



June 23, 2021

House Committee on the Judiciary  
Chairman Hon. Jerrold Nadler  
2141 Rayburn House Office Building  
Washington, D.C. 20515

Dear Honorable Members of the House Committee on the Judiciary,

I am writing in support of a dynamic and sustainable Startup Visa program that would have a pathway to permanent residence. Below I provide some brief comments on why this visa category is needed, and some suggestions on how to ensure it succeeds in attracting the top talent to the United States of America.

By way of background, I possess a BS in Industrial Engineering and an MS in Mechanical Engineer from the University of Illinois and worked for approximately 6 years as an engineer with Motorola in the Chicago area before attending law school at UCLA. I graduated with a JD in 2001 and have spent the past twenty years working with companies and individuals helping through their employment-based immigration journeys. After nearly 15 years with law firms connected to the Big 4 professional services firms. Although based in Toronto, Canada, our practice was focused on assisting America's top corporate names with their immigration needs. In 2018, I moved back to Southern California and started my own firm with a focus on startup founders. Matten Law's sole purpose is to ensure the top talent on the planet secures the work authorization to make their dreams come true and in turn make America remain the inspiration for the world.

The main purpose of this letter is to stress the need for America to create a program that leads the world. The name of this committee hearing leaves me concerned that we are selling ourselves short. Having lived 15 years in Canada, I have observed the success of Canada's immigration programs. As a point of comparison, though, my practice today focuses on startup founders, the majority of whom are Canadians, most of whom obtain O-1 visas as technology entrepreneurs of extraordinary ability. Which begs the question, if Canada's startup visa program is so great, why would so many Canadians choose America over their own home country? The answer is simple, America is a better environment to grow a company.

While Canada's Startup Visa program could serve as a good point of reference, I recommend that America's program be engineered to attract the top global talent. A few recommendations:

1. An element of the qualification should reward foreign students who gained admissions to the crown jewels in our university system, such as University of California, University of Texas, University of Illinois, as well as Stanford, MIT, Cal Tech and the Ivy League universities.
2. Receipt of VC funding is a key indicator that a startup founder's innovation and idea will succeed. The criteria need to be transparent and a tiered approach is more likely to succeed



than black-and-white minimum funding requirement. Make an initial receipt of funding an achievable goal as most startup companies start with relatively modest investment, often times self-funded. By “tiered approach”, I mean that the initial period of the startup visa admission should reflect the reality that initial year or two is often spent applying to accelerators, receiving a relatively small amount of VC and developing an idea “pre-revenue”. Setting the initial criteria too high means that it won’t be useful to startups but only more mature companies who can already take advantage of regular employment visas.

3. At the time of renewal, the criteria could be higher, such as a VC grant that is more in line with Series B or C funding. If the company has not sufficiently grown during the period of the initial startup visa, then it would not be eligible for a renewal of the startup visa.
4. Create an EB-1D category of qualification for permanent residence for Startup Founders who meet certain threshold criteria.
5. Amend the Act so that the Startup Visa, O-1 and E-1 and E-2 visas are recognized as a “dual intent” visa. Forcing top global talent to go through unnecessary bureaucratic hurdles and delays serves no purpose in the national interest.

I’ll close with a story. When I was representing large corporate account, I represented an individual from India who was “maxing out” on his H-1B time before the employer was able to secure his green card. He had the option to obtain an MBA from University of Michigan so that he could remain in the US and change to an F-1 student visa. Instead he obtained his MBA from INSEAD in Paris, France and went on to create a very successful FinTech startup based in France. I had the opportunity to grab a coffee with him in France a couple of years later, and I asked him when he was planning to expand his company to the US. His answer surprised me. He told me that there was no reason to do so. His FinTech company was created to improve access to financial markets in accordance with European Union securities rules. Put simply, his company had no product for the American market.

The moral of the story is that we should be focused on the attracting the TOP global talent, and more importantly retaining the top talent that is already in the US. Focusing on Canada is an interesting point of context but the main feature is playing out in Europe, China, India and elsewhere.

I’d be happy to provide any additional information the committee might need.

Sincerely,

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