



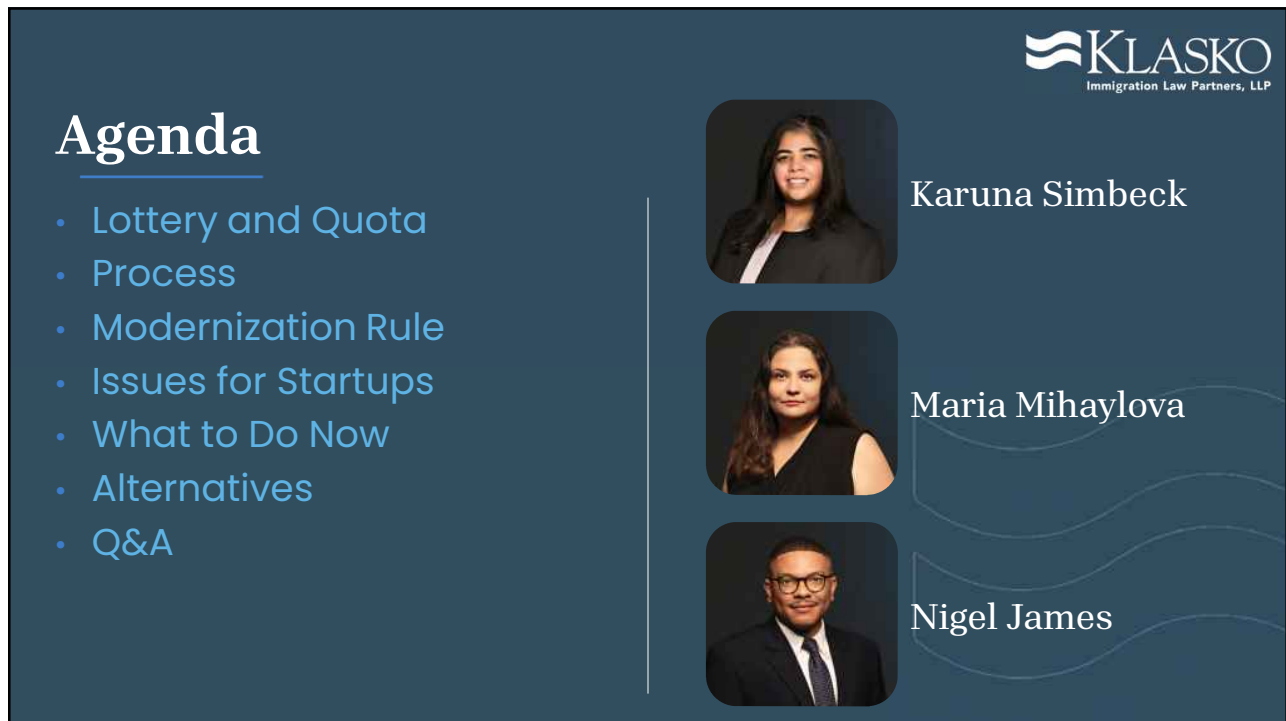
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2025 H-1B Lottery for Startups: Latest Updates

Karuna Simbeck | Maria Mihaylova | Nigel James

February 4, 2025


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Agenda


- Lottery and Quota
- Process
- Modernization Rule
- Issues for Startups
- What to Do Now
- Alternatives
- Q&A



Karuna Simbeck



Maria Mihaylova

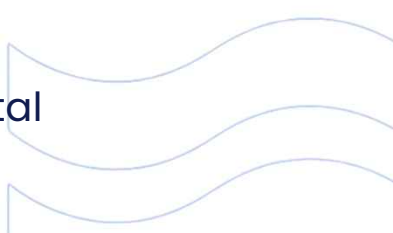


Nigel James

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POLL

Check all that apply. Are you:

- a startup founder?
 - a startup employee?
 - F-1 student?
 - employed by a Venture Capital company?
 - a recruiter?
- 

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POLL

Do you employ any students in F-1 status?

- Yes
 - No
- 

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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 FY2025
 - 479,953 registrations (-38.6%)
 - Multiple selections

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Lottery Process

- Pre-registration process
 - Electronic submission
 - \$215 fee for each beneficiary
 - March 2025
- 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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New Rule to Modernize H-1B Program

- Updated lottery selection process
 - Beneficiary-centric (multiple submissions not considered)
 - Impact/Greater chance of selection
- Updated the definition of specialty occupation
- Deference to prior USCIS approvals
- Existence of bona fide job offer
- Cap-Gap expansion
- Owner/founder H-1B eligibility

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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 (18-month initial approval)
 - 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
 - New rule – April 1

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H-1B Alternatives

- Continue F-1 work authorization (CPT, OPT, STEM-OPT)
- O-1 extraordinary ability
- H-3 training / J-1 research scholar
- Employment abroad and L-1 eligibility
- E-1/E-2 treaty traders/investors

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Questions?

The slide features a dark blue background with a faint image of a woman in a classical style. In the center, there are two light blue speech bubble icons: one containing a question mark and the other containing three horizontal lines. The Klasko logo is in the top right corner.

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For Further Information

The slide features a dark blue header with the Klasko logo and the text 'For Further Information'. Below the header, there are three rounded rectangular portraits of professionals. Under each portrait is their name and email address.

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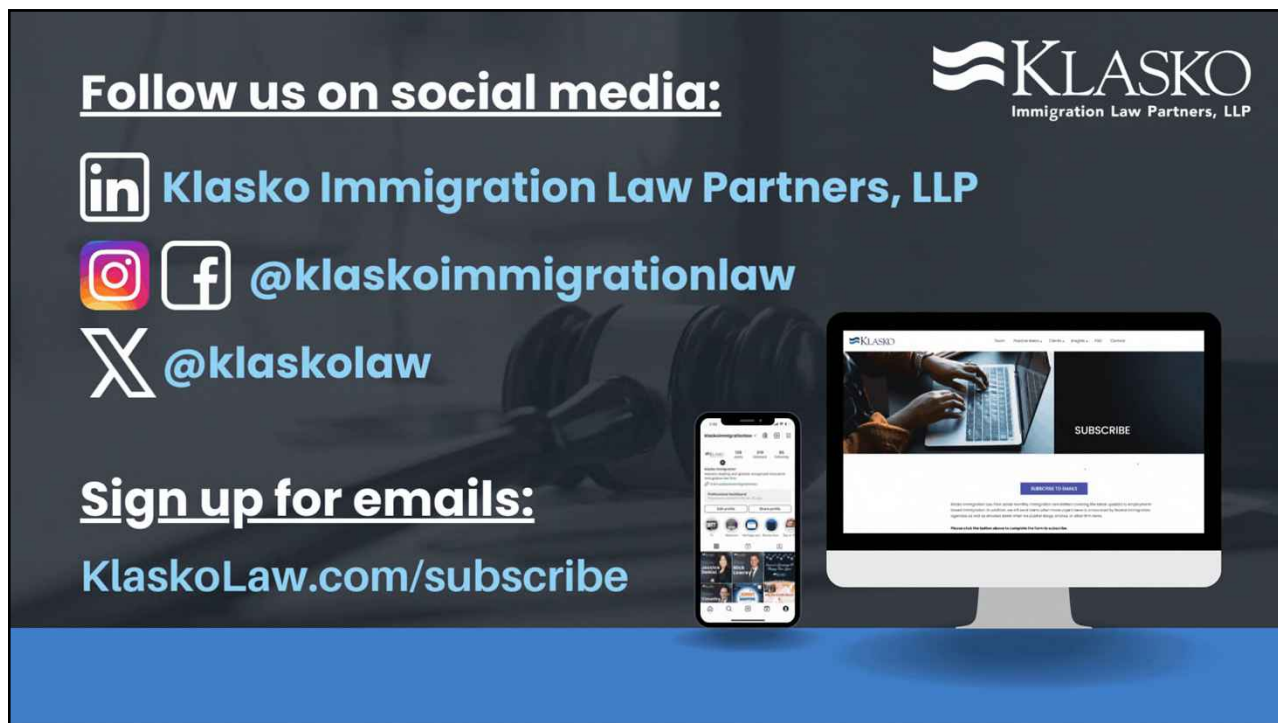
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SCHEDULE A CONSULTATION:

KLASKOLAW.COM/CONTACT

REQUEST: Karuna, Maria, Nigel

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