



MELTZER HELLRUNG

IMMIGRATION SOLUTIONS

H-1B alternatives:

Immigration options for those not selected or eligible for the lottery

March 25, 2026



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03:00

Thanks for being here! We're allowing a couple of minutes for others to join before we begin.

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 2026 Guide and recognized as a top law firm handling high-quality work.
- Meltzer Hellrung has been named a 2025 Inc. Power Partner.



Meltzer Hellrung LLC





INTRODUCTION

Responsive

Average Email Response Time:
4.5 hours

Efficient

Transfer case turnaround: 10
business days

Client-focused

91+ NPS Scores

Program Management

Account team, regular
touchpoints

PRESENTERS



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Michael Turansick

Senior Counsel

With 30+ years of immigration law experience. He has advised Fortune 100 companies and startups on strategy, compliance, and policy. A former Managing Partner and AILA policy counsel, Michael brings deep expertise and practical insight





MATTHEW HELLRUNG

Co-Founder and Managing Partner

Specializes in scaling immigration programs for high growth clients via immigration policy creation and stakeholder training. Matthew has represented clients from a variety of industries, including information technology, engineering, education, manufacturing, and entertainment industries.



VOYAGER®



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AGENDA



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AGENDA

Update on the H-1B Registration Process	Latest selection data \$100K Fee update
Visa Options Beyond the H-1B	Overview of common alternatives, including F-1, O-1, L-1, J-1, TN, E-2, and cap-exempt pathways High-level eligibility and timing considerations
Relocating Talent to Foreign Offices	Using international offices as a short or long-term strategy Planning for potential return to the U.S.
Digital Nomad Visas & Employer of Record (EOR) Options	When global mobility solutions may support business continuity Key compliance considerations for HR teams
Green Card Sponsorship Strategy	When to consider pivoting to permanent residence Long-term workforce planning considerations

H-1B REGISTRATION UPDATE



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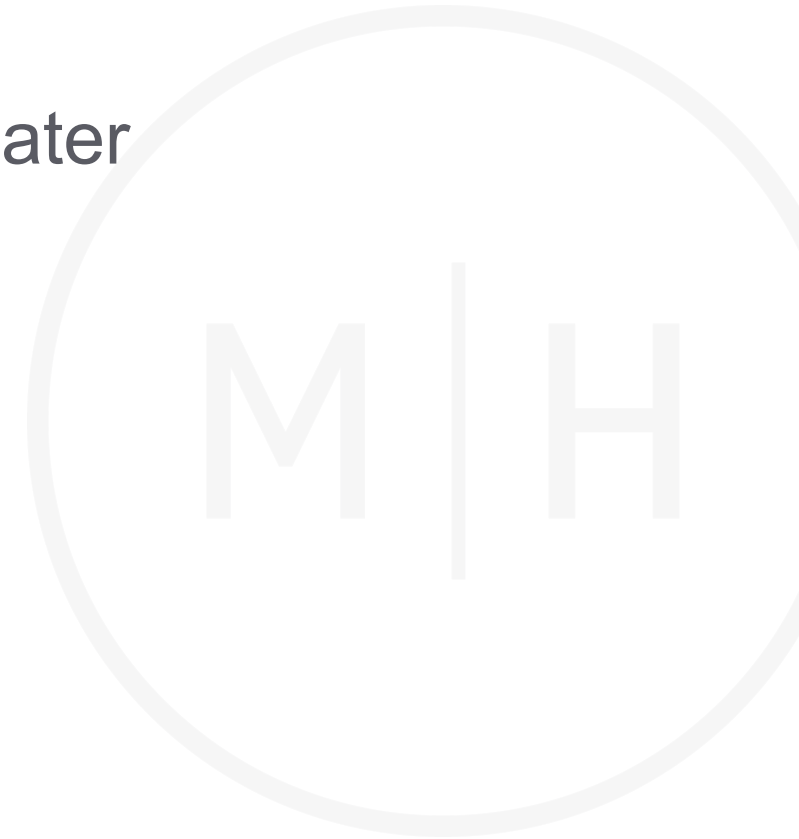
- Replaces traditional random lottery
- Selection weighted by wage level:
 - Level IV → 4 entries
 - Level III → 3 entries
 - Level II → 2 entries
 - Level I → 1 entry
- Goal: prioritize higher-paid / higher-skilled workers
- First cap season using this system



- Registration closed: March 19, 2026
- Selections released by: March 31, 2026
- Notifications roll out over 1–2 days
- Results appear in batches (not all at once)
- Essential to monitor USCIS accounts regularly



- Selected: Eligible to file H-1B petition
- Submitted: Not selected yet; may be picked later
- Not Selected: Final non-selection
- usually towards the end of the Fiscal Year
- Denied: Invalid registration (e.g., duplicate)
- Invalidated: Payment failure



WHY ASSESS ELIGIBILITY FOR H1B ALTERNATIVES?



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WHY ASSESS ELIGIBILITY FOR H-1B ALTERNATIVES

Total eligible FY 2026 H -1B registrations: 343,981; Selected: 120,141 registrations; ~35% selection rate

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.

A stylized clipboard icon in a light green color, featuring a rounded rectangular body, a clip at the top, and a large, rounded rectangular area at the bottom representing a document. The text is overlaid on the document area.

STUDENT VISA OPTIONS



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- **F-1 OPT STEM EXTENSIONS**

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

- **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.
 - 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 postgraduate work opportunities consistent with individuals in F-1 visas.

- Duration of Interns and Trainees
 - 12 months/18 months
- Students
 - Length of program + practical training
- A detailed training plan and compliance with J-1 visa program requirements is required for participation.
- Potential two-year home residency requirement.
- Specialists – Subject matter experts coming to observe, consult or demonstrate
 - 12 months



NATIONALITY BASED VISA CLASSIFICATIONS



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- 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 no formal cap on renewals.
- Apply via USCIS in the U.S. or directly at a U.S. consulate abroad
- Allows for spousal work authorization

- The eligibility requirements are the same as the H1B category, requiring employees to have a degree in a field of study related to the role to be sponsored.
- 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.
- H-1B1 visas are typically issued for 18 months, with admission granted in one year per increments. The H1B1 has no limit on the number of extensions permissible.



TREATY/ TRADE VISAS



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- 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.
- Only specific occupations qualify for TN visa classification, with the majority requiring a degree in a related field of study.

- 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/essential skills.
- 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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- 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.
- A company owned by the beneficiary can sponsor the owner (via separate legal entity)

- L-2 Spouse
- E visa dependent spouse
- Some H-4 dependent spouses, eligible for EAD
- The H-1B spouse has an approved Form-I140
- H-1B spouse granted extensions beyond the normal 6year limit
- J-2 Spouse or Child
- Pending Adjustment of Status



OVERSEAS RELOCATION/ GLOBAL OPTIONS



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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.

Employee must have work authorization in destination country!

L-1 Intracompany Transferee nonimmigrant visa allows multinational companies to transfer managers, executives or employees with specialized knowledge who have worked abroad at a related foreign entity for at least one consecutive year to work in the U.S. in a same or similar role.

- **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.

- 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.

A network of five stylized person icons connected by lines, set against a dark blue background. The icons are arranged in a circular pattern, with lines connecting them to form a network.

PLACING EMPLOYEES IN OTHER COUNTRIES



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Employer of Record (EOR) is an operating company in another location that allows a foreign company to employ individuals in the location.

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.

- Organizations like Deel, Velocity Global, Rippling and MobSquad (Canada) operate EORs.

- Does not need to be an active employee.

Short- to Medium -Term Options

- Remote work from abroad (with careful tax and labor law review)
- Secondment or transfer to an overseas affiliate or branch
- Employer of Record (EOR) / PEO arrangements to employ locally abroad
- Alternate work visas in other countries (e.g., Canada, UK, EU, Australia)

Key Considerations

- Local tax and payroll obligations
- Employment law compliance in host country
- Risk of creating a “permanent establishment” for the employer

Digital Nomad/Remote Work Visas

- Allow employees to live abroad while working remotely for a U.S. employer
- Valid for 6–24 months, sometimes renewable

Advantages

- Legal residence and ability to continue working for U.S. employer abroad
- Bridge solution during U.S. visa delays
- Near shore options allow for work during U.S. business hours

Strategic Takeaways for Employers

- Limit non-essential international travel
- Build contingency plans for mobility disruptions
- Engage immigration, tax, and global mobility advisors early

A faint, light brown silhouette of a briefcase with a handle, centered on the left side of the slide.

CONCURRENT H-1B PLACEMENT PROGRAMS



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CONCURRENT H1B 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.



University programs created 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 does not become available until the last (adjustment of status) stage of the permanent resident process, which can take -2 years (or more) to reach.

Strategic timing of the permanent process can ensure backup work authorization is available for employees who are not selected in the H1B cap lottery.

This alternative can be effective for employees in immigrant visa categories not subject to long visa wait times and processing backlogs.

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Leave a Google review, we greatly appreciate it!



QUESTIONS?

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