



MELTZER HELLRUNG

IMMIGRATION SOLUTIONS

Reconsidering PERM Programs in Light of Extraordinary Processing Times

INTRODUCTION



MELTZER HELLRUNG
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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**

VOY^AGER



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- **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.**

- **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



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

Ferdinand Magellan
kyler3155+fn1@gmail.com
 World Explorer Inc.
 Exp: 4/1/22

Susan Magellan
 Exp: 4/1/22

Lulu Cat
 Meow Meow Worldwide
 Exp: 6/1/22

Murphy Roby
 Meow Meow Worldwide
 Exp: 6/28/22

Foreign Vokal
shankhri.balaji+fn@vokal.io
 Vokal LLC
 Exp: 8/31/22

Neil Armstrong
kyler3155+fn4@gmail.com
 World Explorer Inc.
 Exp: 9/30/22

Feedback



Home

UPLOAD DOCUMENTS



ROSHAN



HOME



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

Today's date is:

April 10, 2023

5 QUESTIONNAIRE SECTIONS TO COMPLETE >

12 DOCUMENTS TO UPLOAD >

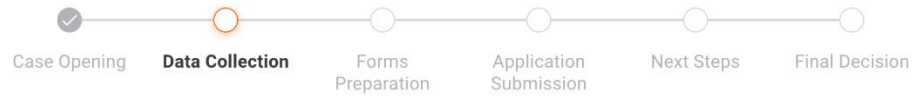
2 TASKS >

Overview

Your Case

VIEW CASE

Case Details



PROCESS TYPE: H-4 USCIS

CASE TEAM: Kz

CASE OPENED: 9/8/22

Knowledge Center

ADJUSTMENT OF STATUS
INTERVIEW TIPS
(EMPLOYMENT)

Recent Developments

COVID-19

COVID-19 Flexibilities Ended by USCIS

APR 5, 2023

H-1B Cap Gap International Travel Tips and Guidelines

MAR 31, 2023

My Tasks

VIEW ALL TASKS

ACTION	NAME	PROCESS	DEADLINE
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Feedback

PRESENTERS



MELTZER HELLRUNG
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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

- **What is a PERM-based green card?**
- **Current PERM processing times**
- **Impact of current processing times on visa status**
- **Risks and benefits to employers**
- **Strategic considerations for changing processing**
- **Alternative green card paths**



WHAT IS A PERM- BASED GREEN CARD?



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WHAT IS A PERM-BASED GREEN CARD

- Labor market test where company seeks to find a qualified US worker for a role. If the company cannot find a qualified US worker, it can sponsor a foreign person for a green card if the individual qualifies for the role.
- Three macro steps
 - PERM - DOL labor market test
 - I-140 - USCIS process after certification to demonstrate company can pay the offered salary and the employee meets the requirements for the role
 - I-485 Adjustment of Status / Consular Processing - Final step of getting actual green card
- Meltzer Hellrung Overview of the PERM Process

PROCESS STEPS FOR PERM AND PROCESSING TIMES



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PROCESS STEPS FOR PERM AND PROCESSING TIMES

- **Step 1: Prevailing Wage Request**
 - Current posted processing time: 14 months
 - Compare to 4 months as of November 2020
- **Step 2: Recruitment**
 - Processing time: 2-6 months. This is in client control.
- **Step 3: PERM**
 - Current posted processing time: 8 months
 - Compare to 5 months as of November 2020
- **Potential Step 4: PERM Audit**
 - Current posted processing time: 2 months
 - 30 days to respond to audit request



Total timeline = 24-31 months for PERM processing once PWR filed

RETROGRESSION ON VISA BULLETIN



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RETROGRESSION ON VISA BULLETIN

Retrogression for all nationalities currently

	India	China	Mexico / Philippines	All Other
EB-2	01/11/2021	06/08/2019	02/15/2022	02/15/2022
EB-3	06/15/2012	04/01/2019	06/01/2022	06/01/2022

Priority dates are currently extended further back than PERM processing times for EB-2, but not EB-3

IMPACT ON VISA STATUS



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IMPACT ON VISA STATUS

F-1 STEM OPT

- For those with three year of STEM OPT, who are not from India or China, must start PERM within first six months of employment to create exemption from H-1B lottery

H-1B

- Ideally start PERM by end of third year of H-1B status
- Careful to avoid hiring H-1B transfers with less than 30 months of H-1B authorization remaining, who have not previously received I-140 approval with prior employer

TN, E-3, H-1B1 and other single intent visas

- Visa bulletin retrogression can make travel and visa extensions more sensitive between time I-140 is approved and when advance parole may be available

POTENTIAL BENEFITS TO EMPLOYERS



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POTENTIAL BENEFITS TO EMPLOYERS

- **Employees, especially those going through a PERM process for the first time, are often incentivized to stay with the sponsoring employer. Longer processing times may increase longevity with the company.**
- **Longer processing times mean that costs are spread out over time.**
 - One year PWD's alone mean that company is unlikely to cover advertising costs in the same year it initiates a green card petition.
 - I-140 costs are likely to occur almost a year after recruitment starts
 - Adjustment petitions may not occur simultaneously with I-140 petitions

POTENTIAL RISKS TO EMPLOYERS



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POTENTIAL RISKS TO EMPLOYERS

- **Employees may be more reluctant to join employers with indeterminate start dates for PERM processing or long wait times for process initiation.**
- **Employers currently waiting 3+ years after H-1B approval to start a PERM may need to initiate processes earlier, assuming some costs earlier than current policy**
- **Lengthy processing times may also incentivize employees to depart early in a PERM process, knowing that an I-140 approval is not right around the corner**
- **Given the lag in processing times, there is greater reason than ever to run recruitment concurrently to prevailing wage request, but unknown wage determinations may require employers to incur recruitment costs twice.**

STRATEGIC CONSIDERATIONS IN LIGHT OF PROCESSING TIMES



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 **STRATEGIC CONSIDERATIONS IN LIGHT OF PROCESSING TIMES****Speeding up the process by using concurrent recruitment**

- **Defined by processing recruitment while prevailing wage request is still pending.**
- **Wage risk**
- **Must file PERM prior to prevailing wage expiring**

Batching PERMS and standardizing job descriptions

- **Batching is filing PERMS for multiple employees using one prevailing wage determination and set of recruitment**
- **Standardizing job descriptions to allow for employees in similarly situated roles to qualify for one PERM process**

STRATEGIC CONSIDERATIONS - TIMING OF INITIATION



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STRATEGIC CONSIDERATIONS - TIMING OF INITIATION

Starting prevailing wage process separate from individual initiation

- Particularly helpful when batched PERMs with standardized job descriptions are available
- Keep in mind that this can be beneficial from a pay transparency perspective as well
- With standardized roles, keeping prevailing wage requests open to facilitate faster processing times

MAKING GREATER USE OF ALTERNATIVE GREEN CARD PATHS



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MAKING GREATER USE OF ALTERNATIVE GREEN CARD PATHS

National Interest Waivers

- The proposed endeavor has both substantial merit and national importance.
- You are well positioned to advance the proposed endeavor.
- On balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus the labor certification.
- National Interest Waiver

Employer efforts to help employees build a record to qualify for these petitions.



MAKING GREATER USE OF ALTERNATIVE GREEN CARD PATHS, CONT'D

EB-2 Schedule A

- **For individuals of exceptional ability**
 - Similar to EB-1A, but lower standard of review and in EB-2 category

EB-1B Researchers

- **For researchers working in organizations with at least 3 full time research employees**

Employer efforts to help employees build a record to qualify for these petitions.




Employer Coverage of Family-Based Petitions

- Cheaper and faster than a PERM
- Particularly relevant for employees married to US citizen and permanent resident spouses
- Priority dates are always immediately current for US citizen spouses. Current wait is about 2.5 years to file for adjustment for permanent resident spouses.
- Family Based Petitions


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Home

 MY PROCESS REQUESTS



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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

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. ETA Case No.
ABC-12-123-12345 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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<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?



MATTHEW HELLRUNG

Co-Founder and Managing Partner

mhellrung@meltzerhellrung.com

MATTHEW MELTZER

Co-Founder and Managing Partner

mmeltzer@meltzerhellrung.com

[Meltzer Hellrung](#)

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