



MELTZER HELLRUNG

IMMIGRATION SOLUTIONS

WORKSITE ENFORCEMENT: CREATING A PLAN FOR SUCCESS.

Learn the importance of preparing for site visits.
June 28, 2023



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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 Logistics – Fortune 500 companies in insurance, transportation, and manufacturing**
- **Recognized in 2020 and 2021: Inc. 5000 Fastest-Growing U.S. Companies**

VOYAGER



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VOYAGER

- **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



VOYAGER PROGRAM DASHBOARD



Home



KYLE



HOME



Welcome back, **Kyle**
Here is today's snapshot
Today's date is:
May 19, 2022

16 OPEN CASES >

1 TASK >

7 PROCESS REQUESTS >

My Tasks

[VIEW ALL TASKS](#)

ACTION	NAME	PROCESS	DEADLINE
Review E-3 Forms and LOS	Ferdinand Magellan	E-3 USCIS	Overdue

Recent Cases

[VIEW ALL CASES](#)

COMPANY	NAME	CREATED	CASE NUMBER	PROCESS	STATUS	PHASE
	Ferdinand Magellan	5/16/22	0033-0004-3	E-3D USCIS	Open	Data Collection
World Explorer Inc.	Amerigo Vespucci	3/8/22	0033-0002-1	PERM: Green Card	Open	Data Collection
World Explorer Inc.	Neil Armstrong	5/4/22	0033-0006-1	H-1B	Open	Data Collection
Meow Meow Worldwide	Murphy Roby	5/6/22	0030-0004-4	TN Mexico	Open	Data Collection
	Murphy Roby	5/6/22	0030-0004-5	TD Canada	Open	Data Collection

Upcoming Status Expirations

<p>Ferdinand Magellan kyler3155+fn1@gmail.com World Explorer Inc. H-1B Exp: 4/1/22</p>	<p>Susan Magellan H-4 USCIS Exp: 4/1/22</p>
<p>Lulu Cat Meow Meow Worldwide H-1B Exp: 6/1/22</p>	<p>Murphy Roby Meow Meow Worldwide PERM: Green Card Exp: 6/28/22</p>
<p>Foreign Vokal shankhri.balaji+fn@vokal.io Vokal LLC H-1B Exp: 8/31/22</p>	<p>Neil Armstrong kyler3155+fn4@gmail.com World Explorer Inc. H-1B Exp: 9/30/22</p>

Feedback

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

Site Visits

- Types of Worksite Enforcement Actions
- How to Respond
- Common Questions
- Best Practices

I-9 Compliance

- End of Exception to Physical Inspection Requirements Due to COVID-19
- Future of Virtual Review
- Best Practices
- Training



SITE VISITS: TYPES OF WORKSITE ENFORCEMENT ACTIONS



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SITE VISITS: TYPES OF WORKSITE ENFORCEMENT ACTIONS

- **U.S. Citizenship and Immigration Services (USCIS) Fraud Detection and National Security Directorate (FDNS)**
 - Verification of information provided in certain petitions
 - FDNS also conducts verification for Department of State (DOS) to verify work offers for overseas visa applicants
- **U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HIS)**
 - I-9 Compliance
- **U.S. Department of Labor (DOL) Office of Internal Enforcement (OIE)**
 - Verification of information provided on PERMs and other wage or labor compliance
- **U.S. Department of Justice (DOJ)**
 - Investigate and prosecute worker endangerment violations

SITE VISITS: HOW SHOULD YOU RESPOND?



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SITE VISITS: HOW SHOULD YOU RESPOND?

- **If you receive a notice of a site visit, call us first!**
- **Some requests come by email, particularly as travel remains limited during the pandemic**
- **Site visits can occur at an employee's home office**

M | H

SITE VISITS: COMMON QUESTIONS



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SITE VISITS: COMMON QUESTIONS

- **What is the company's total number of full-time and part-time employees?**
- **What is the total number of H1 B employees working for the company?**
- **What is the total number of H1 B petitions filed by the company?**
- **What is the total number of employees working off-site versus on-site at the company?**
- **Does the beneficiary work full-time or part-time?**
- **What is the beneficiary's current job title?**
- **What is the beneficiary's current annual gross salary?**
- **How often is the beneficiary paid (e.g. weekly, bi-weekly, monthly)**
- **What is the beneficiary's work schedule and hours?**
- **What address does the beneficiary normally perform his/her work?**
- **Does the beneficiary work from home or at any other locations?**
- **Who paid the filing costs for the beneficiary's 1-129 Petition?**
- **Has an 1-140 been filed on behalf of the beneficiary? If so, what is the priority date and who paid for the petition?**
- **When did the beneficiary start working for this organization?**
- **What are the beneficiary's specific duties?**
- **Does the company provide on-site supervision?**
- **Does the company provide off-site supervision (if so, what does that supervision consist of)?**
- **Who controls the day-to-day work of the beneficiary?**



M | H

SITE VISITS: BEST PRACTICES – IN-OFFICE VISITS



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SITE VISITS: BEST PRACTICES – IN-OFFICE VISITS

- **Have a plan in place for site visits. Human Resources departments, staff, and company signatories should be aware that unannounced site visits can occur**
 - Have a designated point of contact within your organization to funnel all site visit requests (if possible, have 1 alternate point of contact)
 - Make sure all front office staff is aware of who to contact in case of an FDNS site visit
 - Contact your designated Meltzer Hellrung attorney if a site visit occurs
 - Request identification or business card from the officer and be sure to keep contact information for the company's records
 - If you are unsure of how to answer any of the questions asked, please let the officer know you will look into the matter and circle back. Do not guess if you do not know the answer
 - Have the designated point of contact accompany the officer throughout the site visit and take notes during the visit to forward to attorney
 - Carefully review each petition prior to filing
 - Notify Meltzer Hellrung Immediately about any changes to job duties and changes to work location as an amendment may be required
 - Conduct internal audits to ensure that HR department knows where each employee is working at any given time

SITE VISITS: BEST PRACTICES - EMAILS



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SITE VISITS: BEST PRACTICES – EMAILS

- **Have a plan in place for site visits. Human Resources departments, staff, and company signatories should be aware that unannounced site visits can occur**
 - Have a designated point of contact within your organization to funnel all site visit requests (if possible, have 1 alternate point of contact)
 - Make sure all front office staff is aware of who to contact in case of an FDNS site visit
 - Once email request is received, forward to your designated Meltzer Hellrung attorney to assist with the requested information
 - Carefully review each petition prior to filing
 - Notify Meltzer Hellrung immediately about any changes to job duties and changes to work location as an amendment may be required
 - Conduct internal audits to ensure that HR department knows where each employee is working at any given time

SITE VISITS: BEST PRACTICES – HOME OFFICE VISITS



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SITE VISITS: BEST PRACTICES – HOME OFFICE VISITS

- **Have a plan in place for site visits. Human Resources departments, staff, and company signatories should be aware that unannounced site visits can occur**
 - Have a designated point of contact within your organization to funnel all site visit requests (if possible, have 1 alternate point of contact)
 - Make sure remote staff is aware of who to contact in case of an FDNS site visit and should reach out immediately if a home site visit occurs
 - Contact your designated Meltzer Hellrung attorney if a site visit occurs
 - Employee should request identification or business card from the officer and be sure to keep contact information of the inspecting officer
 - If the employee is unsure of how to answer any of the questions asked, please let the officer know they will look into the matter and circle back. The employee should not guess if they do not know the answer
 - Employee should know that a site visit does not mean that there is something wrong. These can be completed at random
 - Employee should notify their employer of any change in location prior to moving

I-9 COMPLIANCE: END OF EXCEPTION TO PHYSICAL INSPECTION REQUIREMENTS DUE TO COVID-19!



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I-9 COMPLIANCE: END OF EXCEPTION TO PHYSICAL INSPECTION REQUIREMENTS DUE TO COVID-19

- **On March 20, 2020, Immigration and Customs Enforcement (ICE) implemented an exception to the in-person physical inspection requirement for completing Form I-9, which allowed for I-9s to be completed remotely if the company's offices were closed due to the pandemic.**
- **This exception is set to end on July 31, 2023, followed by a 30-day grace period to comply with physical Form I-9 document inspection requirements.**

I-9 COMPLIANCE: FUTURE OF VIRTUAL REVIEW



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I-9 COMPLIANCE: FUTURE OF VIRTUAL REVIEW

- **A final rule allowing the Department of Homeland Security (DHS) to provide alternatives to the physical inspection requirement is under review before the White House Office of Management and Budget.**
 - DHS is targeting August for publication of the final rule.
- **Meltzer Hellrung is monitoring the progress of the rule and will provide updates as information is made available.**

I-9 COMPLIANCE: BEST PRACTICES – CREATING AN ACTION PLAN



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I-9 COMPLIANCE: BEST PRACTICES – CREATING AN ACTION PLAN

- **Create an action plan**
 - Identify all the I-9 forms requiring updates
 - Individuals hired between March 20, 2020 and July 31, 2023, whose I-9 documents were not inspected in-person, physically.
 - Decide whether to perform physical inspection of documents at worksite or use an offsite third-party authorized representative.
 - Train employees on how to conduct physical document inspection and update I-9 forms.

I-9 COMPLIANCE: BEST PRACTICES – COMPLETION AND STORAGE



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 **I-9 COMPLIANCE: BEST PRACTICES – COMPLETION AND STORAGE**

- All I-9s should be kept in a centralized location at each company office
- I-9s should be completed and filed by one or a very small group of people to eliminate completion and document storage inconsistencies
- Review the M-274 regularly when you have questions or ask Meltzer Hellrung!
- Never specifically request certain Form 1-9 supporting documentation from a new employee.
- Provide the employee a list of acceptable documents and allow them to choose what they wish to provide
- Employers are required to use the correct Form 1-9 edition (the editions are updated periodically)

I-9 COMPLIANCE: BEST PRACTICES - RETENTION



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I-9 COMPLIANCE: BEST PRACTICES – RETENTION

- **I-9s should be audited on an annual or bi-annual basis for completion, current form version use, and document storage consistency**
- **Any I-9s that can be purged, should be removed to limit the company's liability in the event of an ICE audit**
 - **Purging Rule: I-9s can be purged for employees that have left the company 1 year from the date of termination or three years from the date of hire, whichever date is greater**
- **If you are considering new I-9 software, contact your Meltzer Hellrung attorney to advise on compliance**
- **Employers are liable for adopting software that does not meet Form I-9 ICE requirements**

I-9 COMPLIANCE: TRAINING



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I-9 COMPLIANCE: TRAINING


- Meltzer Hellrung offers trainings and audits




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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

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


MY PROCESS REQUESTS
+
MARK

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

Open Tasks

You have no tasks to complete 0

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

Prevailing Wage Case

PWR Case No.
G-100-12345-123456

CHECK

Receipt Numbers

USCIS Receipt No.
ABC-12-123-12345


ETA Case No.
A-12345-67890

We need to look into dependent petition costs.

Jan 12 at 3:06 pm






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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42

<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

QUESTIONS?



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[Meltzer Hellrung](#)

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