helps mobilize employees around the world to take advantage of business opportunities; and enables the management of entire global workforces, providing a strategic, proactive view into workforce and financial forecasting and compliance.



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