



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

Immigration Budgeting and H-1B Modernization

October 31, 2023



INTRODUCTION



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INTRODUCTION


- **Founded in 2014, Meltzer Hellrung leverages technology, a service-oriented mindset, and a compassionate approach to assist high-growth corporations in scaling their immigration programs, increasing their access to talent, and expanding operations into new markets.**
- **200+ corporate clients w/3000+ matters handled per year – venture-backed, high-growth unicorns in EdTech, FinTech, SaaS, and Logisti and Fortune 500 companies in insurance, transportation, and manufacturing.**
- **Recognized in 2023 by Crain Magazine as top 100 best places to work in Chicago.**


VOYAGER®





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 HOME











Home

 MY PROCESS REQUESTS





MARK 



Welcome back, **Mark**
Here is today's snapshot


Today's date is:
January 18, 2023

2
OPEN CASES
>

1
TASK
>

1
PROCESS REQUEST
>


My Tasks VIEW ALL TASKS

ACTION	COMPANY	NAME	PROCESS	DEADLINE
Upload Documents (Employer)	Atom LLC	Chris Neutron	H-1B	 Overdue


Recent Cases VIEW ALL CASES

COMPANY	NAME	CREATED	CASE NUMBER	PROCESS	STATUS	PHASE
Atom LLC	Chris Neutron	1/12/23	0074-0001-1	H-1B	Open	Data Collection
Atom LLC	Stephanie Proton	1/12/23	0074-0002-1	PERM: Green Card	Open	Recruitment

Upcoming Status Expirations



Chris Neutron
wevibin+ion@shankhri.com



Atom LLC

H-1B

Exp: 2/17/23



- **Voyager is an immigration program management software platform that is designed to provide a seamless immigration experience for employers and employees.**
- **The Voyager proprietary platform was created for our clients and their employees and is used by our exceptionally skilled attorneys, paralegals, and legal assistants to fulfill our mission of improving the immigration experience.**
- **Voyager was created to drive efficiency, transparency, and information accessibility throughout the immigration process.**



VOYAGER® (continued)

- **Our all-inclusive platform provides:**
 - Transparency throughout all immigration processes
 - Efficient workflows that will save the user time
 - Lifetime information and data storage
 - Intuitive user experience for employers and employees
 - Comprehensive Knowledge Center

Learn more about Voyager at meltzerhellrung.com/voyager

PRESENTERS



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 PRESENTERS



MATTHEW HELLRUNG

Co-Founder and Managing Partner

Specializes in scaling immigration programs for high-growth clients via immigration policy creation and stakeholder training.



MATTHEW MELTZER

Co-Founder and Managing Partner

Specializes in assisting foreign companies to enter the U.S. market and building custom solutions for entrepreneurial and high net-worth clients.

AGENDA



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AGENDA

- **Immigration Budgeting**
 - Prerequisite Information Collection
 - Nonimmigrant Work Visa Expenses
 - Green Card Expenses
 - Internal/External Change Factors
- **H-1B Modernization Rule**
 - H-1B Modernizations and Efficiencies Proposals
 - H-1B Benefits and Flexibilities Proposals
 - H-1B Program Integrity Proposals



Immigration Budgeting



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- **Forecasting immigration expenses is valuable because:**
 - Corporate budgets are tighter than ever as result of macroeconomic factors such as sluggish growth, inflation, rising cost of goods, and the rising cost of labor
- **A properly prepared immigration expense forecast can also:**
 - Help executive teams realize that the cost of providing immigration benefits is often less than the cost of turnover
 - Help control the cost of immigration benefits with proper planning
 - Help HR/People Ops departments advocate for more budget if immigration spend comes out of HR budget

Prerequisite Information Collection



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Prerequisite Information Collection

- **Do you have a list of all employees on U.S. payroll that are currently receiving sponsored immigration benefits?**
 - Directly sponsored employees (H-1B, TN, L-1, O-1, E-3, H-1B1, etc.)
 - Indirectly sponsored employees (H-4 EAD, TPS, DACA, etc.)
 - Dependents of directly sponsored employees that need status extensions
- **Which employees have status expirations falling in 2024, including employees that may have status expirations in early 2025?**
- **Do you plans to hire technical, financial, or marketing staff in 2024?**
- **Do you have a list of current legal fees for each visa as well as government filing fees?**



- **What is your company's green card sponsorship policy?**
 - Do you sponsor employees for a green cards one year from the date of employment, 3 years from the date of their H-1B max-out, or at some other cadence?
- **Do you track how many times, on average, employees are moving office, home, or client site work locations?**
- **Do you have plans to layoff or RIF technical, financial, or marketing staff in 2024?**
- **What is your company's policy on using premium processing?**
 - Costs \$2500 per application premium processed

Non-Immigrant Visa Expenses



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Non-Immigrant Work Visa Expenses

- **Direct sponsored employees that will need work visa extensions in 2024 and early 2025**
 - Legal fee for each work visa extension
 - Filing fees for each work visa extension
 - What's your premium processing fee policy and will it apply to any extensions?
 - Legal and filing fees for each dependent visa extension
 - What is your policy on covering these costs?
- **Do you have any non-sponsored foreign employees that will need a work authorization extension in 2024 and early 2025?**
 - F-1 students, H-4 EAD holders, L-2 spouses, E-3 spouses, H-1B1 spouses, DACA recipients, TPS designees, humanitarian parole employees, marriage-based green cards for sponsored spouses
 - Do you cover these costs in your immigration policy?



Non-Immigrant Work Visa Expenses

- **Do you have any employees that require H-1B lottery sponsorship in 2024?**
 - How many?
 - What is the cost of submission in the H-1B lottery versus any costs after selection?
 - What rate of selection in the lottery can be assumed to predict H-1B lottery spend? See upcoming info on lottery reforms.
 - Have you exempted any F-1, J-1, or Q-1 employees from FUTA/FICA taxes and, if selected, calculated the additional corporate tax burden when moving to H-1B?
- **Do you have any overseas employees that require U.S. visa renewal for intermittent U.S. entry?**
 - L-1 visa employees traveling back and forth to the U.S. but not on U.S. payroll
 - B-1 business visitors working for overseas, related entities
- **Do you have a Blanket L approval that needs to be extended or updated?**
- **How many work visa amendments were filed this past year?**
 - Amendments are required for some visas when work location changes, title, changes, or employee specific work status issues arise

Green Card Expenses



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- **What is your company's employee green card sponsorship policy?**
 - Are employees sponsored based on tenure, performance, work visa max-out or by some other metric?
 - What types of green cards are you sponsoring as an employer?
 - PERMs/Labor Certifications
 - Extraordinary Ability (EB-1)
- **Based on your green card policy, what employees will require sponsorship in 2024 and early 2025?**
 - Legal fees
 - Filing fees
 - Advertising fees
 - Dependent fees



- **Do you have any ongoing employee green card sponsorship expenses that will hit in 2024 or early 2025?**
 - Advertising fees for PERMs
 - I-140 legal and filing fees
 - What's your premium processing policy?
 - Adjustment of Status legal and filing fees
 - Does your policy cover adjustment of status legal and filing fees for dependents of sponsored employees?
 - Best policy is to project movement on priority dates by one year

MIH

Internal/External Change Factors



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• Internal Change Factors Affecting Immigration Spend

- Will there be significant immigration policy changes that affect immigration spend?
 - Premium processing usage
 - Green card sponsorship requirements
 - Coverage of dependents' immigration expenses
- Will there be significant headcount increase or decrease that affects spend?
 - What departments?
 - When?
- Will there be a corporate reorganization that affects spend?
 - Merger
 - Acquisition
 - Office closure



• External Factors Affecting Immigration Spend

- Are government filing fees going to increase and affect spend?
 - By how much?
 - When?
 - USCIS has a proposed fee rule that will take effect next year
- Will there be a significant change in federal immigration policy that affects spend?
 - New H-1B modernization proposal
 - H-1B lottery changes
- Are there macroeconomic/sector changes that will affect spend?
 - Tech layoffs
 - Inflation
 - VC/PE deal activity

H-1B Modernization Rule



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H-1B Modernization Rule

- **Released for public comment on October 23, 2023, proposes:**
 - Amend and clarify definition of “specialty occupation” for H-1B purposes
 - Clarify when an H-1B amendment must be filed for third-party placements
 - Further define lottery-exempt work and lottery-subject concurrent work
 - Extend F-1 OPT cap-gap usage
 - Change the H-1B lottery system to “beneficiary centric”
 - Reinstate MSAs, SOWs, and end-client letters for third-party placements
 - H-1Bs for entrepreneurs
- **Public comment ends December 22, 2023**
- **Final rule will likely be implemented by March 2024 before the H-1B lottery**

Amending “Specialty Occupation” Definition



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Amending “Specialty Occupation” Definition

- **The rule proposes to codify existing DHS practices, such as requiring a direct relationship between the required degree field(s) and H-1B position**
- **Notably, the rule states this does not necessarily mean a specific, singular field of study is required**
 - For example, degrees in computer science and software engineering would both qualify for a software engineer position
- **General degree requirements such as business administration or humanities may not pass the direct relationship requirement**
- **Time will tell whether an MBA will qualify as a specialized degree of study for roles like management consultant and financial analyst**

H-1B Amendment Clarification



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- **Proposed rule will require employers to file amended H-1B petitions when an employee changes third-party client sites within a metro area**
- **This has not previously not been enforced by DHS**

Lottery-exempt Employers and Concurrent Non-exempt Work



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Lottery-exempt Employers and Non-exempt Concurrent Work

- **Proposed changes broaden number of entities that would qualify for H-1B lottery exemption and expand the ability of beneficiaries working at qualifying H-1B lottery-exempt employers**
- **Proposed regulation will not require an employee's work to benefit the research mission of the cap-exempt organization**
- **H-1B cap-exempt employers will be determined based on whether research is a significant function of the organization, not necessarily the main function**

F-1 OPT Cap-Cap Expansion



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- **DHS proposes expanding F-1 OPT cap-gap from ending on October 1st to ending on April 1st of the current fiscal year**
 - Example, if one submits an H-1B lottery petition filed in June 2024, the beneficiary can receive F-1 OPT cap-gap until April 1, 2025
- **Recognizing that H-1B lottery petition processing delays, DHS proposal seeks to minimize gaps in employment by extending the F-1 OPT cap-gap eligibility period**
 - Employers should be able to reduce their dependence on H-1B cap premium processing service

Beneficiary-centric H-1B Lottery System



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Beneficiary-centric H-1B Lottery System

- Each unique individual who has an H-1B lottery registration submitted on their behalf by a company would be entered into the selection process once, regardless of the number of company registrations submitted
- DHS proposes to extend the existing prohibition on related entities filing multiple H-1B lottery petitions by also prohibiting related entities from submitting multiple H-1B registrations for the same individual
- DHS proposes to codify USCIS's ability to deny an H-1B lottery petition or revoke an H-1B approval when the petition is based on a registration where the statement of facts is found fraudulent
- Beneficiary-centric H-1B lottery system would grant H-1B beneficiaries more bargaining power
 - If a beneficiary has multiple legitimate job offers, all employers would be notified of the selection of the beneficiary, and the beneficiary could negotiate with all company sponsors that filed for him or her, seeking the best employment offer.

MSAs, SOWs, and End-client Letters for 3rd-party Client Placements



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Amending “Specialty Occupation” Definition

- DHS proposes to, again, require documentation between the petitioning employer and a third-party client, and may rely on the position requirements set by the end-client rather than the sponsoring company for specialty occupation purposes
- DHS says it will only rely on the job duties and requirements for the role listed by the end-client
- This proposal is a reversal of the standards DHS has applied since 2020 and presents an even greater burden than previously imposed on staffing models
- Professional staffing companies will need to secure master services agreements, statements of work, and end-client letters for employees placed at third-party client sites



H-1Bs for Entrepreneurs



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H-1B Modernization Rule

- DHS proposes allowing the filing of H-1B petitions where the beneficiary employee owns a controlling stake in the sponsoring company, removing references to employer-employee relationships from the definition of “employer” that have caused challenges for entrepreneurs pursuing H-1B visas.
 - As a balance, DHS proposes limiting the H-1B approval validity period of initial H-1B approvals and the first H-1B extension to 18 months.
- While DHS claims this is not a significant change in policy, it very much is, as it was never made clear such H-1B petitions were allowable.
- The proposal dramatically increases the possibility of using H-1B visa sponsorship for immigrant founders and entrepreneurs.

QUESTIONS?



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ADDENDUM



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Immigration Preferences

Ship Original Approval Notices

- Company

Provide Permission to Release Copies of ETA 9089's (PERM) to Employees

- Yes

Provide Permission to Release Copies of Petitions and RFE Responses to Employees

- No

Meltzer Hellrung Email Communications With Employees

- A company representative will only be copied on information impacting the company, but will be left off on communication that does not impact the company.

Payment Preferences

Email Address Invoices Should Be Addressed To

- finance@atom.com

Payment Preference

- ACH

Preference for Employees to Pay for Any Part of the Green Card Process

- No

Company Covers the Expense of Dependent EAD Cards

- No

Name Invoices Should Be Addressed To

- Chris Charge

Utilize Premium Processing Service, When Available

- Only on a case-by-case basis

Company Covers the Expense of Dependent Petitions

- Yes

Education Evaluation

- Meltzer Hellrung should reach out to the company to secure permission before requesting an evaluation from vendor

Job Description

EDIT

- Job Title**
Android Software Engineer - Design Systems
- Job Duties**
 - Leverage and elevate our reusable Android component library, to improve the speed and consistency of our designers and engineers, raising the quality of our products
 - Iterating and contributing to the design process, by collaborating with other engineers, designers, product managers, and UX researchers
 - Understand and support the work of other engineers and designers by providing education and mentorship to other teams.
 - Enhance tools and establish patterns to improve developer experience
 - Help us achieve its mission by making sure it's accessible and usable by everyone
- Requirements for Position**
 - Experience with Kotlin and knowledge of Android design patterns
 - Preferable experience in developing Custom View components.
 - Portfolio of published applications on GitHub and/or Play Store
 - Experience with integrating back-end services esp. GraphQL feed integration.
 - Familiarity with push notifications, APIs and cloud messaging
 - Experience with continuous integration
 - Experience working with other Android developers as part of a team
 - Experience with entire product lifecycle duties in an Agile environment
 - Excellent critical thinking, problem solving and communication skills
 - Knowledge of Accessibility (a11y) best practices
 - Excellent written and verbal communication skills
- Degrees Required**
Bachelors, Masters
- Majors Required**
Computer Science or Related Field

SHOW ADVANCED OPTIONS





Start a New Process Request ×

Start Request Select Process Add Details Complete Request

What are the details of this employee's job position?

Job Details

EXISTING JOB CREATE NEW JOB

Offered Salary *
\$145,000

Job Title, Description *
Android Software Engineer - Design Systems

Individual's Start Date *
03/30/2023


Employee's Physical Working Address *
Where is this person physically working from?


1 E Wacker Dr
Suite 3700
Chicago, IL
60601
United States of America


Working Remotely


← NEXT →















Cases

CASE COMMENTS

We need to look into dependent petition costs.

Jan 12 at 3:06 pm

PERM- Green Card 0074-0002-1 Atom LLC



Stephanie Proton ✉

H-1B Exp. 3/9/23

OPEN

OVERVIEW
TASKS
DOCUMENTS
FORMS
CASE DETAILS
ACTIVITY

Overview

Case Opening
Data Collection
File Prevailing Wage Request
Recruitment
PERM Submission
I-140 Preparation
File I-140
Next Steps
Final Decision

Key Dates

- ✓ Prevailing Wage Request Filing
1/12/23
- PERM Filing
Due 1/23/23
- I-140 Filing
Due 7/13/23




Prevailing Wage Case

PWR Case No.
G-100-12345-123456

CHECK

Open Tasks

You have no tasks to complete
0

- 
Shankhri Balaji
5
- 
Ruth Ginsburg
1
- 
Stephanie Proton
2


Receipt Numbers

USCIS Receipt No.
ABC-12-123-12345

ETA Case No.
A-12345-67890






H-1B Lottery Change of Status
Bachelor's Degree
0074-0001-2
Atom LLC



Chris Neutron ✉

H-1B Exp. 2/17/23

OPEN

OVERVIEW

TASKS

DOCUMENTS

FORMS

CASE DETAILS

ACTIVITY

Overview

Case Opening

Data Collection

Lottery Submission

Lottery Decision

LCA Filing

Forms Preparation

Application Submission

Awaiting Receipt

Final Decision

📅

Key Dates

✔

Lottery Registration

1/18/23

📄

Case Preparation

Lottery Submission Only

📋

Selection Status

Awaiting Selection Notice

🚚


Shipment Tracking

No shipments.

📋


Open Tasks

You have no tasks to complete
0




Cynthia Coulange

2



Ruth Ginsburg

5




Chris Neutron

1

📋




















Receipt Numbers


Selection Notice No.	USCIS Receipt No.
-	-





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49

<input checked="" type="checkbox"/>	Enter Foreign National into USCIS Account	Lottery Process	 Cynthia Coulange	 Completed 1/18
<input checked="" type="checkbox"/>	Review Foreign National's Lottery Details in USCIS Account	Lottery Process	 Mark Nucleus	 Completed 1/18
<input checked="" type="checkbox"/>	Submit Lottery Registration via USCIS Account	Lottery Process	 Cynthia Coulange	 Completed 1/18
<input type="checkbox"/>	Confirm Foreign National Selection in USCIS Account	Lottery Process	 Cynthia Coulange	 1/18 - 2/8
<input type="checkbox"/>	Upload Foreign National Lottery Selection Notice from USCIS Account	Lottery Process	 Cynthia Coulange	 Today
	Notify Employer of Foreign National Lottery Selection Status Blocked by: Upload Foreign National Lottery Selection Notice from USCIS Account	Lottery Process	 Cynthia Coulange	 1/19 - 1/20
	Confirm Foreign National Notification Method Blocked by: Upload Foreign National Lottery Selection Notice from USCIS Account	Lottery Process	 Cynthia Coulange	 1/19 - 1/23
	Notify Foreign National Blocked by: Confirm Foreign National Notification Method	Lottery Process	 Ruth Ginsburg	 1/23 - 1/24

 **Education**

 **Diploma(s), Degree(s)** Upload all documents with translations (if applicable). 


[Replica_University_Diploma.jpeg](#) – Uploaded on 1/12/2023

 **Educational Evaluations** Upload all educational evaluation documents. **UPLOAD** 


 [Dec 2022](#) – Uploaded on 1/18/2023

 [Jan 2023.pdf](#) – Uploaded on 1/12/2023

 **School Marks and Transcripts** Upload all school marks and transcripts. **UPLOAD** 



Resources

MY PROCESS REQUESTS
+
MARK


Quick Shortcuts

- [DOS visa appointment wait times](#) >
- [M-274](#) >
- [NACo County Explorer](#) >
- [O*NET](#) >
- [OOH](#) >
- [PERM](#) >
- [USCIS processing times](#) >
- [Visa bulletin](#) >

Knowledge Center

ADJUSTMENT OF
STATUS
INTERVIEW TIPS
(EMPLOYMENT)


ADJUSTMENT OF
STATUS
INTERVIEW TIPS
(FAMILY)

ADJUSTMENT OF
STATUS OVERVIEW

B-1 OVERVIEW


CONSULAR
PROCESSING TIPS

Recent Developments




Final Phase of I-140 Premium Processing Expansion to be Implemented by USCIS

JAN 13, 2023



Department of Homeland Security Proposes Fee Increase for Petitions

JAN 10, 2023



COVID Test Required if Traveling from China Effective January 5th

JAN 4, 2023