



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

PREPARE FOR THE H-1B LOTTERY

What You Need To Know for 2024
January 18, 2024



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 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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- **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)

Launching in Q1: Enhanced Immigration Reporting

In our latest upgrade to the platform, a self-service feature enables you to run reports on the immigration status of your foreign national employees and case progression at any time. Get the reports you need, whenever you need them.

- Run reports on foreign national employees or immigration cases
- Set custom report columns, filters, and access permissions
- Create reports from scratch or use an existing template
- Schedule reports to run at your desired frequency and automatically send them to other Voyager users
- Share reports on the platform or download them for general distribution and use



VOYAGER[®] (continued)

- 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/platform

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

- **H-1B Overview**
- **What is a Specialty Occupation?**
- **H-1B Lottery and New Visa Availability**
- **H-1B Lottery Registration Process**
- **Who to Consider for H-1B Lottery Sponsorship**
- **Lottery Exempt Entities and Individuals**
- **H-1B Lottery Timeline**
- **F-1 OPT and Cap Gap**
- **What will an employer need to provide?**
- **What will an employee need to provide?**

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H-1B OVERVIEW



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H-1B OVERVIEW

- **General purpose visa for positions that require a bachelor's degree or higher**
 - Not for general purpose positions, but rather ones that require training in a particular field or fields
 - Common position include software developers, engineers, accountants, medical doctors, economists, and data scientists
- **Employee must have a related degree**
- **Required to pay prevailing wage as set by Department of Labor**
 - Equity does not count as wages
 - W-2 employees only, no independent contractors
 - Full time or part time available
- **Three-year visa, up to six years available**
 - 6-year max out can be waived through green card sponsorship process

WHAT IS A SPECIALTY OCCUPATION



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WHAT IS A SPECIALTY OCCUPATION

- **Must meet one of the following four criteria:**
 - Bachelor's or higher degree or its equivalent is normally the minimum entry requirement for the position
 - The degree requirement for the job is common to the industry or the job is so complex or unique that it can be performed only by an individual with a degree
 - The employer normally requires a degree or its equivalent for the position
 - The nature of the specific duties is so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a bachelor's or higher degree
- **The employer must also demonstrate there is sufficient work available for the candidate to perform.**
 - Extremely small (3 or fewer employees) can struggle with this requirement

H-1B LOTTERY AND NEW VISA AVAILABILITY



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H-1B LOTTERY AND NEW VISA AVAILABILITY

- **65,000 new first time H-1B visas available each year**
 - 20,000 additional slots for individuals with U.S. master's degrees (including MBA, PhD, MD, JD, etc.)
- **758,994 eligible registration in 2023**
 - Ultimately 188,230 selections (24.8%)
- **483,927 registrations in 2022**
 - Ultimately 127,000 selections (26%)
- **2024 expectations: lower total registrations due to crackdown on multiple employers sponsoring the same candidates**

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H-1B LOTTERY - PROPOSED REGULATORY CHANGES



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H-1B LOTTERY – PROPOSED REGULATORY CHANGES

- **Change lottery to candidate selection rather than employer submission selection**
- **Candidate with multiple job offers is not favored**
- **Waiting announcement of whether it will be implemented this year**
- **Proposed fee changes from \$10 to \$215 not likely to go into effect this year**
- **Other changes will be discussed in subsequent slides**

Modernization Collateral: [Resources - MeltzerHellrung](#)

WHO IS CONSIDERED FOR H-1B LOTTERY SPONSORSHIP



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- **Recent U.S. graduates in J-1, F-1 OPT or CPT status**
- **Foreign employees in consideration for a transfer to the US**
- **Employees on single intent visas such as TN, E-3, and H-1B1**
- **Indian employees in L-1 status**
- **Employees who have not been sponsored by the employer with EAD's, such as those in DACA, TPS, H-4, L-2, or E-2, or E-3 status**

LOTTERY EXEMPT ENTITIES AND INDIVIDUALS



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LOTTERY EXEMPT ENTITIES AND INDIVIDUALS

- **Individuals who have had an H-1B approved previously, regardless of how long ago it was approved, generally do not need to go through the lottery**
 - As long as the person has not used up six years of H-1B status
- **Lottery Exempt Employers**
 - Universities and related nonprofit entities, nonprofit research organizations and government research organizations are exempt from the lottery

H-1B LOTTERY TIMELINE



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H-1B LOTTERY TIMELINE

- **January–March: Open a case with Meltzer Hellrung**
 - We will handle a case as long as the lottery remains open, but cases are ideally opened by March 1st
- **March 1–17: 2023 Registration Period. We expect a similar timeline in 2024.**
- **March 31: Date by which lottery results must be provided**
 - Meltzer Hellrung will provide guidance on additional immigrations that maybe available for individuals not selected in the lottery
- **April 1–June 30: Submission period for selections in initial lottery**
- **October 1: Start date for H-1B employment**

F-1 OPT AND LOTTERY GAP



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F-1 OPT AND LOTTERY GAP

- **Employees on F-1 OPT are eligible for an extension of work authorization through September 30th if their work authorization ends between April 1 and September 29th, if selected in the lottery**
- **H-1B lottery cases are not guaranteed approval by October 1**
- **Premium processing recommended if the lottery case is still under review in September**
- **Proposed modernization regulation will extend cap gap period through March 30th of the following year; especially beneficial if there is a second lottery**

WHAT WILL AN EMPLOYER NEED TO PROVIDE?



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WHAT WILL AN EMPLOYER NEED TO PROVIDE?

- **Onboarding questionnaire**
- **Job description, work location(s) and offered salary**
- **Follow MH guidance on lottery registration access**
- **Recent financial statement**
- **Marketing materials**
- **Employment contract and/or job offer**
- **Statement of work if the employee is placed at a client site**
- **Sponsored individual's name and email address**

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WHAT WILL AN EMPLOYEE NEED TO PROVIDE?



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WHAT WILL AN EMPLOYEE NEED TO PROVIDE?

- **Diploma(s)**
- **Transcripts**
- **Education evaluation if the individual did not earn a U.S. degree**
- **Resume**
- **Passport**
- **I-20's, if attended school in the U.S.**
- **EAD, if applicable**
- **I-797's, if applicable**
- **I-94, if in the United States**
- **Last two pay stubs, if currently employed**



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QUESTIONS?



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