



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

Filling Talent Gaps with Immigration

Expanding Your Talent Pool

June 27, 2024



INTRODUCTION



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 **INTRODUCTION**

- **Founded in 2014, Meltzer Hellrung combines high-touch service, technology, and a programmatic approach to immigration to assist companies in managing and scaling their immigration programs, increasing their access to talent, and expanding operations into new markets**
- **200+ corporate clients, including venture-backed unicorns, Fortune 500 companies, and small-mid-sized businesses in SaaS, healthcare, aviation, consulting, insurance, and education**
- **Recognized in 2023 by Crain Magazine as top 100 best places to work in Chicago**

VOYAGER®



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VOYAGER®

- **Voyager is our proprietary immigration program management platform designed to provide a better for immigration experience for employers and employees**
- **Voyager is operated by our exceptionally skilled attorneys, paralegals, and legal assistants to fulfill our mission of providing the best immigration experience**
- **Voyager drives process efficiency, transparency, and centralization of all immigration information throughout the sponsorship process**



- **Dashboards that drive transparency throughout all immigration processes**
- **Efficient workflows that save employers and employees time**
- **Intuitive user experience easy for employers and employees to navigate**
- **Comprehensive knowledge center**

Learn more about Voyager at [Platform - MeltzerHellrung](#)

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**

- **When Does Immigration Make Sense for Companies?**
- **What Strategies Can Companies Use to Acquire Foreign Talent?**
- **What Types of Jobs Can Immigration Help Fill?**
- **What Type of Work Visas Can Companies Use?**
- **How Do Companies Recruit and Hire Foreign Talent?**
- **How Do Companies Manage and Retain Foreign Talent after Hire?**
- **How Do Companies Terminate a Foreign National Employee?**

WHEN DOES IMMIGRATION MAKE SENSE FOR COMPANIES?



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WHEN DOES IMMIGRATION MAKE SENSE FOR COMPANIES?

- Regularly have trouble filling certain job positions
- Importing a skill/talent that's not readily found in the U.S. workforce or there's a severe shortage
- Recruiting for talent in STEM fields
- Seasonal nature to business or industry

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WHAT STRATEGIES CAN COMPANIES USE TO ACQUIRE FOREIGN TALENT?



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 WHAT STRATEGIES CAN COMPANIES USE TO ACQUIRE FOREIGN TALENT?

- **Recruiting foreign national students attending U.S. universities and colleges**
- **Recruiting foreign students attending foreign universities and colleges**
- **Transferring current foreign employees into the U.S.**
 - from related companies abroad
 - from Employers of Record (EORs) abroad
- **Recruiting and sponsoring new foreign employees abroad**

WHAT TYPES OF JOBS CAN IMMIGRATION HELP FILL?



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WHAT TYPES OF JOBS CAN IMMIGRATION HELP FILL?

- **High-skilled positions**

- Finance and Accounting
- Marketing
- Software and Data Science
- Medical, Healthcare, and Pharmaceutical
- Engineering and Architecture
- Education
- Design and Consulting

- **Seasonal positions**

- Landscaping and construction
- Hospitality
- Agriculture



WHAT TYPES OF WORK VISAS CAN COMPANIES USE?



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WHAT TYPES OF WORK VISAS CAN BE USED?

- **High-skilled positions**

- F-1 OPT, H-1B, TN, E-3, H-1B1
- L-1, O-1, J-1

- **Seasonal positions**

- H-2A, H-2B



WHAT TYPES OF WORK VISAS CAN COMPANIES USE?

• **F-1 OPT**

- F-1 is a student visa status
- After graduation from a BS, MS, Ph.D. program, all F-1 students receive 1 year of work authorization sponsored by the school, known as Optional Practical Training (OPT)
- F-1 students graduating with majors in science, technology, engineering, and math (STEM) receive an additional 2-years of work authorization (3-year total), known as STEM OPT
- OPT position must be related to student's field of study
- No prevailing wage requirement or location requirements
- Must be sponsored by another type of work visa (usually H-1B) after expiration of OPT to continue employment

WHAT TYPES OF WORK VISAS CAN COMPANIES USE?

- **H-1B Visa**

- Useful for positions that require a bachelor's degree in a specific field of study
- Examples: Accountants, Finance, Teachers, Doctors, Engineers, Designers, Marketers, Analytics
- Require employers to meet a geographic prevailing wage based on type of position
- Available to any nationality
- Valid for up to 6 years of work authorization
- If candidate hasn't held H-1B in the past, must be put through an annual lottery for a new H-1B visa for a yearly start date of October 1st

WHAT TYPES OF WORK VISAS CAN COMPANIES USE?

- **TN Visa**

- Available to citizens of Canada and Mexico only
- No prevailing wage or work location compliance issues
- Sponsorable job positions include:
 - Engineers, Consultants, Teachers, Graphic Designers, Accountants, Architect, Hotel Managers, Lawyers, Technical Writers
- No lottery or annual cap on number of TN visas available
- To qualify, candidates must typically have a degree or several years experience in a field related to the TN job position

WHAT TYPES OF WORK VISAS CAN COMPANIES USE?

- **E-3 Visa**

- Available to citizens of Australia only
- Very similar candidate and job position requirements to an H-1B visa
- No annual lottery or cap on visas
- Valid in 2 year increments but extendable indefinitely, no max out
- Prevailing wage and location requirements
- Application directly at a US consulate can save time and money

WHAT TYPES OF WORK VISAS CAN COMPANIES USE?

- **H-1B1 Visa**

- Available to citizens of Chile or Singapore only
- Very similar candidate and job position requirements to an H-1B visa
- No annual lottery or cap on visas
- Valid in 1.5 year increments but extendable indefinitely, no max out
- Prevailing wage and location requirements like an H-1B
- Application directly at a US consulate can save time and money

WHAT TYPES OF WORK VISAS CAN COMPANIES USE?

- **L-1 Visa**

- Two types: L-1A Managerial and L-1B Specialized Knowledge
- Must have at least one US operating entity and at least one foreign operating entity (in any country) to be a “qualifying organization”
- As qualifying organization, can bring in foreign personal that have work for the qualifying organization for least 1 year in L-1A or L-1B capacity
- No location or prevailing wage requirements like H-1B
- No annual cap on visas or lottery
- L-1As are extendable up to 7 years, L-1Bs extendable up to 5 years
- L-1s are not transferable to unrelated US companies

WHAT TYPES OF WORK VISAS CAN COMPANIES USE?

• **O-1 Visa**

- Candidate must show they have demonstrated extraordinary ability in a particular talent, skills, discipline, etc. as evidenced by awards, media about them, high pay, previous prestigious job positions, judging the work of others, etc.
- Can be any business, arts, or sciences job/discipline
- No annual lotter or cap
- No prevailing wage or location requirements
- Initial approval is for 3 years, with subsequent unlimited 1-year extensions
- Can be done for founders and small business owners

WHAT TYPES OF WORK VISAS CAN COMPANIES USE?

• J-1 Visa

- Many different J-1 visa subcategories, most relevant to business are: J-1 Trainee, J-1 Intern, and J-1 Specialist
- J-1 visas must have a training program and cultural component
- No cap or lottery
- No prevailing wage requirements, but J-1 umbrella sponsors should be notified of a worksite move
- Candidates must have a BS or at least 5 years of experience abroad
- J-1 Trainee has 18 months work authorization, J-1 Intern has 12 months, J-1 Specialist has up to 5 years

WHAT TYPES OF WORK VISAS CAN COMPANIES USE?

- **H-2A/H-2B**

- H-2A is for agriculture positions
- H-2B is generally for positions that are peak load or seasonal in nature
 - Example: construction, landscaping, hospitality, etc.
- Employer must advertise for the position and prove not enough U.S. workers available
- Prevailing wage and location requirements
- Semi-annual 33,000 spot lotteries for winter and summer seasons
- Candidates must have some skill in the position
- Generally, may enter the U.S. to work for up to 9 months per year, renewable indefinitely

HOW DO COMPANIES RECRUIT/HIRE FOREIGN TALENT



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HOW DO COMPANIES RECRUIT/HIRE FOREIGN TALENT

- **Where do you want to start recruiting?**
- **If in the U.S., indicate immigration sponsorship is available for a position**
 - Train recruiters to ask specific questions around a candidate's current immigration status and future needs
 - Make sure positions will qualify for particular work visa, e.g., H-1B, TN, E-3, etc.
- **If outside the U.S., be strategic about the countries you want to recruit in**
 - Mexico, Canada, Chile, Singapore, and Australia are great places to start
 - Can employ a country specific recruiter or agency to source talent from students to mid-career professionals

Innovative Strategies



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HOW DO COMPANIES RECRUIT/HIRE FOREIGN TALENT

- **Parole programs**
- **E-2 joint ventures**
- **H-1B Cap Exemption**
- **Long term green card strategies**



HOW DO COMPANIES MANAGE AND RETAIN FOREIGN TALENT AFTER HIRE



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HOW DO COMPANIES MANAGE AND RETAIN FOREIGN TALENT AFTER HIRE

- **Having a positive immigration sponsorship transfer experience with the company and counsel is essential**
- **Having an immigration policy that dictates sponsorship rules, costs, timelines, etc. is helpful**
- **Having an articulated green card sponsorship policy is helpful as many foreign employees want permanent residency**
- **Covering immigration fees for immediate family members can build trust**
- **Giving foreign employees access to counsel to ask immigration questions can avoid misunderstandings and stress**

HOW DO COMPANIES TERMINATE FOREIGN NATIONAL EMPLOYEES



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HOW DO COMPANIES TERMINATE FOREIGN NATIONAL EMPLOYEES

- **Termination procedures depend on the type of work visa**
- **For H-1B and O-1 visas, an employer must offer to pay cost of transportation to last country of residence**
- **Revocations must typically be mailed to the USCIS to notify the government of termination**
- **The terminated employee made be eligible for a 60-day grace period after termination to transfer their work visa**
- **Company may choose to notify employee well before last day of employment to facilitate easier visa tranfer**

QUESTIONS?



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