



**MELTZER HELLRUNG**  
IMMIGRATION SOLUTIONS

# STRATEGIC IMMIGRATION COMPLIANCE IN AN ERA OF EXTREME IMMIGRATION ENFORCEMENT

April 29, 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

# HOW MELTZER HELLRUNG SUPPORTS YOU



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**U.S. Immigration**  
Work visas &  
green cards,  
handled end-to-  
end



**Global Immigration**  
Worldwide  
mobility support  
through a single  
partner



**Consular Visa Processing**  
Interview prep &  
DS-160 review  
to reduce travel  
risk



**I-9 & Immigration Compliance**  
Audits, training,  
and government  
enforcement  
support



**Immigration Litigation**  
Challenging  
delays &  
wrongful denials



**In-House Immigration Specialist**  
Embedded  
experts without  
adding  
headcount



# PRESENTERS



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## **MATTHEW MELTZER**

### **Co-Founder and Managing Partner**

Specializes in assisting foreign companies to enter the U.S. market and building custom solutions for entrepreneurial and high net-worth clients. Most recently recognized as one of Crain's Chicago Business Notable Leaders in Accounting, Consulting & Law,





## **PRESENTERS**

### **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



VOYAGER®



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# Our proprietary immigration program management platform

## Drives process efficiency, transparency, and centralization of all immigration information

### Core Features:

- Dashboards that drive transparency
- Efficient workflow automations that save time
- Extensive immigration reporting capabilities
- Comprehensive knowledge center

**Reports**

MY PROCESS REQUESTS

MAXTRADA

133 Active Foreign Nationals

2 Active Companies

58 Open Cases

CREATE NEW REPORT

**Report Templates**

Search by Template Name

**Key filing date check**  
Last Run: 07/15/2024 at 04:51 AM  
Standard 5 Columns 0 Filters

**Advanced Parole Exp. Date**  
Last Run: 07/07/2024 at 09:27 PM  
8 Columns 0 Filters

**Recent Reports**

Search by Report Name

**H-1B Lottery Selection Due Date**  
Last Run: 07/15/2024 at 04:51 AM  
From Template 5 Columns 0 Filters Completed

**Citizenship Eligibility Date**  
Last Run: 07/07/2024 at 09:27 PM  
From Template 8 Columns 0 Filters Completed

# AGENDA



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# AGENDA

The H-1B Overhaul:	A deep dive into the Wage-Based Selection System and the April 2026 updates to Form I-129.
The Enforcement Surge:	Navigating the massive expansion of ICE worksite inspections.
Project Firewall:	Surviving intensified DOL wage scrutiny and H-1B investigations.
Student Visa Crackdown:	Managing the re-evaluation of OPT and STEM OPT programs.

# H-1B OVERHAUL



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## A LOOK BACK AT THE FY 2027 H-1B: WAGE-WEIGHTED SELECTION SYSTEM

- 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



- Anticipated Selection Rates **(Before selection process)**
  - Wage Level IV: 61% to 69%.
  - Wage Level III: 45% to 65%.
  - Wage Level II: 30% to 47%.
  - Wage Level I : 15% to 28%



- **Unofficial Reported Selection Rates Overall rate of Approx. 50-55%**
  - Level IV: 65% to 75%
  - Level III: 60%-70%
  - Level II: 50%-55%
  - Level I: 16%-29%
- **Significant decrease in registrations likely**
  - Est. 175-250K vs. 344K last year
  - New wage-weighted selection system, new \$100K fee and general economic uncertainty.

The logo for Meltzer Hellrung Immigration Solutions (MIH) is displayed in a large, light gray circle. The letters 'M', 'I', and 'H' are arranged horizontally, with a vertical line separating the 'I' from the 'H'.

- Recent updates to the Form I-129 H-1B Data Collection Supplement represent a major shift toward higher scrutiny of employer wage level determinations.
- **New Questions:**
  7. What level of education is required for the position?
  8. What field(s) of study would qualify someone for this position?
  9. How many years of experience are required in order to qualify for this position?
  10. What special skills are required in order to qualify for the position?
  11. How many people will the beneficiary supervise and what are their position titles?

- **New Form I-129 Questions - USCIS Goal**
  - Enforcing Wage Level Consistency
    - Requiring details on education, experience, and supervisory duties, enables USCIS to verify that the wage level listed on the Labor Condition Application (LCA) is commensurate with the actual job requirements.
    - Capturing more data allows for cross-referencing with Department of Labor (DOL) LCA data.
    - More targeted enforcement actions.

- **New Form I-129 Questions - What to Expect**
- USCIS systems can now more easily identify inconsistencies.
  - Major **increase in RFEs** focusing on "Specialty Occupation" and "Wage Level" alignment, as the new questions provide specific data points for officers to challenge. More targeted enforcement actions.
    - *Questions regarding H-1B registration level and LCA alignment?*
  - Requiring an advanced degree and many years of experience, special skills, and supervisory responsibilities but filing at low wage level LCA will likely trigger greater risk of **NOIDs or Denials**.
  - Information about supervisory roles and/or off-site placements likely lead to more targeted **FDNS site visits** to verify that the job being performed matches the representations in the petition.

A stylized, dark gold icon of a person with a circular head and a rectangular body, centered within a larger, lighter gold circle. The text 'THE ENFORCEMENT SURGE' is overlaid on this circle.

# THE ENFORCEMENT SURGE



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- **ICE has doubled in size in the past year (10K to 22K employees)**
- **The Minnesota Experience**
  - Massive increase in Form I-9 Audits
    - Large scale FEDEX service of Notice of Inspection (NOI)
  - Detention of employees at home address listed on Form I-9
  - Expedited removal and out-of-state transfer of employee
  - NOIs
    - Instruct employer not to terminate employer during an audit
    - Expansive subpoena requests (e.g., detained entire households or business patrons despite only having a warrant for a single individual).
  - ICE: Warrantless entries, Retaliatory Audits, "Kavanaugh" stops
  - Detention of Adjustment of Status Applicants without status

- **Dramatic change in how Form I-9 violations are categorized**
  - Increase in substantive violations
  - Reclassification from “Procedural” to “Substantive”
- **Section 1 Omissions:**
  - Missing Date of Birth, Employee Signature Date, A-Number, I-94 number, or Foreign Passport info.
- **Section 2 Omissions:**
  - Missing Date of Hire, Employer/Authorized Representative Signature Date or Title.
  - Failure to record document titles, numbers, or expiration dates (even if a legible copy of the document is on file).

- **Supplement & Process Errors:**

- Incomplete Preparer/Translator data in Supplement A.
- Missing Date of Rehire in Supplement B.
- Using a Spanish-language Form I-9 outside of Puerto Rico.
- Failure to check the "Alternative Procedure" box when using remote document examination.

## Other Developments

- Elimination of the "Legible Copy" Carve-out
  - Historically, if an employer forgot to write down a document number but kept a clear photocopy, it was treated as a correctable technical error.
  - ICE now appears to treat this as a substantive violation.
- Electronic I-9 System Scrutiny
- Note: Current substantive violation fines ranging from **\$288-2,861 per form**.

- **Best Practices - Audit & Remediation Strategy**

- **Audit Legacy Forms**

- Prioritize a review of all Forms I-9s. Focusing specifically on the newly "substantive" fields

- **Proactively Fix Omissions Properly**

- Draw a line through any incorrect info, enter correct data, and initial/date changes as of the current date.

- **Legible Copies**

- Do not rely on having a photocopy of a document attached. Ensure every data field on the form is filled in properly.

- Remote Verification

- If your company uses the Alternative Procedure/Remote Video Review for E-Verify, confirm that the Alternative Procedure box in Section 2 is checked on every single form.
    - Failure to check this box is now a substantive violation.



# PROJECT FIREWALL



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- **“Project Firewall”**- DOL coordinated multi-agency effort to investigate and prosecute discrimination against U.S workers via the H-1B program.
  - Focus: Protect the rights of American workers
  - Penalties include back pay, civil fines and debarment from the H-1B program
    - LCA willful failure or misrepresentation - approx. \$51K fine per LCA.
    - Other H-1B program violations - \$35K per violation.

- **Surge in Investigations**

- DOL shift to a "Secretary-certified" complaint model has contributed to a 48% increase in enforcement actions over the last 12 months.

- **Digital Audits**

- DOL is leveraging AI and data analytics to identify patterns of non-compliance
- e.g., "benching" (failing to pay wages during non-productive time) or wage level discrepancies across geographic areas.

- **Increased Site Visit Intensity**

- Reports that site visits are more detailed, with investigators often verifying that H-1B workers are not being "upskilled" into higher wage roles without amended filings.

- **Strict Penalty Structure**

- Violations result in immediate back wage liability and civil money penalties.

M/H

- **Audit LCAs for Internal Consistency**
  - Ensure all information matches actual payroll records.
  - Treat any discrepancy between the wage level on the LCA and the salary paid as a high-priority issue.
  - Audit H-1B position description with H-1B worker duties in advance of site visit.
- **Review Recruitment Records**
  - Project Firewall specifically targets "U.S. worker displacement."
  - Document that U.S. workers are recruited in good faith.
- **Training**
  - Frontline staff should be trained on handling of administrative subpoenas or judicial warrants during unannounced site visits.

A stylized, light green clipboard icon is centered on the dark green background. It features a rounded rectangular body with a clip at the top and a slot at the bottom. The text 'STUDENT VISA OPTIONS' is written in white, bold, sans-serif font across the middle of the clipboard.

# STUDENT VISA OPTIONS



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- **Official DHS Warning and Anti-Fraud Activities**
  - **March 2026:** DHS issued a formal warning regarding STEM OPT employer fraud.
  - **Targeted Sectors:** Scrutiny focused on IT recruiters, consulting companies, and staffing agencies.
    - Scenarios with higher risk for "labor-for-hire" violations.
    - Employer that signs the Training Plan must be the same entity that provides the actual training and supervision.

- **Red Flags**
  - DHS - several investigation triggers, including disconnected business phones, non-operational office locations, and offshore payroll operations.
- **Increased RFE Rate**
  - Reports of a noticeable increase in RFEs for STEM OPT extension applications.

- **SEVP/ICE** Agents conducting unannounced inspections at worksites to confirm:
  - The student is physically present at the reported address.
  - The training matches the specific goals outlined in the Training Plan
  - The employer has the resources and personnel to provide the mandated mentorship.
- **Remote work arrangements**
  - Employers must document how "meaningful supervision" is maintained virtually.
- **Enforcement Risk:**
  - Rescission of work authorization/removal proceedings for the student.
  - Potential debarment from E-Verify for the employer.

- **Audit the Training Plan (Form I-983)**
  - Ensure that the Training Plan section is specific to the student's academic program.
  - If a student's duties have changed, a modified Form I-983 must be submitted to the DSO immediately.
- **Monitor Employment Gaps**
  - The SEVP portal is automatically terminating records for students who exceed 90 days (OPT) or 150 days (STEM OPT) of unemployment.

- **Standardize the Site Visit Response Plan**
  - Front-desk staff and HR should know exactly who to call if an ICE/SEVP officer arrives.
  - Do not let agents wander the floor; have a designated conference room ready for the interview.
- **Be Aware of Staffing Agency Risks**
  - Ensure the staffing firm is the one providing the OPT/STEM OPT worker with oversight and supervision
  - Or hire the student directly.

# THANK YOU FOR JOINING US TODAY!

Your feedback helps us improve and assists others in finding reliable immigration support.

**Leave a Google review, we greatly appreciate it!**



# QUESTIONS?

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