



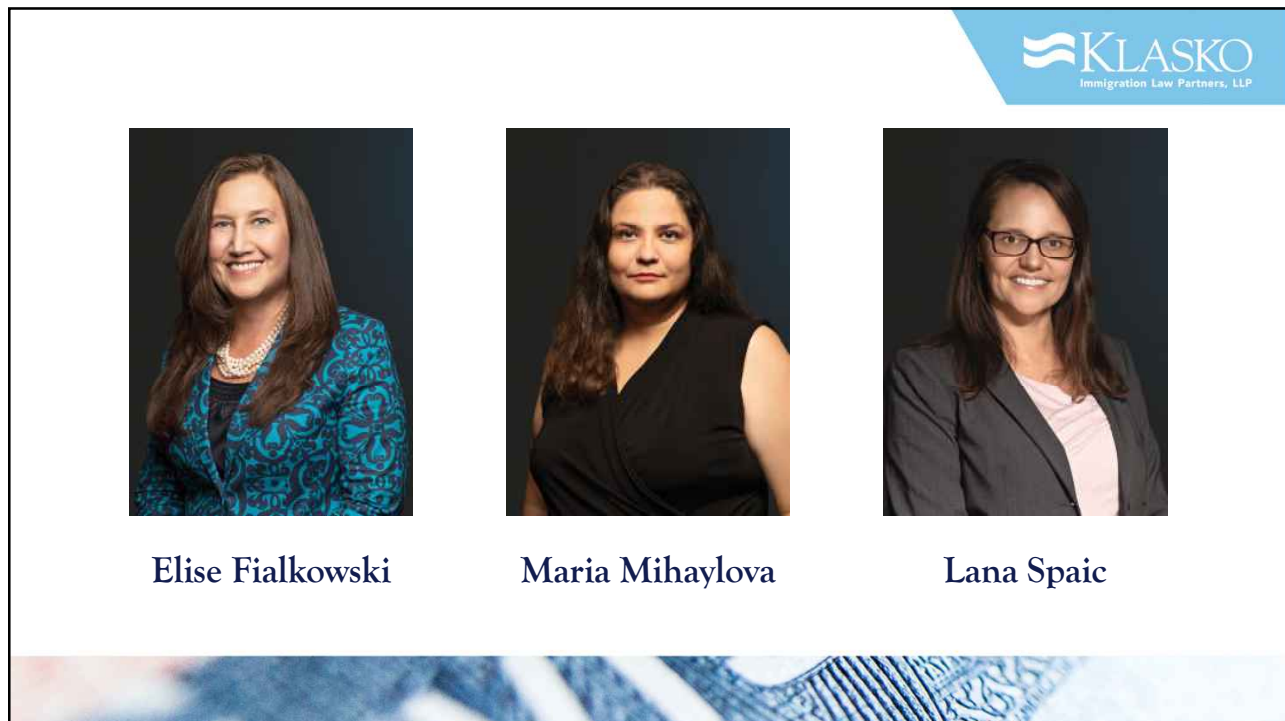
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Hot, Hot, Hot: Corporate Immigration Updates


Elise Fialkowski • Maria Mihaylova • Lana Spaic

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Elise Fialkowski



Maria Mihaylova



Lana Spaic

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Effects of Layoffs and Recession on Non-Immigrant Workers

- H-1B Context:
 - 60 days grace period calculation tips
 - Garden Leave utilization
- L-1/E-1/E-2 Context:
 - No 60 days grace period
 - M&A: Effects dependent on terms of restructure
- Bridge petitions

- PERM Webinar: Thursday, June 14

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H-1B Lottery Recap

- Largest number of eligible registrations ever – 750,000+
 - About 30,000 ineligible registrations
- FY23 about 474,000
- Overall selection rate only about 14%
- Issue of multiple registrations
- H-1B Alternatives Webinar: Tuesday, June 6

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Processing Times

- Long processing times for all case types
- Premium processing rollout/expansion – EB-1C, NIW, F-1 STEM OPT
 - EB-1 Webinar: Thursday, June 8

| | Vermont | California | Texas |
|------|------------|------------|----------|
| H-1B | 2 months | 2 months | 3 months |
| L-1 | 1.5 months | 2.5 months | n/a |

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RFE Rates

- H-1B RFE rates are lower by end of FY22 – 9% on completed petitions
- L-1 RFE rates are still high
 - FY22 was 36.4%
 - Dec 2022 were above 40%
- Blanket L – consular processing instead of USCIS
- RFEs from new officers – increased staffing

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F-1 Work in the US – Hot Topics

- Importance of timely filings
 - Initial F-1 OPT
 - STEM extensions
 - No forgiveness for late filings!
- Curricular Practical Training (CPT)
 - Increased use entrepreneurs/incubators
 - USCIS close scrutiny

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Current F-1 Trends – CPT

- USCIS review of CPT programs:
 - Triggered by requests for a Change of Status
 - In effect, adjudicates the validity of a CPT program
- Importance of properly structuring CPT programs:
 - Common CPT pitfalls USCIS focuses on
 - Considerations in establishing strong CPT program
 - Experiential learning programs
 - Integral part of an established curriculum
 - Cooperative agreements with participating employers

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Consular Updates and Visa Appointments

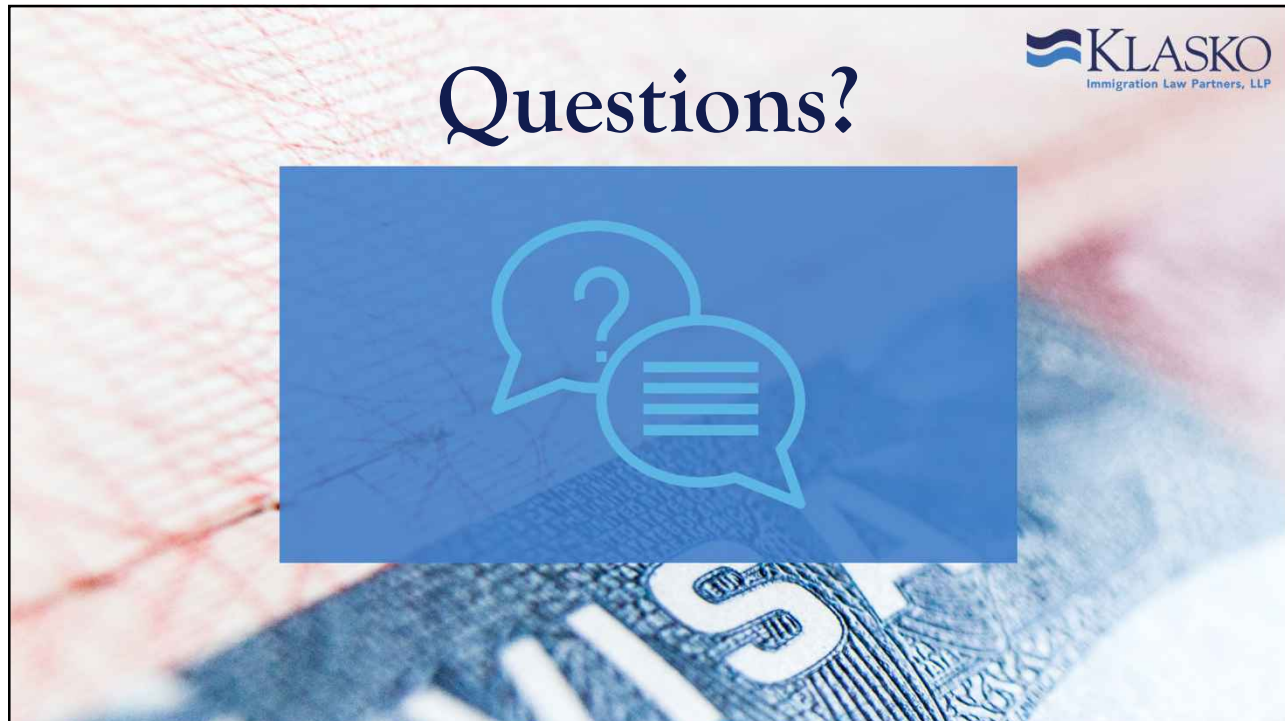
- Appointment wait times
 - recent improvement
 - consular hiring
- Consular trends – problem spots
- DOS has confirmed a separate Third Country National chart of wait times will be coming
- Prepping for a consular interview
- Stateside visa processing proposal/pilot

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NIV Consular Processing

- Administrative processing 221g
 - Issues that can trigger
- Visa Denials
 - Issues that can trigger
- Options for wrongly denied NIVs
 - Contact consulate / section chief / Congressional assistance / University Liaison
 - LegalNet 9 FAM 103.4 (updated 2/25/22)
 - Reapply

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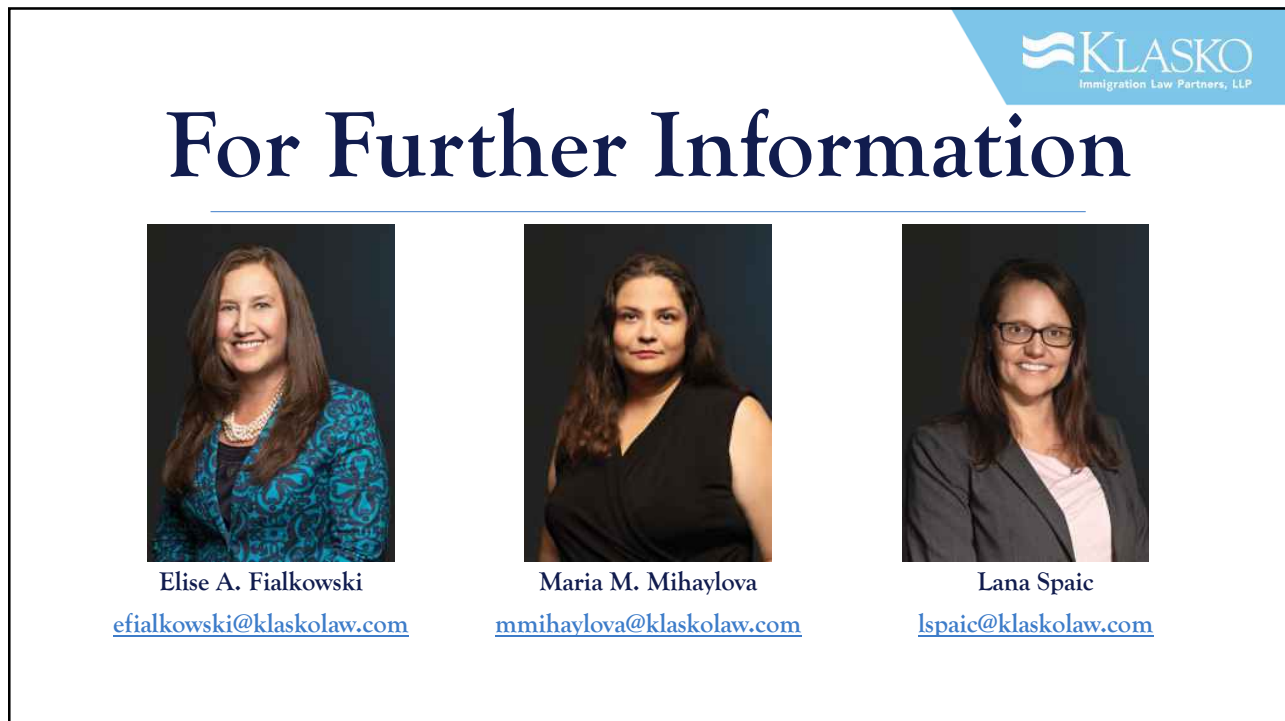


Questions?

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For Further Information

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The slide features a white background with a blue header containing the KLASKO logo. Below the header, the text "For Further Information" is centered. Underneath, there are three portrait photos of attorneys, each with their name and email address below it.

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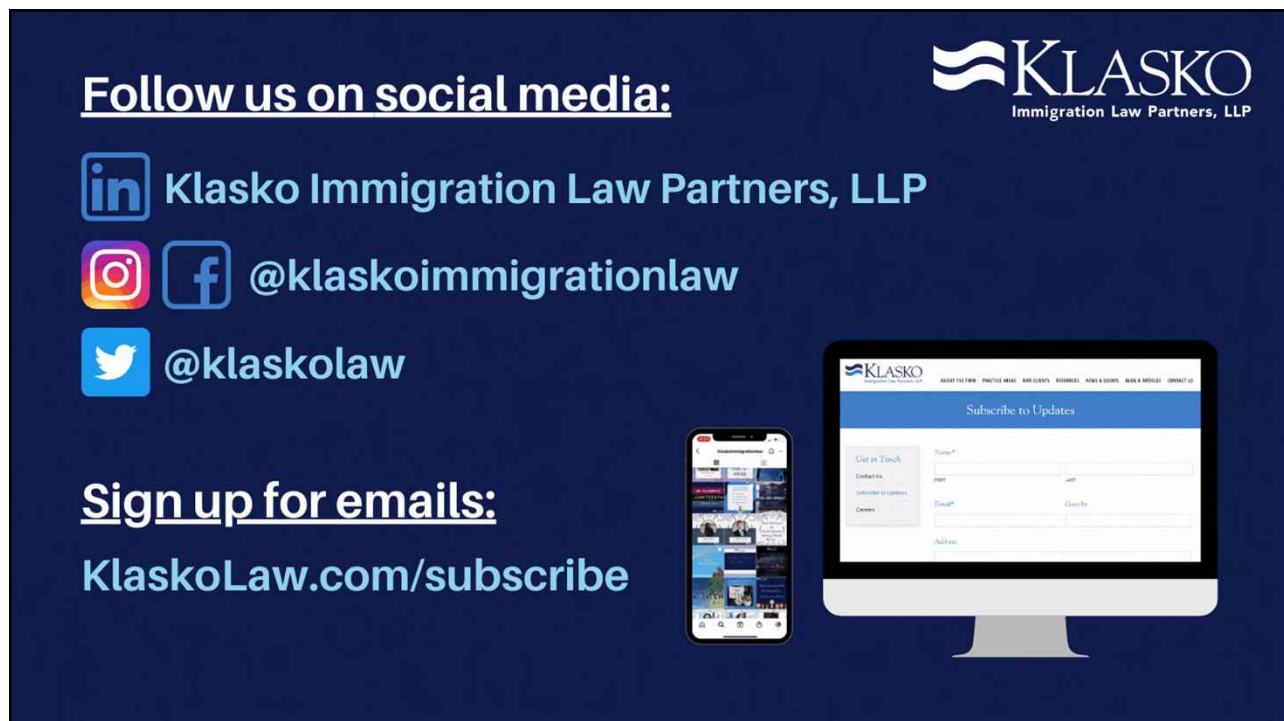
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Upcoming Webinars

- ***H-1B Lottery Alternatives**
 - Tuesday, June 6
 - 2:00pm
- **EB-1 Updates**
 - Thursday, June 8
 - 2:00pm
- ***PERM Hot Topics**
 - Wednesday, June 14
 - 1:00pm
- **EB-5 Regional Centers**
 - Tuesday, June 13
 - 2:00pm
- **EB-5 Investors Basics**
 - Thursday, June 15
 - 2:00pm
- **EB-5 Direct Investors**
 - TBD


***offering SHRM credit**



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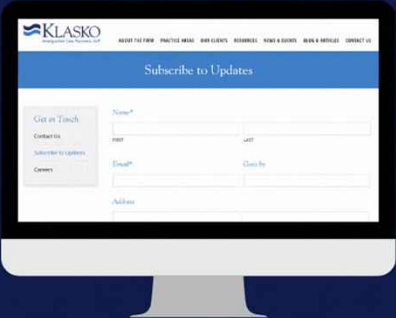
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REQUEST: Elise, Maria, or Lana

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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).

Elise A. Fialkowski
Partner

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Maria M. Mihaylova
Senior Associate

Maria Mihaylova works closely with both corporate and individual clients on a wide range of business and family-based immigration matters.

Maria has considerable experience processing and obtaining employment-based non-immigrant visas for professional employees, individuals of extraordinary ability and foreign entrepreneurs alike. She has successfully processed a wide range of visa matters involving H-1B, H-1B1, H-3, E-3, E-1/E-2 investor visas, L-1A/L-1B, J-1, TN, O-1, and P-1 visas.

With respect to immigrant petitions (green cards), Maria has successfully worked with multinational executives and managers, professors and researchers, and people of extraordinary and exceptional abilities alike. She has assisted married and engaged couples through their respective family-based processes. She possesses a comprehensive knowledge of the PERM Alien Labor Certification process and regularly advises and works with corporate clients to ensure regulatory compliance throughout the process.

She has successfully processed no objection J-1 waiver applications for Fulbright scholars and exchange visitors who are subject a two-year home residency requirement under the Department of State's Skills List. Maria has also gained experience with J-1 physician waivers through the US Department of Health and Human Services (HHS), the Pennsylvania Department of Health, and the Appalachian Regional Commission (ARC).

Maria received her Juris Doctor (J.D.) degree from Seton Hall University School of Law in 2012, graduating magna cum laude, Order of the Coif. In 2008, Maria also received a Bachelor of Arts degree in Social and Behavioral Sciences, summa cum laude, from Seton Hall University. She is a member of the American Immigration Lawyers Association. Maria is fluent in Bulgarian.



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Lana Spaic
Associate

Lana Spaic has over 15 years of business and employment-based immigration experience.

Lana has worked with a variety of clients on a wide range of business and employment-related immigration matters. Throughout her career, she has successfully assisted clients with their nonimmigrant and immigrant visa needs. She has helped clients obtain nonimmigrant status as talented professionals, including; H-1B, E-3, L-1, O-1, R-1, and TN visas. She manages and prepares PERM labor certifications as well as I-485 Adjustment of Status Applications for her clients. Lana has successfully processed J-1 Conrad waivers for foreign medical graduates who were subject to a two-year home residency requirement.

Lana's parents immigrated to the United States through the U.S. business immigration process. She was motivated to become an immigration attorney by her family's personal immigration experience. Lana continues to enjoy helping qualified foreign national professionals by providing comprehensive legal advice on a wide range of nonimmigrant and immigrant matters.

Lana earned her Juris Doctor from Suffolk University Law School, her master's degree in Management from Lesley University, and a bachelor's degree from Bridgewater State College. Lana is a member of the American Immigration Lawyers Association (AILA). Lana is fluent in English, Montenegrin, Serbian, Croatian, and Bosnian. She is admitted to practice in the state bars of Massachusetts and New York.



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