



MELTZER HELLRUNG

IMMIGRATION SOLUTIONS

IMMIGRATION POLICY QUESTIONS

For companies with sizeable foreign national employee populations, we find it helpful to have a written immigration policy. The policy explains how the company operates its immigration program, who can be sponsored for particular benefits, and what expenses the company will cover. This document can be for internal purposes only or employee facing.

This list of policy choices is not completely comprehensive but covers most regularly discussed topics. While your Meltzer Hellrung attorney can discuss the policy choices in greater detail and how the options best apply to your employees and industry, this is meant to be a tool to generate a discussion internally among company stakeholders.

NONIMMIGRANT VISA POLICY

- ⇒ Does the company have a policy on whether to hire recent graduates of U.S. colleges on OPT and STEM OPT? Yes No
 - ⇒ How many months of remaining OPT time (including STEM) would be required for consideration for roles?

 - ⇒ Do F-1 students need to work for the company for a certain amount of time before company will sponsor in the H-1B cap lottery?

 - ⇒ Is employment limited to certain roles?

 - ⇒ Is employment limited to individuals with certain degrees or education from particular universities?

 - ⇒ Who is responsible for keeping Form I-983?

- ⇒ For H-1B transfers, would you like to require a minimum amount of time remaining before the 6 year max out to consider an opportunity for sponsorship? Yes No
- ⇒ Will the company cover premium processing costs for nonimmigrant visas such as H-1Bs? Yes No
- ⇒ Will the company cover the cost of dependent family member applications? Yes No
- ⇒ Will company cover costs of dependent EAD applications? Yes No
- ⇒ If counsel determines that the best application process is at a foreign consulate or U.S. border, will the company cover the cost of travel? Yes No

IMMIGRANT VISA POLICY

⇒ What are the requirements for green card sponsorship (i.e. how many months of employment with the company, any performance requirements)?

⇒ Does the company cover the cost of I-140 petitions? Yes No

⇒ Does company cover premium processing fees for I-140s? Yes No

⇒ Does company cover the cost of I-485 applications (along with the work and travel authorization applications)? Yes No

⇒ Does company cover the cost of I-485 applications (along with the work and travel authorization applications) for dependents? Yes No

⇒ If the company will cover I-140 and/or I-485 expenses, do you want a reimbursement clause for employees who leave after green card sponsorship? These would only apply to the fees for the I-140 and I-485. Yes No

An example of a common clause is:

- 100% reimbursement if withdrawal/resignation/termination is within 6 months from the date of the filing of the I-140 Immigrant Petition or I-485 Adjustment of Status application;
- 75% reimbursement if withdrawal/resignation/termination is within 12 months from the date of the filing of the I-140 Immigrant Petition or I-485 Adjustment of Status application;
- 50% reimbursement if withdrawal/resignation/termination is within 18 months from the date of the filing of the I-140 Immigrant Petition or I-485 Adjustment of Status application;
- 25% reimbursement if withdrawal/resignation/termination is within 24 months from the date of the filing of the I-140 Immigrant Petition or I-485 Adjustment of Status application.

⇒ If an employee would otherwise be sponsored for an employment-based green card is eligible for a family-based green card, will the company cover that expense? Yes No

GENERAL SPONSORSHIP QUESTIONS

⇒ Does company cover the costs of visa stamping at a consulate? Yes No

⇒ If so, does this include dependent family members? Yes No

⇒ Does company cover the costs of translations? Yes No

⇒ Are there any roles that the company will not sponsor for nonimmigrant visas and/or green cards?

⇒ Are there any internal rules on how the organization pays for immigration benefits?
 Yes No