

Immigration Group

Some years ago, federal judge, Irving R. Kaufman, noted “. . . the striking resemblance between some of the laws [the court is] called upon to interpret and King Minos’ labyrinth in ancient Crete . . .” He concluded that “the tax laws and the Immigration and Nationality Acts are examples [the court has] cited of Congress’s ingenuity in passing statutes certain to accelerate the aging process of judges.” In more recent years, the U.S. Supreme Court has suggested that U.S. immigration laws now may have surpassed U.S. tax laws in complexity. Mindful of this complexity and of the increasing global nature of business and clients’ activities, Sullivan & Worcester LLP resolved to add immigration law expertise to — and in support of — its many other services.

Sullivan & Worcester’s Immigration Group focuses solely on U.S. (federal) immigration law. The Group integrates highly customized strategic planning and tactical implementations into immigration solutions for businesses, professionals, entrepreneurs and the clients of consulting attorneys. In addition to handling stand-alone, volume and high-consequence matters, the Immigration Group is often asked to utilize its deep and varied expertise on behalf of the firm’s international and domestic clients in complex matters where immigration is only one — albeit a key — component of a larger client service need.

These complementary services support not only the firm’s corporate, employment, tax and technology practices, but all other client service areas which may interact with foreign nationals subject to U.S. immigration laws.

HOW S&W’S IMMIGRATION GROUP’S SERVICES DIFFER

U.S. immigration law has long been regarded as one of America’s most complex (and unpredictable) bodies of law due in no small part to uncommonly broad agency discretion, the involvement of sometimes as many as three separate federal agencies — Immigration, Labor and State — and the law’s non-intuitive nature. It is within this complexity that S&W’s Immigration Group seeks to differentiate its services.

By *disassembling* and then *reengineering*, this complex process, the Immigration Group is better able to convey to the client — earlier, more quickly and more effectively — the action points to be taken and how best to manage the process, often using visual aids, such as flowcharts and graphics. This allows clients to get more out of the limited time available to them to devote to immigration issues. Another aspect of this approach is that, in addition to being highly customized, the services are, by design, highly personalized, with communications from clients encouraged as the best way by which to avoid time-consuming and costly misunderstandings regarding

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documentation, implementation stages, timing or expectations.

All of this translates into a commitment to provide the best and most responsive *service* along with the best *technical work product*. This commitment recognizes that time and money spent correcting an immigration problem can be costly. But time and money spent avoiding an immigration problem — by choosing the right attorneys at the outset — involves a fraction of that cost!

REPRESENTATIVE CROSS-SERVICES INCLUDE ASSISTING WITH:

- Prospective mergers or acquisitions in which the choice of deal structure may have different immigration implications (e.g., asset-only purchase vs. acquisition of stock), or where pre-close *Due Diligence* covenants may be needed to protect and reimburse for inherited post-close I-9 violations
- Human resources support in connection with employer sanctions avoidance and I-9 compliance issues and audits
- A corporate reorganization where key, professional foreign national (visaed) employees could be inadvertently affected, or where termination of a visaed employee or key executive may have immigration implications
- The transfer of groups of key staff from abroad, necessary to the setup and launch of a new business venture or subsidiary in the United States, led by a foreign business or individual
- The development of a broad and detailed corporate immigration policy regarding the *business case* to be made as a condition precedent to sponsorship
- The training of in-house staff for the management of immigration matters and *best use* of outside counsel
- Assessment of immigration viability of foreign students and professionals who might be under consideration for employment in the United States prior to hire
- Ascertaining the degree to which different immigration options may dictate the nature and form of an investment in the United States
- Ascertaining a prospective or current employee’s viability for indefinite (i.e., *Green Card*-based) employment, as distinct from viability for temporary employment
- Determining how different visa statuses may impact a lender’s loan-making decisions involving a non-immigrant borrower

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- Ascertaining visa eligibility in advance of a decision to hire or transfer, as opposed to basing the decision solely on the basis of skill, expertise or convenience
- Ascertaining in advance the potential immigration consequences to an employee holding a *Green Card* who is scheduled for expatriate assignment outside the United States

REPRESENTATIVE IMMIGRATION SERVICES HAVE INCLUDED:*

- Temporary work petitions for professionals (H-1B, O, TN) (engineers, scientists, businesspersons, academicians)
- Intracompany transferees (L-1, EBP-1)
- PERM labor certifications (inclusive of NOF responses and BALCA appeals) and preference petitions (EBP-2 & 3) (inclusive of NOA/RFE responses and AAO appeals)
- L/C-exempt petitions based on Extraordinary Ability, Outstanding Researchers/Professors (EBP-1), National Interest & Schedule A waivers (EBP-2)
- Temporary Trade (E-1) and Temporary and Permanent Investment-based options (E-2, EBP-5)
- Student practical training conversion options (F-1, J-1)
- Work Authorizations (EAD), Advance Parole, Re-Entry Permits
- Re-presentation of denied visa applications to U.S. Consuls abroad

*All of the above have been provided as either single matters or as part of up to 200+ single employer simultaneously open and active matters on behalf of individuals and up to and including Fortune 100 employers, in areas of business, engineering, science, pharma-/bio-technology, emerging technologies, high-tech start-ups, medicine, industry and services (professional, financial, management, etc.).

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For further information and to view downloadable resource materials explaining process, requirements and strategies, please visit the Immigration Group's Web site at www.sandw.com/immigration or contact:

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