



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

H-1B Lottery Alternatives

March 26, 2025



INTRODUCTION



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INTRODUCTION

- **Meltzer Hellrung combines an innovative service model, proprietary technology, and a creative immigration team**
- **200+ corporate clients: Global 200, Fortune 500, Venture-backed unicorns**
- **Recognized in 2023 by Crain Magazine as a top 100 best places to work in Chicago**
- **Meltzer Hellrung has been ranked in the Illinois Chambers Spotlight 2025 Guide and recognized as a top law firm handling high-quality work.**



Meltzer Hellrung LLC

Responsive

Average Email Response Time:
4.5 hours

Efficient

Transfer case turnaround: 10
business days

Client-focused

90+ NPS Scores

Program Management

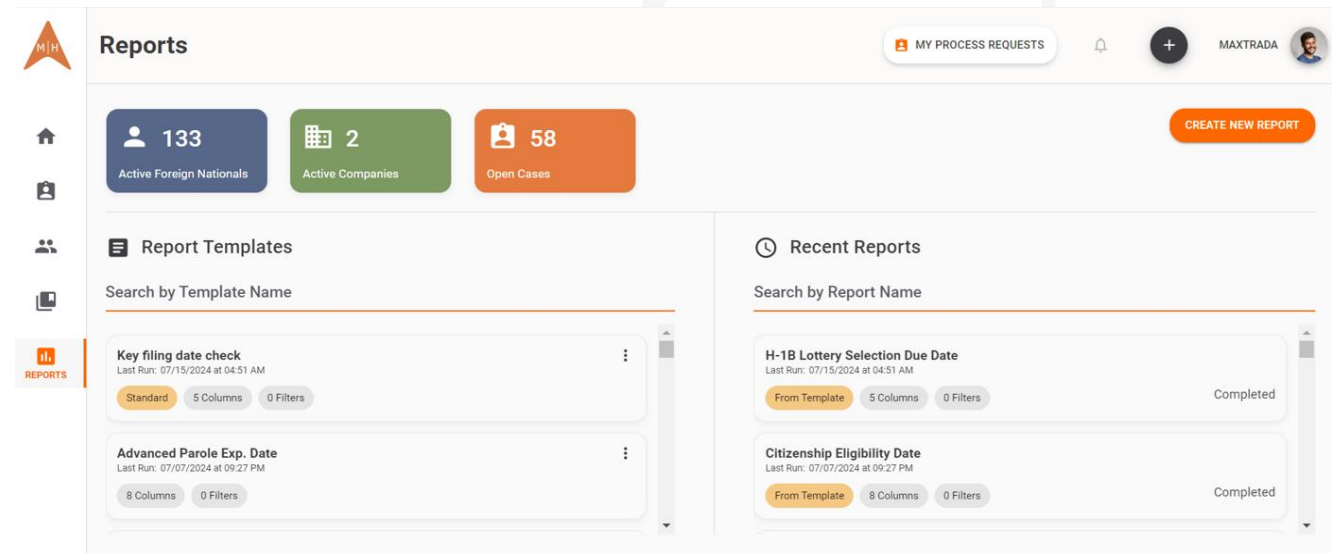
Account team, regular
touchpoints

VOYAGER®



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- Our proprietary immigration program management platform
- Drives process efficiency, transparency, and centralization of all immigration information
- Core Features:
 - Dashboards that drive transparency
 - Efficient workflow automations that save time
 - Extensive immigration reporting capabilities
 - Comprehensive knowledge center



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.



MIKE TURANSICK

Senior Counsel

Specializes in strategic immigration program management and client training sessions and informational meetings to help clients maintain awareness of the latest legal and policy developments.

AGENDA

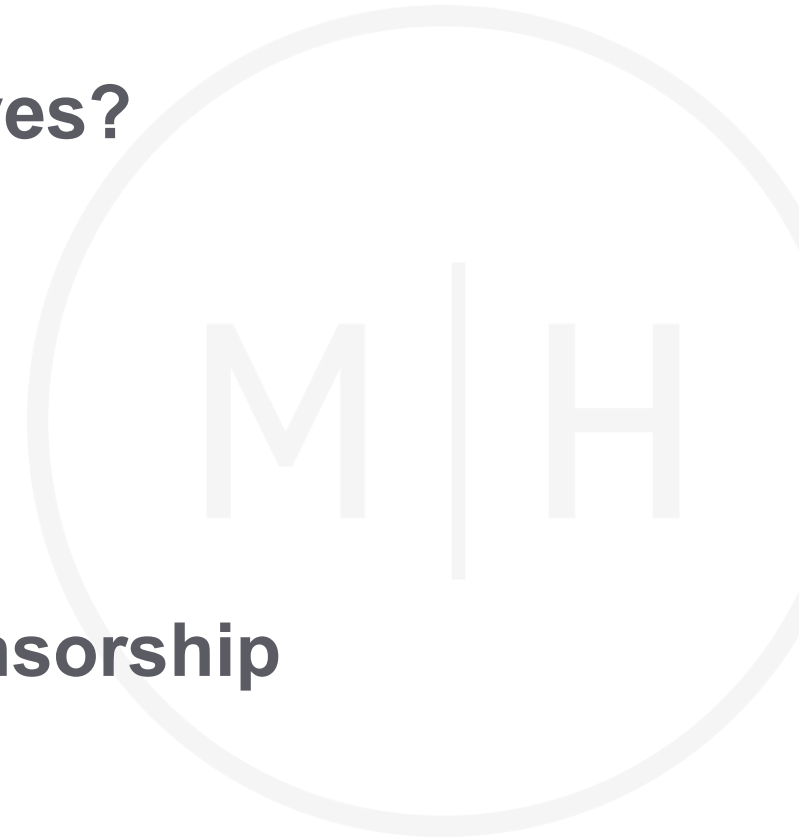


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AGENDA

- **Why Assess Eligibility for H-1B Alternatives?**
- **Student Visa Options**
- **Nationality Based Visa Classifications**
- **Treaty/ Trade Visas**
- **Other Visa Options**
- **Overseas Relocation/ Global Parking**
- **Permanent Resident (“Green Card”) Sponsorship**



WHY ASSESS ELIGIBILITY FOR H-1B ALTERNATIVES?



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WHY ASSESS ELIGIBILITY FOR H-1B ALTERNATIVES

- **H-1B candidates are competing in a pool of >500,000 registrations for 85,000 available visas.**
- **Some employees may not qualify for H-1B status.**
- **There is a maximum allowed stay of 6 years in H-1B status, and a visa alternative may be necessary to continue the employee's status and work authorization beyond this maximum stay.**



STUDENT VISA OPTIONS



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STUDENT VISA OPTIONS

- **F-1 OPT STEM EXTENSIONS**
 - F-1 students with degrees in eligible science, technology, engineering and mathematic fields may apply for a 2-year extension of status and work authorization (“STEM Extension”).
 - STEM extensions are available in addition to the initial one year of optional practical training (OPT) granted after graduation for eligible programs.

STUDENT VISA OPTIONS (Continued)

- **F-1 OPT STEM EXTENSIONS Continued**

- To be eligible:

- ❖ Students must maintain OPT work authorization and hold F-1 status.
 - ❖ Students must have been awarded an eligible STEM degree
 - ❖ Employer must be enrolled in E-Verify
 - ❖ Employer must complete a qualifying training plan to be submitted to the student's Designated School Official (DSO).

STUDENT VISA OPTIONS (Continued)

- **J-1 ACADEMIC TRAINING**

- Academic Training for STEM Students on Exchange Visitor (J-1)
Visas:

- ❖ Non-STEM Degree Training: 18 months but limited to the length of the academic program.
-e.g. a 12-month degree program only allows for 12 months of academic training
- ❖ STEM-related academic training: 36 months but limited up to the length of the academic program (same as non-STEM training)
-This gives individuals on J-1 visas post-graduate work opportunities consistent with individuals in F-1 visas.

STUDENT VISA OPTIONS (Continued)

- **J-1 VISA: STUDENTS, INTERNS, AND TRAINEES**
 - Duration of Interns and Trainees
 - 12 months/18 months
 - Students
 - Length of program + practical training
 - Potential two-year home residency requirement.
 - A detailed training plan and compliance with the J-1 visa program requirements is required for participation.

NATIONALITY BASED VISA CLASSIFICATIONS



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NATIONALITY BASED VISA CLASSIFICATIONS

- **E-3 VISA FOR AUSTRALIAN CITIZENS**

- The E-3 visa has the same specialty occupation wage and degree requirements as the H-1B visa, except that it is only available to Australian citizens.
- There is an annual cap of 10,500 visas, though this has never been met.
- The E-3 visa is valid for two years with unlimited renewals.

NATIONALITY BASED VISA CLASSIFICATIONS (continued)

- **E-3 VISA FOR AUSTRALIAN CITIZENS continued**
 - The E-3 visa may be applied with USCIS in the U.S. or directly at a consulate abroad, if the employee is abroad or willing to travel.
 - The E-3 visa also allows for spousal work authorization.
 - The E-3 visa is not a dual intent visa, which means once a petition for a green card is filed, visa renewal or international travel will be unlikely.

NATIONALITY BASED VISA CLASSIFICATIONS (continued)

- **H-1B1 VISA FOR NATIONALS OF CHILE AND SINGAPORE**

- There is an annual cap (Chile:1400/Singapore: 5400) for this visa category but it has never been reached, and visas normally remain available throughout the year.
- The eligibility requirements are the same as the H-1B category, requiring employees to have a degree in a field of study related to the role to be sponsored.
- H-1B1 visas are typically issued for 18 months, with admission granted in one year per increments. The H-1B1 has no limit on the number of extensions permissible.

TREATY/TRADE VISAS



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TREATY/TRADE VISAS

- **TN VISA FOR CANADIAN AND MEXICAN NATIONALS BASED ON THE U.S.-MEXICO-CANADA AGREEMENT (Formerly North American Free Trade, NAFTA)**
 - There is no cap on the number of TN visas available in a year.
 - The TN visa can be issued in 3-year increments and renewable indefinitely.
 - Canadian nationals can apply for the TN visa at a port of entry and do not require a visa stamp. Mexican nationals can apply from abroad at a U.S. consulate and require a valid visa stamp to enter the U.S.

TREATY/TRADE VISAS (continued)

- **TN VISA FOR CANADIAN AND MEXICAN NATIONALS BASED ON THE U.S.-MEXICO-CANADA AGREEMENT (Formerly North American Free Trade, NAFTA) continued**
 - Only specific occupations qualify for TN visa classification, with the majority requiring a degree in a related field of study:
 - ❖ Some examples: Accountant, computer systems analyst, engineer, scientist, medical/healthcare professional, architect, lawyer, teacher, mathematician, graphic designer, economist, management consultant, technical writer.
 - TN Visa is not a dual-intent visa.

TREATY/TRADE VISAS (continued)

- **E-2 TREATY INVESTOR**

- Available to foreign nationals of treaty countries working for a U.S. business majority owned by individuals/entities of the same nationality.
- Available to investors, executives, managers, and specialists.
- There is no cap on E-2 Visas.
- E-2 visa holders will be admitted for 2 years; visa can be renewed indefinitely.
- Work authorization is available for spouses.

OTHER VISA OPTIONS



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OTHER VISA OPTIONS

- **O-1 VISA**

- Available for individuals who possess extraordinary ability in the sciences, arts, education, business and athletics.
- Extraordinary ability means the person has risen to the very top of their field and is recognized internationally or nationally for his or her achievements.
- Initial visa approval for up to 3 years, renewable indefinitely in increments of one year.

OTHER VISA OPTIONS (continued)

- **DEPENDENT VISAS/EADS THAT OFFER WORK AUTHORIZATION**
 - L-2 Spouse
 - E visa dependent spouse
 - H-4 dependent spouse, eligible for EAD
 - J-2 Spouse or Child
 - Adjustment of Status pending



OVERSEAS RELOCATION/ GLOBAL PARKING



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OVERSEAS RELOCATION/GLOBAL PARKING

- **If an employee is not selected in the H-1B lottery, moving the employee to an affiliated office outside of the U.S. may provide a temporary solution until an H-1B cap registration can be submitted for the following year.**
- **May provide additional visa options in the future.**
- **L-1 Intracompany Transferee nonimmigrant visa allows multinational companies to transfer managers, executives or employees with specialized knowledge who have worked at a related foreign entity for at least one consecutive year to work in the U.S. in a same or similar role.**

OVERSEAS RELOCATION/GLOBAL PARKING (continued)

- **L-VISA (continued)**

- Eligibility:

- ❖ The U.S. entity and foreign entity must be related.
 - ❖ Parent, Subsidiary, Affiliate, Branch
- ❖ The employee must have worked for the foreign entity for at least 12 consecutive months in the proceeding three years.
- ❖ Prove eligibility as a manager, executive or specialized knowledge employee both abroad and in the proposed U.S. role.

- Benefits:

- ❖ No cap on the number of visas issued annually.
- ❖ Dependent spouses are work authorized.

OVERSEAS RELOCATION/GLOBAL PARKING (continued)

- **L-VISA (continued)**

- L-1A visa: Managers and Executives:
 - ❖ Permitted an initial 3 years of stay. Max allowed is 7 years.
- L-1B visa: Specialized Knowledge Employee:
 - ❖ Permitted an initial 3 years of stay. Max allowed stay is 5 years.

OVERSEAS RELOCATION/GLOBAL PARKING (continued)

- **DIGITAL NOMAD VISA - “REMOTE WORKER” OR “FREELANCE” VISA**
 - Allows individuals to work legally on foreign soil whether employed by a business or self-employed.
 - ❖ Does not require visa sponsorship
 - ❖ Relatively fast processing times for visa processing
 - ❖ Allows employees to remain in the same time zone as a U.S. employer and the possibility of more frequent business visits for meetings, training, etc.

PLACING EMPLOYEES IN OTHER COUNTRIES



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PLACING EMPLOYEES IN OTHER COUNTRIES WITH EOR SERVICES

- **Employer of Record (EOR) is an operating company in another location that allows a foreign company to employ individuals in the location.**
 - Organizations like Deel, Velocity Global, and Oyster operate such EORs worldwide.
- **EOR services may be able to provide immigration services to employ an individual in another country where the company does not yet have a presence and where the employee is not a citizen.**
 - Does not need to be an active employee.

INTERNATIONAL ENTREPRENEUR PAROLE



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ADDITIONAL VISA OPTIONS FOR ENTREPRENEURS

- **QUALIFICATIONS FOR INITIAL APPLICATION**

- Demonstrate ONE of the following:
 1. The company has received investment capital from U.S. investors with established records of successful investments totaling **\$311,071** or more. These investments must come from investors such as venture-capital firms, angel investors, or start-up accelerators. These investment numbers will be re-calculated every three years.
 2. The company has received Federal, State or local government grants or awards totaling **\$124,429** or more.
 3. Alternative: Provide “additional reliable and compelling evidence” of the company’s substantial potential for rapid growth and job creation.”
- Given the number of applications, the standard is the great unknown.

CONCURRENT H-1B PLACEMENT PROGRAMS



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CONCURRENT H-1B PLACEMENT PROGRAMS

- **A cap-exempt institution (typically a university or other non-profit research entity) can employ an individual in H-1B status without going through the lottery.**
- **An individual employed by a cap-exempt institution can concurrently work for a cap-subject institution without going through the lottery.**
- **Some universities and organizations partnering with universities are creating programs to employ individuals part-time in H-1B status as mentors and research fellows, allowing those individuals also to work at a traditional cap-subject employer.**

PERMANENT RESIDENT ("GREEN CARD") SPONSORSHIP



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PERMANENT RESIDENT (“GREEN CARD”) SPONSORSHIP

- **Work authorization and status in the U.S. does not become available until the adjustment of status step of the permanent resident process, which can take at least 1-2 years to reach.**
- **Timing the start of the permanent resident sponsorship process can ensure back-up work authorization is available for employees who are not selected in the H-1B cap lottery after multiple attempts at selection.**
- **This alternative is a good option for employees in immigrant visa categories that are not subject to long visa wait times and backlogs.**

QUESTIONS?



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