

How Current Immigration Policies Affect the Massachusetts Biotech Industry

How You Can Prepare During This Period of Uncertainty





Thank you to our HR Working Group!

- **Lauren Celano**, MBA, Co-founder & CEO, Propel Careers
- **Colleen Wilson**, MBA, Vice President, Human Resources, Chiasma
- **Chris Tamburrini**, Managing Director, AP Biosciences & Healthcare, AP Staffing
- **Mark Brusio**, Manager of Labor Market Research, MassBioEd Foundation

The slides and video recording of this forum will be available within 24 hours on our web site under the event archives.





Speakers:

- **Bennett R. Savitz**, Esq, Savitz Law Offices, PC
- **Jacqueline Liu**, MBA, MSA, Sr. Director, Finance, Forma Therapeutics, Inc.
- **Eva Quinn**, Head of Human Resources
- **Lori Johnson**, Vice President, Human Resources, ReadCoor, Inc.

Moderator:

- **Abbie Celniker**, PhD, Partner, Third Rock Ventures

H-1B CAP ISSUES

- **65,000 new, non-exempt H-1Bs per year**
 - 6,800 reserved for Chile/Singapore
- **20,000 more for U.S. Advanced Degree holders**
- **Non-exempt v. exempt employer**
 - Exempt: Institutions of higher education and affiliated/related non-profit organizations; nonprofit research or government research organization
- **Exempt v. non-exempt employees**
 - Exempt: Already counted w/in last six years and not left for one year or more

THE CAP IS BACK!

- For the fifth year in a row, the 65,000 and 20,000 caps on H-1Bs available during the Fiscal Year (October 1, 2017 to September 30, 2018) was reached during the April 1st filing window!
- An H-1B petition can be filed up to six months prior to the intended start date (April 1st for an October 1st start date).
- On April 11, 2017, USCIS conducted a "lottery" to select a sufficient number of petitions needed to meet the caps of 65,000 for the general category and 20,000 under the advanced degree exemption limit (out of approximately 199,000 petitions filed).

H-1B Visa Reform Act of 2004

- Exempts from the H-1B cap the first 20,000 beneficiaries who have earned a Master's or higher degree from a U.S. institution of higher education. After those 20,000 slots are filled, USCIS is required to count those cases against the 65,000 cap for the remainder of the fiscal year.

H-1B Visa Reform Act of 2004

- **Implements two additional filing fees:**
 - **ACWIA Fee:** Petitioners who employ more than 25 full-time employees must pay a fee of \$1,500; petitioners who employ 25 or fewer full-time employees may submit a reduced fee of \$750. Certain types of petitions are exempt from the new \$1,500 or \$750 fee.
 - **Fraud Prevention and Detection Fee:** All petitioners seeking a beneficiary's initial grant of H-1B or L nonimmigrant classification, or those petitioners seeking to change a beneficiary's employer within those classifications must pay a fee of \$500. Other than petitions to amend or extend status filed by an existing H-1B or L employer, there are no exemptions from the \$500 fee.

H-1B Checklist

H-1B CHECKLIST

To start your H-1B case, we will need the following documents/information:

- 1. Employer tax I.D. number, annual gross and net income figures, number of employees
How many employees do you currently have in H-1B status?
- 2. Job title and detailed job description, including minimum requirements for the position (e.g. BS + 2yrs.), proposed salary, name and title of person signing forms
- 3. Complete address for all physical locations where the prospective employee will work
- 4. Information about the employer's business (Annual Report, Tax Return, Web Site, etc.)
- 5. Product information or brochures, if applicable
- 6. Copies of prospective employee's diplomas and transcripts with translations, including previously issued credentials/degree evaluation(s), if applicable
- 7. Copy of all non-blank pages of prospective employee's passport, and I-94 information
- 8. Copy of prospective employee's resume and current phone, address, and e-mail
- 9. Copies of ALL visa documents pertaining to prospective employee, including, where applicable, form I-20; form DS-2019 or IAP-66; form I-797; EAD card; etc.
- 10. Prospective employee's social security number (For security purposes, please do not email, and call our office at (617) 723-7111 with this information)
- 11. Prospective employee's address overseas
- 12. Copy of paystub from current employer, if any
- 13. Copies of all petition materials previously filed with the Immigration Service on behalf of prospective employee, if anything has ever been filed to the Immigration Service (not including applications for OPT)
- 14. List of all periods of stay in the U.S. in H or L classification

Please note: Where prospective employee has spouse and/or children accompanying him/her, copies of passport and I-94 information are required for each, as is a list of previous periods of stay in the U.S. in H or L classification, U.S. address, and where applicable, social security number.

Please have the prospective employee answer the following questions in the space provided.

Please list any other names or variations of your current name that you have every used:

Are you planning to leave the U.S. soon, and if so what are your travel plans?

In what city in your home country is the U.S. Consulate where you can obtain your visa?

Date and place of Last Entry into the U.S.: _____

Please download your I-94 information from <https://i94.cbp.dhs.gov/> and send a scan of it to us.

Have you ever been in deportation proceedings? If yes, please explain:

Have any visa petitions (Nonimmigrant or Immigrant) ever been filed with the Immigration Service on your behalf (not including applications for OPT)? If yes, please detail what type of petition(s), the date(s) filed, and where filed:

Do you have any dependent family members who are joining you in this application? Give names, relation to you, and date of birth of each.

Have you or any dependent family members ever been denied a nonimmigrant or immigrant visa? If yes, please provide details:

Have you or any dependent family members ever been arrested or convicted of anything, in U.S. or abroad?

Have you (and/or spouse) ever worked without Immigration Service authorization?

Have you (and/or spouse) ever stayed in the U.S. beyond the date authorized on your I-94 card? If yes, please explain:

Have you (and/or spouse) ever held H, L, or J visa status? H / L / J

If yes, provide exact dates such status was held?

If held J-1 visa, are you subject to home residency requirement? Yes / No

If yes, have you obtained a waiver of that requirement? Yes / No



How Companies can get involved

- Educate policymakers, including Members of Congress and their staff, about the need for reforms to highly skilled immigration. Lobby in Congress for the “**I-Squared Act**” , which would eliminate green card per country limits and exempt U.S. STEM Masters & PhDs , as well as spouses and children, from green card caps to help alleviate backlogs.
- Fund research by a third party, **National Foundation for American Policy**, that supports immigration and the contributions of immigrants to the U.S. economy and innovation. This research is picked up in numerous stories on this topic. Example: <https://www.wsj.com/articles/help-wanted-maybe-not-with-visa-rules-under-review-1516370400>
- Participate on the executive committee of a high tech industry advocacy coalition, **Compete America**, that advocates in favor of high skilled immigration reforms. Educate policy makers about the value that immigrants bring to the U.S. economy and innovation.
- Encourage our trade associations in Washington DC to speak out against regulatory actions that would negatively impact immigration, such as elimination of work authorization for spouses of H-1B visa holders www.massbio.org.



Upcoming Forums

- **April 12th, 11:30am - 1:30pm** - Sustainability & Climate Change: From the Boiler Room to the Board Room – **SEF**
- **May 8th, 8-10am** - The NIH is Open for Business – National Center for Advancing Translational Sciences (NCATS) and SBIR/STTR Programs & Opportunities - Including one-on-one Meetings
- **May 10th, 8-10am** - Measuring the Impact of Corporate Social Responsibility Collaborations
- **May 15th, 8-10am** - Directors, Advisors, Coaches and Mentors: Why You May Need Them All!



THE CONVERGENCE OF MEDICAL DEVICES & DRUGS:

Advances in Drug Delivery

**May 3, 2018; 12:00pm – 5:00pm
The Westin - Waltham, MA**

Registration is now open