



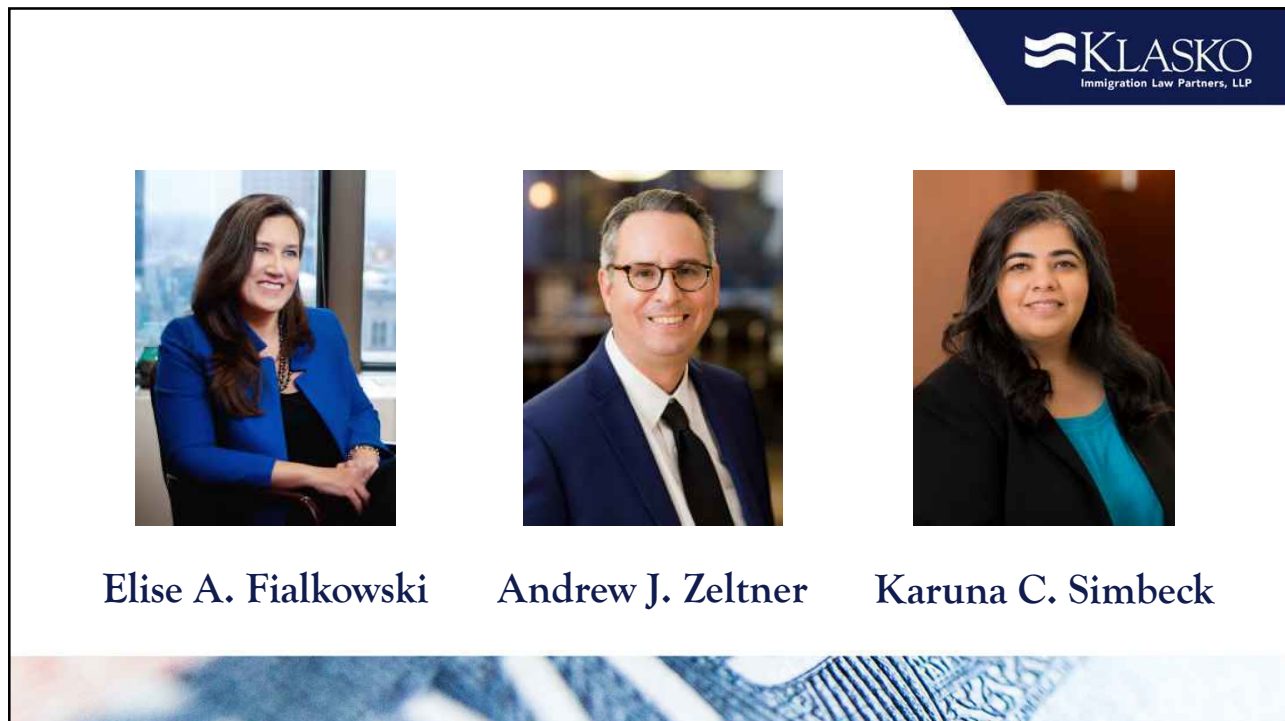
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Immigration Law Partners, LLP

2022 H-1B Lottery & Alternatives For Startup Companies




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POLL

How familiar are you with the H-1B lottery?

- Not familiar at all.
- A little familiar.
- Very familiar.

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H-1B Lottery / Quota

- What is it, and what does it mean?
 - 65,000 visas
- Separate quota for US-educated advanced degree holders
 - 20,000 visas
- No data on approval/denials yet for 2021
 - 308,613 registrations (+12% from 2020)
 - 3rd lottery in November 2021 (42.7% selection rate)

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Lottery Process

- Pre-registration process
 - Electronic submission
 - \$10 fee for each beneficiary
 - March 2022
- Post-registration process
 - Notification of selection through account
 - Notification in early April
 - File petitions only for selected beneficiaries
 - 90-day filing window if selected

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Issues for Startups

- Must establish company with employer tax I.D. number
- Company can be 100% owned by H-1B employee
 - Must be W-2 employee
 - Company separate entity from owner/employee
 - Independent Board of Directors or other mechanism

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Issues for Startups

(cont'd)

- Importance of business plan/financial projections
- Profitability/ability to pay
- Real job to be done by H-1B
- Other employees helpful – not required

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Issues for Startups

(cont'd)

- Prevailing Wage
- Remote work considerations/home address
 - HQ needed?

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What You Need to Do Now

- Register company's account
- Registration with Department of Labor for LCA
- Preparing for issues before registration
 - Occupational classification
 - Prevailing Wage
 - Status maintenance until October 1

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H-1B Alternatives

- Continue F-1 work authorization (CPT, OPT, STEM-OPT)
- H-3 training for non-STEM fields
 - J-1
- Employment abroad and L-1 eligibility

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H-1B Alternatives

(cont'd)

- E-2 Treaty Investor
- Consider spousal status
- O-1 or EB-1 / NIW
- Labor certification / direct to green card
- Concurrent H-1B employment

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Questions?



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For Further Information



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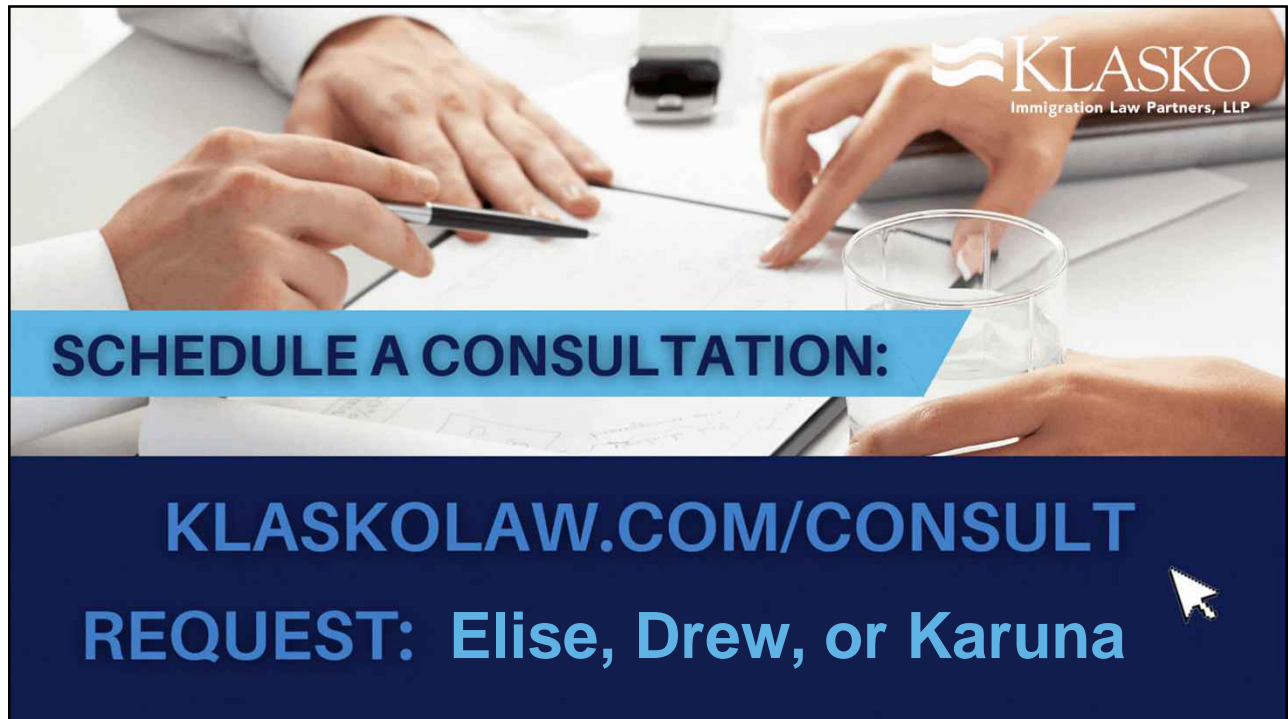


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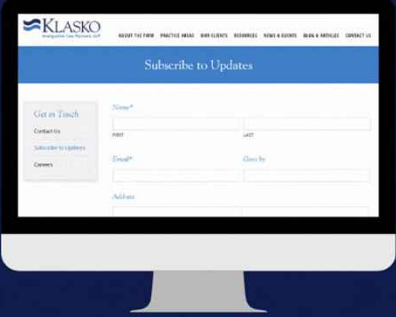


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Elise A. Fialkowski
Partner

Elise Fialkowski has been providing immigration assistance and solutions to leading universities, research institutions, multinational corporations, startups, entrepreneurs and individuals for over 25 years.

Elise has long been active in the American Immigration Lawyers Association (AILA) and currently serves on AILA's National Online Course Committee, AILA's 2021 Annual Conference Committee, AILA's Verification and Documentation Liaison Committee, the Philadelphia Customs and Border Protection Liaison Committee, Nationalities Service Center's Nominating and Governance Committee, Women Owned Law Steering Committee, and is a Board Member of John F. Peto Studio Museum. She has served on many other committees at the local and national levels.

Elise has been named in Best Lawyers in America ©, Pennsylvania SuperLawyers, The International Who's Who of Corporate Immigration Lawyers and the International Who's Who of Business Lawyers. A Phi Beta Kappa graduate of the University of North Carolina at Chapel Hill, Elise received her law degree from the Villanova University School of Law (J.D., magna cum laude, 1991).



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Andrew J. Zeltner
Partner


Andrew J. Zeltner is based in the firm's Philadelphia office. Mr. Zeltner handles a wide array of corporate immigration matters including those involving the processing of permanent resident applications (green cards) on behalf of multinational corporate and individual clients, including labor certification applications, immigrant visa petitions and adjustment of status applications.

He has significant experience providing employment-based U.S. immigration services for large corporate clients, including applications for B-1 OCS, E-1/E-2, H-1B, H-3, J-1, L-1, O-1, TN, labor certifications, multinational manager and executive immigrant petitions, outstanding researchers, extraordinary ability aliens, and national interest waivers. He has provided extensive advice to human resources professionals and corporate counsel regarding immigration compliance matters including I-9 and LCA compliance issues.

Mr. Zeltner received a Bachelor of Arts degree in Politics (cum laude) from The Catholic University of America. He earned his J.D. (cum laude) from Quinnipiac University School of Law. While in law school, Mr. Zeltner served as Opinions Editor of the Quinnipiac Probate Law Journal.



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Karuna C. Simbeck focuses her practice on employment and family-based immigration, partnering closely with her clients, both companies and foreign nationals, to provide custom immigration solutions. Karuna also manages the firm's individual case unit and is part of the firm's EB-1 and EB-5 teams.


Before joining the Firm, Karuna was an Associate at a global immigration law firm in New York City, where she gained extensive experience in business immigration for the firm's largest corporate client, a Management Consulting, Audit, Tax, and Financial Advisory firm. She focused on Permanent Residency and the PERM certification process. She also gained experience in preparing Audit responses and Motions for Reconsiderations, as well as the supervised recruitment process. In addition, she participated in counseling foreign nationals and employers regarding scope of H-1B and L-1B visas and filing requirements. Karuna also prepared foreign national employees for global assignments to member firms and provided insight on repatriation with respect to L-1A visa and potential EB-1 Green Cards processing.

Karuna received her Master's in Law Degree (LLM) from Temple University in Philadelphia, PA and her Bachelor's in Law (LLB) from Government Law College, Mumbai, India. Prior to migrating to the U.S., Karuna was a practicing attorney in India, with over 9 years of diverse experience.

Karuna C. Simbeck
Partner




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