

CORPORATE IMMIGRATION RISK MANAGEMENT

Simple Steps To Protect Your Business

JASINSKY
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It Is Not “Just the Visa”

Effective U.S. immigration representation is more than just getting the visa for your prospective foreign employees

U.S. immigration laws impact your business profitability by burdening:

- **Operations**
- **Regulatory Compliance**
- **Employee Relations**

In today's competitive global economy, profitable companies need the **free market** ability to hire and retain the **best talent available** regardless of nationality.

Operations

U.S. immigration and border protection laws can impede that **free market ability to hire your employee of choice.**

Operations

Minor, unintentional, or nonexistent but “perceived” immigration “errors and omissions” can cause your business to lose key personnel

- Non-U.S. employees may be prevented from re-entering the U.S. to return to work
- Non-U.S. employees are more likely to be delayed in “secondary inspection” at U.S. ports of entry
- Non-U.S. employees may endure long delays abroad while waiting for consular background checks or for visa issuance or revalidation

Operations

While the employee is trying to defend his right and need to enter the U.S. or be employed by your company, he or she is not “on the job”. JIL can help your company manage operational immigration risks by

- Creating a customized management system to help you, and your employees, identify issues before they become problems
- Helping you develop easily implemented internal procedures and controls to minimize risks

Operations

We help you anticipate and address issues in the day-to-day operation of your business, including:

- Visa disqualifying events
 - *Changes in corporate organizational structure or ownership*
 - *Changes in employee's nationality*
 - *Changes in terms of employment, job location, employing entity*
- Changes in immigration laws, regulations, policies, tactics
- “Informal” visits from employees abroad – avoiding misuse of visit visa or visa waiver
- Pre-departure vetting of foreign national employees, re-entry preparation

Operations

- Assessment of immigration impact of departure:
 - *abandoned applications*
 - *timely obtaining/revalidating visas*
 - *travel document expirations*
 - *proving prior authorized stays*
- Anticipating the problematic visa issuance/revalidation/re-entry
- Pre-hire immigration vetting , and pre-transfer to the U.S. immigration briefing
 - *technology Alert List*
 - *inadmissibility issues*
 - *visa quotas and term limits*

Compliance

Feds arrest hundreds at Wal-Marts

Over 300 illegal workers nabbed, hired through contractor

WASHINGTON, Oct. 23 — Federal officials arrested 100 illegal workers at 61 Wal-Mart stores across the country.

The more aggressive attitudes, policies and enforcement actions of the immigration authorities increase your company's liability exposure for noncompliance with complex and changing immigration laws.

Compliance

We partner with your HR group to streamline and ease their compliance burdens

- Training and support for existing and new immigration laws & procedures
- Automated reports, alerts and reminders
- Immigration audits
 - I-9s
 - Public Access Files
 - Docket Control/File Management
- Federal export control regulations and deemed export issues – new hires

Compliance

Our compliance training also covers:

- I-9 compliance
 - Protecting against discrimination charges
 - E-filing of I-9s
 - Development of I-9 system

- Due diligence in corporate acquisitions and successor in interest liability - identifying or avoiding assumed immigration liabilities

Employee Relations

What happens if an employee loses a visa status, due to:

- “lack of visa availability”
- “employer no longer needs the employee’s services”
- “failure to maintain status”
- “adverse immigration laws or regulations”
- “oversight”

Who is responsible? Who bears the risk?

Employee Relations

JIL will assist in developing a Foreign National Supplement to your Employee Handbook, so that

- Your company has clearly-defined immigration-related policies, and delineated obligations of the Company and of its employees or potential hires
- You communicate with clarity these policies and obligations to the affected employees, and assure that accepted or continued employment with your company constitutes unequivocal acceptance of those terms by your employees.

Your corporate immigration policy may address such issues as --

- Consistent policies for deciding which potential new hires get sponsored for work visas
 - *Company-wide policy*
 - *Manager decision*
 - *Case-by-case basis*
- Who pays legal fees – for employee, for dependents
- What if employee is terminated – reimbursement of fees to the company?
- Policies on holding open position when employee cannot work due to immigration reasons (delayed visa issuance, etc. – is fault a factor?)

Employee Relations

- Implications of sponsorship
 - *Promise of employment for a specified period?*
 - *Implied promise to complete sponsorship, achieve specific results?*
 - *Liability to employee for errors causing serious immigration consequences (unlawful presence, etc.)*
 - *Who owns the labor cert?*
 - *Control of the immigration process – in the hands of the employee, or the company?*
- What obligations does the employee have concerning his/her maintenance of immigration status
- Centralized, coordinated immigration clearance center

JIL Can Alleviate Your Immigration Burden

Outsourcing the immigration function to immigration law specialists reserves corporate resources for more value-added activities.



"Immigration Support for New Hires,"
Corporate Leadership Council (April 2002)

JIL's attorneys are experienced in *all* visa categories. We will optimally select and obtain the "best fit" visa based on the employee's characteristics, the company's needs, and the immigration environment:

- Professionals and specialists (H-1B)
- Business visitors, unpaid interns (B)
- Transfers from affiliates abroad (L)
- Cost-saving "Blanket L" petitions and visa processing
- Treaty trader or treaty investor entities (E)
- Project-based visas (such as H2B)
- Training visas (Js, H-3s, F-1 practical training)
- Visa opportunities under Free Trade Agreements
- Extraordinary ability employees (O)
- Cultural exchange visa opportunities (J, Q)
- Permanent visas
- Visas for spouses and dependents

Knowledge
and Experience
With All Visa
Types

Attorney Accessibility and Reliability

We Offer

- Web-based case management
 - Worldwide accessibility, 24/7
 - Instantaneous updates
 - Knowledge in real time
- Expedited service: 48-hour visa petition turnaround at no additional charge
- Courtesy on-site meetings
- Web-ex, videoconferencing technology
- “No Time-Zone Policy” - Immediate access to attorneys, regardless of time of day and time zones
- Pre-negotiated, fixed, flat fees
 - No hidden surprises
 - No add-on charges
 - Highly competitive rates.
- Personal accountability for every case.

Your employees can focus on their work, not their immigration status. We can help you

**Your Foreign
National
Employees Will
Feel Confident**

- Avoid low productivity and declined offers of employment
- Pre-empt employee questions with automatic immigration updates
- Allow employees to check immigration status for themselves
- Provide quick and intelligent support via phone or email
- Arrange personal meetings for special situations



Laura N. Jasinsky has practiced law for more than 25 years, and in the last 15 years has focused her practice exclusively on U.S. immigration matters. She received her J.D. (1982) and LL.M. (1993) from John Marshall Law School (Chicago). Previously a tax partner with the international law firm of Altheimer & Gray, Laura leverages her many years of corporate transactional experience to develop and implement creative solutions to the many workforce immigration problems facing employers, corporate legal departments, and H.R.

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We represent companies throughout the United States. Regardless of your location, we can prepare, process, and file visa petitions and applications with all US CIS Service Centers and US consulates worldwide.