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Desk Reference to Commercial Immigration

This is a brief summary of the immigration issues that employers are most likely to encounter. The precise legal contours of these issues, however, may be complex. This summary, therefore, does not address all aspects of these issues and should not be considered as a substitute for competent legal advice.

I. GENERAL BACKGROUND

The immigration laws of the United States regulate the admission of all foreign nationals into this country. To enter, foreign nationals must satisfy certain visa requirements. These requirements differ for intending immigrants (persons seeking permanent residence) and for nonimmigrants (persons seeking only temporary stays). The specific requirements depend on the particular visa classification that the foreign national seeks to satisfy.

The immigration laws make it illegal for employers to hire foreign nationals whose immigration status does not permit them to work and impose on employers the responsibility for verifying the legal authority of all employees (regardless of citizenship) hired since November 6, 1986. These laws also prohibit intentional discrimination in employment based on an individual's national origin or citizenship status. Civil and criminal penalties may result from violations of these provisions.

II. IMMIGRANTS

All foreign nationals seeking admission to the United States are considered to be immigrants unless they can prove they are eligible for a nonimmigrant visa. Generally, immigrants fall within four broad classes: Investors, Employment- or Family-Based Preference immigrants, Special Immigrants and Refugees. Most employers are likely to be concerned with foreign nationals seeking permanent residence on the basis of Employment- or Family-Based Preferences.

A. Employment-Based Preferences

There are three broad categories of Employment-Based Preferences available to foreign nationals who seek to immigrate. The first concerns so-called Priority Workers. This category includes foreign nationals who can demonstrate that they: (a) have "extraordinary" ability in the arts, sciences, education, business or athletics; (b) are "outstanding" professors or researchers; or (c) are executives or managers of multi-national companies.

A second Employment-Based Preference relates to Special Professionals. These are foreign nationals who: (a) are professionals with advanced degrees or the equivalent; or (b) have "exceptional" abilities in the sciences, arts or business. The final Preference category for Employment-Based immigrants relates to Other Employees. These are foreign nationals who are: (a) skilled workers with at least two years' training or experience; (b) professionals with baccalaureate degrees; or (c) unskilled workers (subject to stricter numerical limits).

To obtain permanent residence in the Second and Third Employment-Based Preference visa categories, an employer generally first must secure alien employment certification ("Labor Certification") from the Department of Labor ("DOL") attesting to the need for foreign workers in the position the employer seeks to fill due to the documented absence of qualified U.S. workers. At the present time, this is done via the

DOL's Program Electronic Review Management ("PERM") system. PERM is an electronic filing, attestation and audit procedure.

Priority Workers, including executives and managers of multi-national companies, and Special Professionals whose work is in the "National Interest," do not require Labor Certification before proceeding. Employers submitting these cases first secure from the U.S. Citizenship and Immigration Services ("USCIS"), formerly the Immigration and Naturalization Service, an approved Preference visa petition. Foreign nationals seeking permanent residence in the United States can file their permanent residence applications (Form I-485) at the same time that their employers file the Preference petitions (Form I-140) if there is an immigrant visa number available.[1] Those foreign nationals who intend to apply for an immigrant visa at an American embassy or consulate abroad, however, still must await approval of their employer's Preference petition and have an immigrant visa number available before they can initiate the immigrant visa application process.

B. Family-Based Preferences

Permanent residence applications also can be predicated on specific family relationships to U.S. citizens or permanent residents. "Immediate Relatives" of U.S. citizens (parent, spouse and certain children over 21) generally may apply without regard for quota restrictions. Otherwise, Family-Based Preferences are available for the married and unmarried children of U.S. citizens and for the spouses, children and siblings of permanent residents. None of these categories require labor certification but all must be supported by a Preference visa petition (Form I-130), approved by the USCIS, which demonstrates the requisite family relationship.

The availability of immigrant visas for Employment and Family-Based Preferences is limited by the quota system applicable to most United States immigration. Extensive delays of many years are not uncommon for some Preference applicants under existing law. Therefore, if an employer wants to hire foreign nationals more promptly, it should consider whether they are eligible to receive nonimmigrant visas.

III. NONIMMIGRANTS

There currently are more than 40 distinct categories of nonimmigrant visas. Each category is identified by a different letter designation and many of those categories also have subcategories with numerical references (*e.g.*, H-1B, L-1A). There are specific requirements and limitations applicable to each nonimmigrant visa category.

[1] There is a world wide quota for the number of permanent residence applications that can be approved annually. To submit an application for permanent residence, there must be an immigrant visa number immediately available under this quota. There also must be an immigrant visa number available at the time the permanent residence application is approved.

A. Business Nonimmigrant Categories

Nine of these nonimmigrant categories are used most commonly by businesses. These can be summarized as follows:

1. Visitors (B): Available to foreign nationals who maintain a residence abroad to which they will return and seek admission for relatively brief periods for specific, appropriate purposes. A B-1 visa is issued to foreign nationals coming here for business purposes, and a B-2 visa is issued to those visiting for pleasure. Under certain circumstances, B-1 business visitors may work for or train at local branches of foreign employers if they are not paid by a domestic employer. These visas can be obtained directly from the appropriate American embassy or consulate. Duration: Approximately 30 days, unless the employee can demonstrate that additional time, up to six (6) months, is necessary to complete the purpose of the trip. An extension of up to six (6) months is possible. Spouses and children may not work.

   Visa Waiver Visitors (B): The United States permits nationals of certain "low fraud" countries to enter as visitors for up to 90 days under the Visa Waiver Program ("VWP"). This allows eligible foreign nationals to come to the United States without first securing a B nonimmigrant visa if they satisfy all of the other requirements for a visitor for business or pleasure. Visitors entering under the VWP may not stay longer than 90 days, generally may not change status in the United States to another nonimmigrant status, and are subject to summary removal in the event that the USCIS concludes they previously have violated limitations on the VWP or are coming to engage in activities that are inconsistent with those for which visitors are permitted.

   Foreign nationals seeking to use the VWP must have machine-readable passports, and must have biometric identifiers in their passports. They also must first obtain security clearance under ESTA, the Electronic System for Travel Authorization. Foreign travelers who fail to satisfy these passport and ESTA requirements will have to apply for and obtain a visitor's visa to secure admission to the United States.

2. Treaty Traders or Investors (E): Available to foreign nationals from countries that have treaties of commerce with the United States. E-1 Treaty Trader visas are issued to foreign-owned companies with offices in the United States that do more than 50% of their business with the applicant's country. E-2 Treaty Investor visas are issued to individuals or companies who are nationals of the treaty country and who own or control United States businesses in which they have a "substantial" investment. Employees who are nationals of the treaty country and who perform executive, managerial or essential skill responsibilities also may obtain treaty visas if their employer qualifies.

   It can take several months to qualify as a treaty employer. Once an employer is found eligible, however, qualifying employees can obtain E visas directly from the appropriate American

embassy or consulate. Duration: Up to five (5) years but renewable indefinitely as long as the employer continues to qualify for E status, and the treaty employee remains engaged in the approved treaty activities. Spouses but not children may work.

3. E-3 Treaty Classification for Australians: To qualify, the employer must demonstrate that the prospective employee is an Australian citizen, that s/he will engage in the type of "specialty occupation" that satisfies the H-1B requirements, that a labor condition application has been approved for the position, and that there is a quota number available. Unlike the more traditional E nonimmigrant classifications, there is no requirement that the employer be primarily Australian owned or that it satisfy the other treaty investor or treaty trader requirements. Spouses, but not children, may work.

4. Temporary Workers (H): Available to foreign nationals who seek admission to work temporarily in the United States. H-1A visas refer to qualified registered nurses but this category is no longer available. H-1B visas are for so-called "specialty occupations," which the USCIS defines to include professional positions that require a specialized degree, and prominent fashion models. H-2A visas refer to temporary or seasonal agricultural workers who maintain a foreign residence. H-2B visas relate to workers, with a foreign residence, who seek to fill temporary nonagricultural jobs after the DOL has certified that no U.S. workers are available for the position. H-3 visas are issued to trainees with a foreign residence who will receive training (other than medical training) that is not available in their home countries and that they will use abroad.

   To secure an H-1B nonimmigrant visa, an employer first must secure acceptance of a Labor Condition Application ("LCA") by the DOL. An H-1B petition then must be approved by the USCIS and forwarded to the appropriate American embassy or consulate to support the employee's visa application. The entire process usually takes from 4-6 months.[2] Currently, there is an annual cap for new H-1B petitions of 85,000 (20,000 for those with master's degrees or higher from U.S. universities). Duration: three years, but renewable for an additional three years. Spouses and children may not work.

5. H-1B1 Professionals: The United States has negotiated Free Trade Acts with Chile and Singapore. Under the terms of these treaties, citizens of each country gain certain immigration benefits. One of these benefits is the ability to secure H-1B1 status. This is similar, but not identical, to H-1B status and represents an additional benefit for the citizens of these two countries. Thus, when the H-1B quota has been reached, citizens of Chile and Singapore remain eligible for H-1B1 status. Employers sponsoring H-1B1 professionals must first secure an approved LCA, and all H-1B1 professionals are subject to the same foreign residence requirement

[2] The USCIS may permit "premium processing" of many nonimmigrant visa petitions, including the "E-1/E-2", H-1B," "L", "O" and "TN" petitions. Premium processing has not been allowed for E-3 or H-1B1 petitions. When premium processing is permitted, the USCIS agrees to adjudicate the petition in 15 days, for an additional fee of $1,225.

that applies to B visitors. Duration: one year, but renewable indefinitely. Spouses and children may not work.

6. NAFTA Professionals (TN): The North American Free Trade Act between the United States, Mexico and Canada ("NAFTA") contains additional options for Mexican and Canadian citizens who seek work in the United States. To qualify for "TN" status under NAFTA, the employee must have a foreign residence to which they will return, and be coming to the United States to work in an occupational classification listed in NAFTA Appendix 1603.D.1. Canadians are visa exempt and can enter as NAFTA professionals by applying for TN classification at any border crossing that has a Free Trade Officer. Mexicans seeking TN status must secure a TN nonimmigrant visa from an American embassy or consulate. Duration: Up to three years, but renewable indefinitely if the foreign national maintains a foreign residence to which he or she will return.

7. Exchange Programs (J): Available to foreign nationals who maintain a residence abroad and who seek admission to work temporarily as part of an exchange program approved by the Department of State ("DOS"). Several nonprofit organizations have been designated by the DOS as sponsors for J programs, and can be used by those employers who lack designation as a J-1 sponsor to support employee applications. Once an approved J-1 sponsor is located, the sponsor issues the trainee a Form DS-2019, which can be used to apply for a J-1 nonimmigrant visa at the appropriate American embassy or consulate. Duration: Maximum 18 months. Spouse and children may work with USCIS authorization.

   Many employees who participate in J-1 training programs are subject to a two-year foreign residence requirement. This results if the program receives any government funding or involves activities that are included on the "skills list" for the employee's home country. J-1 trainees who are subject to the two-year foreign residence requirement cannot secure H, K or L nonimmigrant status or apply for permanent residence until they first have resided continuously for at least two years in their home country. Waivers of this requirement are possible but may be difficult to obtain. Individuals or companies that contemplate using the J-1 category thus must determine first whether the sponsored foreign national will be subject to the two-year foreign residence requirement.

8. Intracompany Transfers (L):

   a. Individual: Available to foreign nationals seeking to transfer to the United States from the parent, branch, subsidiary or affiliate of the American employer. To qualify, the foreign nationals must have worked outside the United States for a related foreign employer in an executive, managerial or specialized knowledge capacity for at least one of the previous three years, and must be coming to this country to work in a similar capacity. Individual intracompany visa applications first must be supported by a nonimmigrant visa petition

approved by USCIS. The eligible employee then can apply for an L visa at the nearest American embassy or consulate. Duration: three (3) years but can be renewed for two (2) years (specialized knowledge) or four (4) years (executives and managers). Spouses may work but children may not.

b. Blanket: Available to any employer who: (a) is engaged in a commercial trade or service; (b) has an office in the United States that has been doing business for at least one year; (c) has three or more domestic and foreign branches, subsidiaries, or affiliates; and (d) has obtained at least ten (10) individual "L" visas for executives, managers or specialized knowledge professionals during the past 12 months, has United States subsidiaries or affiliates with combined annual sales of at least $25 million, or has an American workforce of at least 1,000 employees. Blanket "L" petitions are secured by the employer from USCIS. Eligible employees (*i.e.*, executives, managers or specialized knowledge professionals who worked for the foreign employer for at least one year) then may obtain L visas directly from the nearest American embassy or consulate based on the approved "Blanket Petition" as long as it remains effective.

c. L-1 Reform Act: This legislation prohibits L-1B "specialized knowledge" personnel from working primarily at a worksite, other than the petitioning employer's, if the work will be controlled and supervised by a different employer or if the offsite arrangement is essentially to provide labor for hire, rather than services related to the specialized knowledge functions for the petitioning employer.

9. Extraordinary Ability (O):

Permits the admission of foreign nationals who have "extraordinary ability," or who have an extraordinary level of achievement in the sciences, arts, education, business or athletics. To secure an O nonimmigrant visa, an employer first generally must consult with a "peer group" in the applicant's occupation, or the appropriate collective bargaining representative, regarding the position to be filled and the applicant's qualifications. The employer then must obtain approval from the USCIS of an O nonimmigrant visa petition. Duration: three (3) years with possible one (1) year extensions. Spouse and children may not work.

B. Security Requirements

The tragic events of September 11, 2001 have resulted in significant changes in the processing procedures at American embassies and consulates abroad, as well as screening procedures used at United States' ports-of-entry. Enhanced security measures are in place at most American embassies and consulates and this, combined with the requirement for a personal interview for most applicants, has led to substantial delays in visa processing. Applicants should contact the American embassy or consulate before submitting a visa application to confirm the current procedures.

One of the most important security measures enforced by USCIS in processing preliminary petitions and by American embassies and consulates in adjudicating visa applications concerns sensitive technology and export controls. In February 2011, the USCIS amended the nonimmigrant visa petition (Form I-129) to require sponsoring employer to declare whether sponsored FNs would be allowed access to sensitive or controlled technology and, if so, whether the necessary export license would be secured before that occurred.[3] In the visa process, the DOS examines applications for compliance with its Technology Alert List ("TAL"). The TAL enumerates certain computer, scientific and other activities that may pose significant security risks if foreign nationals are permitted to perform them in the United States. FNs seeking admission to this country to engage in possible TAL activities or work with sensitive or controlled technology can expect significant delays in processing their visa applications and, in certain cases, may be barred from the United States if the government concludes that their activities present an unacceptable security risk.

Finally, the Department of Homeland Security, which oversees the USCIS, has implemented a computerized "USVISIT" system at most ports-of-entry. This requires USCIS officers to scan the fingerprints and take digital photographs of all arriving nonimmigrants, and to place self-serve kiosks at all exit-ports for departing nonimmigrants to scan visas or passports and provide scanned fingerprints. All applicants for admission should be familiar with these procedures to avoid unnecessary delays.

C. Change of Nonimmigrant Status

To enter the United States as a nonimmigrant, foreign nationals (except Canadians) generally require a passport and a visa. Nonimmigrant "B", "E-1/E-2/E-3", H-1B1 "J", "TN" (Mexico) and Blanket "L" visas can be secured directly from an American embassy or consulate.[4] If an employer seeks "H-1B", individual "L" or "O" nonimmigrant classification, it first must secure approval of a nonimmigrant visa petition from USCIS before a visa can be obtained by the prospective employee from an American embassy or consulate abroad.

Where an employee who is eligible for nonimmigrant classification is already in the United States in lawful nonimmigrant status (except VWP), the employer may apply to have the employee's status changed to a new nonimmigrant category that permits the employee to work for the new employer.[5] This can save the cost and dislocation of a trip home for employees who intend to stay here and work. Employees who secure such an extension and/or change of nonimmigrant status may still have to obtain a new nonimmigrant visa abroad if they leave the United States and wish to return.

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[3] Under U.S. law, allowing any FN access to sensitive or controlled technology is considered a "deemed" export of that technology to the foreign national's home country. If the employer would need an export license to send the technology to that country, it needs an export license to allow any FN access to that technology.

[4] Canadian citizens generally are exempt from U.S. visa requirements and can apply for TN or L-1 status directly at the border.

[5] Under the "portability" rules, an employee who is working for another cap-subject employer in H-1B status may start work with a new employer as soon as the new employer files its H-1B petition for that employee with the USCIS. New employees changing from any other nonimmigrant status cannot start work until the new employer's nonimmigrant petition and change of status application have been approved.

D. Relationship of Nonimmigrant Categories To Priority Worker Preference

Two nonimmigrant categories mirror classifications in the Employment-Based Priority Worker Preference group. Most L-1A managers and executives should qualify as multinational employees. Extraordinary (O) temporary employees also may satisfy the Extraordinary Ability standard. This congruence between the immigrant and nonimmigrant classifications should be considered before an employer decides which nonimmigrant visa classification is most appropriate for a prospective employee.

E. Consequences of Inadvertent Status Violation(s) Under the 1996 Immigration Act

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (the "1996 Act") made a number of restrictive changes in the immigration laws. One significant change was the addition of a three (3) or ten (10) year bar to residence for those who are "unlawfully present" in the United States for longer than 180 or 365 days, respectively. There is no requirement that the "unlawful presence" be intentional. It can apply to families who inadvertently fail to extend their status, or to executives who switch positions without securing the proper USCIS approvals. These changes in the law make it imperative for companies to ensure that their employees (and their employees' families) remain in lawful status.

IV. EMPLOYER RESPONSIBILITIES

The Immigration Reform and Control Act of 1986 ("IRCA") applies to all employees hired after November 6, 1986. IRCA's sanctions basically fall within three categories: (1) employment of unauthorized aliens; (2) recordkeeping; and (3) discrimination.

Under IRCA, employers have the responsibility to knowingly not hire unauthorized aliens or to maintain them as employees once their employment authorization expires. Employers also must verify on Form I-9 the identity and authority to work of all employees. Finally, IRCA prohibits intentional discrimination in employment because of an applicant's national origin or citizenship status.

Under IRCA's definition of unfair-immigration-related employment practices has been expanded to include: (a) any request for more or different documents evidencing identity or work authorization than are required by the USCIS regulations; (b) any refusal of facially valid identity or work authorization documents; and (c) any attempt to intimidate and/or retaliate against employees for exercising rights protected by IRCA.

Civil fines and cease-and-desist orders can be imposed upon employers for violating IRCA. Under the 1996 Act, however, employers who are found to have "technical or procedural" violations will be given ten (10) days to cure them. Criminal penalties and asset forfeitures are possible for employers who

engage in persistent violations. The Department of Homeland Security, through the Immigration and Customs Enforcement agency ("ICE"), has stepped up worksite enforcement efforts under IRCA. This has included raids of large facilities suspected of employing undocumented workers, arrests of any undocumented workers, and criminal forfeitures and charges against the companies and management responsible for the employment of these undocumented workers. Several states also have passed immigration-related laws that impose further requirements on employers in their jurisdictions or seeking to do business with the respective states. For these reasons, all employers now should be careful not only to maintain compliance with IRCA, but also to check the state law where they operate to ensure compliance with its provisions.

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September 2017 Special Immigration Alert

USCIS Anticipates Resuming H-1B Premium Processing on October 3, 2017

USCIS Indicates That Foreign Nationals Who Depart the U.S. Will Abandon Pending TN Applications

USCIS Announces That It Will Institute Personal Interviews for All Employment-Based Green Card Applicants Starting October 1, 2017

DOS Issues October 2017 Visa Bulletin

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I. USCIS Anticipates Resuming H-1B Premium Processing on October 3, 2017

U.S. Citizenship and Immigration Services ("USCIS") has advised the American Immigration Lawyers Association ("AILA") that it anticipates resuming premium processing for all H-1B petitions and extensions no later than October 3, 2017.

II. USCIS Indicates That Foreign Nationals Who Depart the U.S. Will Abandon Pending TN Applications

USCIS also has advised AILA that it will deny pending TN applications if the foreign national ("FN") beneficiary travels outside the United States. According to the USCIS, this result is required by a strict reading of USCIS regulations which limit the agency to preserving only petitions if the sponsored FN leaves the country. Because the regulations define a TN submission as an application, it does not benefit from the protection of the regulation that applies to petitions.

III. USCIS Announces That It Will Institute Personal Interviews for All Employment-Based Green Card Applicants Starting October 1, 2017

On August 28, 2017, USCIS announced it will phase-in in-person interviews for all employment-based and family beneficiary-based asylee/refugee adjustment of status (permanent residence) applications. Previously, in-person interviews in these cases typically were waived and the USCIS adjudicated them based only on paper submissions. According to acting USCIS Director James W. McCament, "This change reflects the Administration's commitment to upholding and

strengthening the integrity of our nation's immigration system," and reflects the current Administration's desire for stronger vetting procedures in all aspects of the immigration process.

As those familiar with USCIS already know, there are extensive delays in all aspects of the immigration process. The addition of these in-person interviews promises not only to result in significant additional delay but also drive up the costs. The USCIS must pay for new examiners and applicants will need to pay counsel to prepare them for these interviews. The USCIS has not yet announced exactly how these interviews will work or when in the process they will occur. We will advise as we receive more information regarding implementation.

IV. DOS Issues October 2017 Visa Bulletin

The Department of State ("DOS") has issued its Visa Bulletin for October 2017. This bulletin determines who can apply for U.S. permanent residence and when. The cutoff dates for family-based immigration continues to show backlogs due to the heavy demand for these visas.

On the employment-based side, the October 2017 Visa Bulletin shows that the employment-based first preference ("EB-1") category remains current for all countries, including China and India, which had been regressed. The employment-based second preference ("EB-2") and employment-based third preference ("EB-3") categories also have shown movement. The EB-2 category is now current for all countries except China and India. The EB-2 category cutoff date for China will be May 22, 2013; for India, the EB-2 cutoff date will be September 15, 2008. The EB-3 category also will be current for all countries, except China, India, and the Philippines. The EB-3 cutoff date for China will be January 1, 2014; for India, it will be October 15, 2006; and for the Philippines, it will be December 1, 2015.

The DOS's monthly Visa Bulletin is available at travel.state.gov/content/visas/en/law-and-policy/bulletin.html.

If you have any questions regarding this Alert or any other US immigration issues, please contact the EBG Immigration Law Group:

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Desk Reference to Immigration Issues in the Healthcare Industry

This is a brief summary of the immigration issues that employers in the healthcare industry are most likely to encounter. The precise legal contours of these issues, however, may be complex. This summary, therefore, does not address all aspects of these issues and should not be considered as a substitute for competent legal advice.

I. GENERAL BACKGROUND

The immigration laws of the United States regulate the admission of all foreign nationals ("FNs") into this country. To enter, FNs must satisfy certain visa requirements. These requirements differ for intending immigrants (FNs seeking permanent residence) and for nonimmigrants (FNs seeking only temporary stays). The specific requirements depend on the particular visa classification that the FN seeks to satisfy. All FNs seeking admission to the United States also must satisfy its export control regulations and, in particular, the Commerce Department's "deemed" export rules.

The immigration laws make it illegal for employers to hire FNs whose visas do not permit them to work, and require employers to verify the identity and legal authorization to work of all employees (regardless of citizenship) hired since November 6, 1986. These laws also prohibit intentional discrimination in employment based on an individual's national origin or citizenship status. Civil and criminal penalties may result from violations of these provisions.

II. IMMIGRANTS

Any FN seeking admission to the United States is considered to be an immigrant unless able to prove eligibility for a nonimmigrant visa. Generally, immigrants fall within four broad classes: Investors, Employment- or Family-Based Preference immigrants, Special immigrants and Refugees. Most healthcare employers are likely to be concerned with FNs seeking permanent residence on the basis of Employment-Based Preferences or Family-Based Preferences.

A. Employment-Based Preferences

There are three broad categories of Employment-Based Preferences available to FNs who seek to immigrate. The first concerns so-called Priority Workers. This category includes FNs who can demonstrate that they: (a) have "extraordinary" ability in the arts, sciences, education, business or athletics; (b) are "outstanding" professors or researchers; or (c) are executives or managers of multinational companies.

The second Employment-Based Preference relates to Special Professionals. These are FNs who: (a) are professionals with advanced degrees or the equivalent; or (b) have "exceptional" abilities in the sciences, arts or business. The final Preference category for Employment-Based immigrants relates to Other Employees. These are FNs who are: (a) skilled workers with at least two years of training or experience; (b) professionals with baccalaureate degrees; or (c) unskilled workers (subject to strict numerical limits).

Most international medical school graduates ("IMG's") seeking permanent residence as physicians will qualify as either Priority Workers or Special Professionals.[1] Registered nurses ("RN's"), physical and occupational therapists, speech language pathologists and audiologists, medical technologists (also referred to as clinical laboratory scientists) and technicians (also referred to as clinical laboratory technicians), and physician assistants generally will be eligible to immigrate as Other Employees.[2] The proper classification, if any, applicable to other healthcare positions, such as chiropractors, nutritionists, and Licensed Practical Nurses ("LPN's"), may depend on both the duties of the position and the education, training and/or license required to engage in the particular occupations. [3]

To sponsor a FN for permanent residence in the Second and Third Employment-Based Preference visa categories, a healthcare employer generally first must secure "PERM" labor certification from the Department of Labor ("DOL") attesting to the need for foreign workers in the position the employer seeks to fill.[4] Priority Workers, including individuals with "extraordinary" ability in the sciences or medicine, and "outstanding" professors or researchers, do not require labor certification before proceeding. Second preference applicants performing work in the "National Interest" also are exempt from the labor certification requirement. Under the Nursing Relief for Disadvantaged Areas Act of 1999 ("NRDAA"), IMG's are eligible for these "national interest waivers" if they are willing to practice full-time for five years in an area designated by the Secretary of Health and Human Services ("HHS") as having a shortage of healthcare professionals, or in a facility operated by the Department of Veterans Affairs.

Once the healthcare worker has secured either PERM labor certification from the DOL or qualified for an exemption from this requirement, then the employer must obtain an approved preference visa petition from the USCIS. FNs seeking permanent residence in the United States can file their permanent residence applications (Form I-485) at the time that their employers file the preference petitions (Form I-

[1] Most IMG's who primarily intend to deliver patient care also must satisfy the license requirement of the state where they intend to work and the credentials and English language requirements of the Educational Commission on Foreign Medical Graduates ("ECFMG"). The ECFMG requirement, however, does not apply to graduates of accredited Canadian medical schools.

[2] Foreign RN's without social security numbers will qualify for the third preference classification if they present with the application a letter from the state of intended employment confirming that the nurse has passed the NCLEX-RN examination and is otherwise eligible to be issued a license to practice nursing in that state.

[3] Traditionally, chiropractors, dieticians, medical records librarians, nutritionists, pharmacists and surgical assistants have been considered "Professional" positions by the U.S. Citizenship and Immigration Services ("USCIS") and have qualified as Special Professionals or as professionals under the Other Employee category. X-ray technicians, radiologic technologists, respiratory therapists, and nuclear medicine technologists, among other healthcare practitioners, are not yet recognized as "Professional" positions in all cases and generally will fall within the skilled worker prong of the Other Employee classification. The growth of the healthcare industry also has created many new occupations, and the requirements for these positions are still emerging. Classification for these new fields, therefore, must be evaluated on a case-by-case basis.

[4] RN's and Physical Therapists generally are exempt from the labor certification requirement because the DOL recognizes by regulation that it is an occupation for which there are not enough U.S. workers. These are commonly called "Schedule A" occupations.

140) as long as there is a visa number immediately available to them.[5] Those FNs who intend to apply for an immigrant visa at an American Embassy or Consulate abroad, however, still must await approval of their employer's preference petition before initiating the immigrant visa application process.

B. Family-Based Preferences

Permanent residence applications also can be predicated on specific family relationships to U.S. citizens or permanent residents. "Immediate Relatives" of U.S. citizens (parent, spouse and certain children under 21) generally may apply without regard for quota restrictions. Otherwise, Family-Based Preferences are available for the married and unmarried children of U.S. citizens and for the spouses, children and siblings of permanent residents. None of these categories require labor certification but all must be supported by a Preference visa petition (Form I-130), approved by the USCIS, demonstrating the requisite family relationship, and proving that the applicant will not become a public charge.

C. Visa Availability

The availability of immigrant visas for Employment and Family-Based Preferences is limited by the quota system applicable to most United States immigration. Delays of at least one to four years are not uncommon for preference applicants under existing law. Certain foreign healthcare workers also must secure "certificates of competence" under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRAIRA") before they are eligible to obtain immigrant or nonimmigrant visas.[6] Therefore, if a healthcare employer wants to hire FNs more promptly, it should consider whether they are eligible to receive nonimmigrant visas.

III. NONIMMIGRANTS

There are more than 25 distinct categories of nonimmigrant visas. Each category is identified by a different letter designation and those categories with subcategories also have numerical references. There are specific requirements and limitations applicable to each nonimmigrant visa category. [7]

[5] There is a world-wide quota that limits the number of permanent residence applications that can be approved annually. There must be an immigrant visa available under this quota to submit a permanent residence application and for the USCIS to approve the application.

[6] This "health certificate" requirement applies to all FNs who seek admission to the United States as either nonimmigrants or immigrants, and who want permission to work as: (1) licensed practical nurses, licensed vocational nurses or registered nurses; (2) occupational therapists; (3) physical therapists; (4) speech language pathologists and audiologists; (5) medical technologists (clinical laboratory scientists); (6) physician assistants; and (7) medical technicians (clinical laboratory technicians). It also applies to all FNs already working here in these jobs who seek to extend the nonimmigrant status that permits them to work.

[7] These include licensure, certification and applicable health certificates requirements. As a general rule, the USCIS will not approve a nonimmigrant petition for a potential healthcare employee unless that employee has the credentials to practice in the state of intended employment as well as a healthcare certificate if required.

A. Nonimmigrant Categories Most Applicable to the Healthcare Industry

Six (6) nonimmigrant categories are used most commonly by the healthcare industry. These can be summarized as follows:

1. Visitors (B): Available to FNs who maintain a residence abroad to which they will return and seek admission for relatively brief periods for a specific and legally permissible purpose. A B-1 visa is issued to FNs coming here for business purposes and a B-2 visa is issued to those visiting for pleasure or seeking medical treatment. Under certain circumstances, B-1 business visitors (including IMG's) may accept unpaid clerkships at U.S. healthcare facilities or hospitals as long as they satisfy state licensure requirements and are not being paid by a domestic employer.[8] They may, however, be reimbursed for incidental expenses. These visas can be obtained rapidly, usually within two weeks. Duration: approximately 30 days, unless the applicant can demonstrate that additional time, up to six months, is necessary to complete the purpose for the trip. An extension for up to six-months is possible. Spouses and children may not work.

2. Visa Waiver Visitors (B): The United States permits FNs of certain "low fraud" countries to enter as visitors for up to 90 days under the Visa Waiver Program ("VWP"). The VWP allows eligible FNs to come to this country without first securing the B nonimmigrant visitor's visa as long as they satisfy all of the other requirements for a visitor for business or pleasure. Visitors coming for legitimate purposes that might last longer than 90 days, such as extended medical treatment, would be well advised to apply for a visitor's visa rather than using the VWP.

   Visitors entering under the VWP generally may not change status in the United States to K, L or H nonimmigrant status, generally may not apply for permanent residence here and are subject to summary removal in the event that the USCIS concludes they previously have violated limitations on the VWP or are coming to engage in activities that are inconsistent with those for which visitors are permitted. Foreign nationals seeking to use the VWP must have machine-readable passports, and must have biometric identifiers in their passports. They also must first obtain security clearance under ESTA, the Electronic System for Travel Authorization. Foreign travelers who fail to satisfy these passport and ESTA requirements will have to apply for and obtain a visitor's visa to secure admission to the United States.

3. Temporary Workers (H): Available to FNs with residences abroad who seek admission to work temporarily in the United States. H-1B visas are for so-called "specialty occupations," which the USCIS defines to include professional positions that require a specialized bachelor's degree (or equivalent). H-1B1 visas are an additional benefit for citizens of Chile and Singapore who are coming to engage in a specialty occupation. IMG's and some other

[8] Clerkships for IMG's will qualify if they: (1) provide IMG's with practical experience under the supervision and direction of a faculty physician; and (2) are an approved part of the IMG's medical school education.

healthcare workers may qualify for these visa classifications if their work requires a specialized bachelor's degree. H-2B visas relate to workers seeking to fill temporary nonagricultural jobs after the DOL has certified that no U.S. workers are available for the position.

IMG's:

IMG's may qualify for H-1B classification if they are seeking to: (1) teach and/or conduct research at or for a public or nonprofit private educational or research institution or government agency and the work does not involve patient care; (2) work as physicians providing patient care, provided that; (a) they have passed the necessary licensing examinations administered by HHS,[9] are licensed in the state where they will work, and demonstrate competency in oral and written English;[10] or (b) they are physicians with national or international renown.

RN's:

RN's generally do not qualify for H-1B classification because the profession typically does not require a specialized bachelor's degree as an essential prerequisite for employment. H-1B classification, however, may be available to RN's who work in positions that require a bachelor's degree, such as clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife or certified nurse practitioner, as long as the RN has the relevant degree and advanced practice certification (if necessary). Certain upper-level nursing administrative positions, such as Care Plan Coordinators or RN managers, also may qualify for H-1B classification if a specialized bachelor's degree is required. Using this approach, however, may make it harder for the RN to secure permanent residence since the Schedule A exemption to labor certification applies only to regular RN positions.

The NRDAA also established an H-1C nonimmigrant classification for FNs seeking to enter the United States to work as RN's. Unfortunately, the H-1C category is extremely limited. It only allows up to 500 RN's annually to enter the United States and they must work in hospitals located in Health Professional Shortage Areas to qualify. Also, no state is eligible to receive more than 50 H-1C RN's annually.

Other Healthcare Occupations:

Other healthcare occupations, such as physical or occupational therapists, speech language pathologists and audiologists, medical technologists and technicians, physician assistants,

[9] HHS will accept the following examinations: FLEX (Parts I and II), United States Medical Licensing Examination (Steps 1, 2 and 3), or the National Board of Medical Examiners (Parts I, II and III).

[10] English competency may be established by passing the Test of English as a Foreign Language exam, or the English portion of the exams administered by the ECFMG to support state certification.

chiropractors and nutritionists, normally will be eligible for H-1B classification since the healthcare industry recognizes that a specialized bachelor's degree is the normal entry-level requirement for these positions. Healthcare workers, such as LPN's and certain technicians, normally would not be eligible for H-1B classification due to the absence of this educational requirement for the jobs. Many new healthcare occupations may be considered professional positions if the employer normally requires specialized degrees for the positions.

H-1B Process:

To obtain H-1B nonimmigrant classification for a prospective FN, an employer first must secure acceptance by the DOL of a Labor Condition Application ("LCA").[11] An H-1B petition then must be approved by the USCIS that either changes the FNs status in the United States, or provides a basis for an H-1B visa application at an U.S. embassy or consulate abroad. The key considerations in determining H-1B eligibility are: (1) whether the position is a specialty occupation, and (2) whether the FN has the specialized bachelor's degree (or its equivalent) necessary to work in the specific specialty occupation. Currently, there is an annual cap of 65,000 on the number of new H-1B petitions that can be approved annually, plus an additional 20,000 for graduates with master's degrees or higher from U.S. universities, so the timing of any H-1B petition will be important.[12] Duration: three years but renewable for an additional three years. Spouses and children may not work.

H-1B1 Classification: In recent years, the United States has negotiated Free Trade Acts with Chile and Singapore. Under the terms of these treaties, citizens of each country gain certain immigration benefits. One of these benefits is the ability to secure H-1B1 status. This is similar, but not identical, to H-1B status and represents an additional benefit for the citizens of these two countries. Thus, when the H-1B quota has been reached, citizens of Chile and Singapore remain eligible for H-1B1 status. Employers sponsoring H-1B1 professionals must first secure an approved LCA, and all H-1B1 professionals are subject to the same foreign residence requirement that applies to B visitors. Duration: one year, but renewable indefinitely. Spouses and children may not work.

4. Exchange Programs (J): Available to FNs who maintain a residence abroad and who seek admission to work temporarily as part of an exchange program approved by the United States Information Agency. Most IMG's who seek to enter the United States to participate in clinical training programs do so under the J-1 program sponsored by the ECFMG. These IMG's and their dependent family members, however, are subject to a two-year home residence requirement unless they can secure a waiver based on anticipated persecution upon

[11] Eligible hospitals seeking to sponsor RN's for H-1C nonimmigrant classification must file a Health Facility Application on DOL Form ETA 9081.

[12] FNs coming to work at hospitals or other health care facilities owned or controlled by or affiliated with educational institutions of higher learning may be exempt from the annual H-1B cap.

returning home, economic hardship to an American citizen or permanent resident spouse or child, or a recommendation from an interested state or federal government agency. [13]

Once the IMG or other healthcare worker has been accepted into an approved J-1 program, the actual visas can be obtained expeditiously from the U.S. embassy or consulate where the FNs are located, as long as they also establish the foreign residence to which they will return. Duration: most J-1 exchange visitors are admitted for the duration of their program(s). Some exchange visitors, however, are admitted in one-year increments as a means to monitor the visitor's progress in meeting his or her program objectives. Spouse and children receive J-2 classification and may work after securing authorization from the USCIS.

5. Extraordinary Ability (O): The O nonimmigrant category is for FNs who have "extraordinary ability," or who have an extraordinary level of achievement in the sciences, arts, education, business or athletics. IMG's may qualify for O classification if they establish "extraordinary ability" in their respective fields. If the IMG satisfies this high standard, there are no further immigration requirements. As a result, IMG's with extraordinary credentials can teach, conduct research or practice medicine subject only to the rules of their employers and state licensure requirements.[14]

   To secure an O nonimmigrant visa, an employer first must consult with a "peer group" in the applicant's occupation or the appropriate collective bargaining representative regarding the position to be filled and the applicant's qualifications.[15] The employer then must obtain approval from the USCIS of an O nonimmigrant visa petition. The entire process takes 8-10 weeks. Duration: three years with possible extensions. Spouse and children may not work.

6. North American Free Trade Agreement ("NAFTA"): NAFTA provides additional nonimmigrant options for Canadian or Mexican citizens seeking admission to work in this country. To qualify for admission as a nonimmigrant worker under NAFTA, the healthcare employer must establish that the prospective employee: (1) is a Canadian or Mexican citizen;

[13] This two-year foreign residence requirement precludes IMG's and their dependent family members from obtaining permanent residence, or changing to K, H or L nonimmigrant status, until they first spend two years in their home country following expiration of their J status. Waivers of this requirement are available if the IMG secures the support of an interested state or federal agency and agrees to practice primary care medicine (or another required specialty) needed within a Medically Underserved or Health Professional Shortage Area. State (Conrad) waivers are extremely limited so significant advance preparation is essential.

[14] IMG's in J-1 programs are eligible for O classification without satisfying the two-year foreign residence requirement if they satisfy the basic O visa criteria. They subsequently will need to satisfy the foreign residence requirement (or secure a waiver) if they want to obtain K, H or L nonimmigrant status or apply for permanent residence.

[15] There is no consultation requirement if there is no peer group or collective bargaining representative.

(2) will work in a position listed in NAFTA's schedule of eligible occupations;[16] and (3) has the educational credentials and/or experience that NAFTA requires.[17] For both Canadians and Mexicans, the TN is valid for up to three years, and there is no limit to the number of TN renewals that individuals may obtain as long as they retain a foreign residence. Spouse and children may not work.

B. Enhanced Security Requirements

The tragic events of September 11, 2001 have resulted in significant changes in the USCIS procedures and visa adjudication processes at American embassies and consulates abroad, as well as enhanced screening procedures at United States ports-of-entry. Enhanced security measures are in place at most American embassies and consulates and this, combined with the new requirement for a personal interview for most applicants, has led to substantial delays in visa processing. Applicants should contact the appropriate American embassy or consulate before submitting a visa application to confirm the current procedures.

One of the most important security measures enforced by USCIS in processing preliminary petitions and by American embassies and consulates in adjudicating visa applications concerns sensitive technology and export controls. In February 2011, the USCIS amended the nonimmigrant visa petition (Form I-129) to require sponsoring employer to declare whether sponsored FNs would be allowed access to sensitive or controlled technology and, if so, whether the necessary export license would be secured before that occurred.[18] In the visa process, the DOS examines applications for compliance with its Technology Alert List ("TAL"). The TAL enumerates certain computer, scientific and other activities that may pose significant security risks if foreign nationals are permitted to perform them in the United States. FNs seeking admission to this country to engage in possible TAL activities or work with sensitive or controlled technology can expect significant delays in processing their visa applications and, in certain cases, may be barred from the United States if the government concludes that their activities present an unacceptable security risk.

Finally, the Department of Homeland Security ("DHS"), which oversees the USCIS, has implemented a computerized "USVISIT" system at most ports-of-entry. This requires USCIS officers to scan the fingerprints and take digital photographs of all arriving nonimmigrants, and to place self-serve kiosks at all exit-ports for departing nonimmigrants to scan visas or passports and provide scanned fingerprints. All applicants for admission should be familiar with these procedures to avoid unnecessary delays.

[16] The healthcare occupations authorized by NAFTA are dentists, dietitians, medical technologists, nutritionists, occupational therapists, pharmacists, physicians (teaching and research only), physiotherapists and physical therapists, psychologists, recreational therapists, RN's, and veterinarians who hold certain degrees and/or licenses.
[17] For Canadians, the process of securing TN classification under NAFTA is simple: applications can be made at the point of entry – approximately two or three hours before departure. For Mexicans, however, the process is more complicated because they must apply for and obtain a nonimmigrant visa.

[18] Under U.S. law, allowing any FN access to sensitive or controlled technology is considered a "deemed" export of that technology to the foreign national's home country. If the employer would need an export license to send the technology to that country, it needs an export license to allow any FN access to that technology.

C. Change of Nonimmigrant Status

To enter the United States as a nonimmigrant, FNs generally require a passport and a visa.[19] Nonimmigrant "B" and "J" visas can be secured directly from an American Consulate or Embassy abroad. TN classification for Canadians can be obtained at the time of admission if the proper documentation is presented. Mexicans seeking TN classification must apply for a nonimmigrant TN visa. To secure "H" or "O" nonimmigrant classification, the employer must first obtain approval of a nonimmigrant visa petition from USCIS, which the prospective employee can then use to apply for and obtain a visa from an American Consulate or Embassy abroad.

Where a FN employee eligible for nonimmigrant classification already is in the United States in another lawful nonimmigrant status (e.g., H-1B professional worker, B-1 business visitor or F-1 student), the healthcare employer may apply to have the employee's status changed to the new nonimmigrant category.[20] This can save the cost and dislocation of a trip home for employees who intend to stay here and work.[21] FN employees who secure such a change of nonimmigrant status still must obtain a nonimmigrant visa abroad if they leave the United States and wish to return.

D. Consequences of Inadvertent Status Violation(s) Under the 1996 Immigration Act

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (the "1996 Act") made a number of restrictive changes in the immigration laws. One significant change is the addition of a three (3) or ten (10) year bar to residence for those who are "unlawfully present" in the United States for longer than 180 or 365 days, respectively. There is no requirement that the "unlawful presence" be intentional. It can apply to families who inadvertently fail to extend their status, or to employees who switch positions without securing the proper USCIS approvals. These changes in the law make it imperative for healthcare employers to ensure that their employees (and their employees' families) remain in lawful status.

IV. EMPLOYER RESPONSIBILITIES

The Immigration Reform and Control Act of 1986 ("IRCA") applies to all employees hired after November 6, 1986. IRCA's sanctions basically fall within three categories: (1) employment of unauthorized aliens; (2) record-keeping; and (3) discrimination.

Under IRCA, employers have the responsibility not to knowingly hire unauthorized aliens or retain them as employees once their employment authorization expires. Employers also must verify on Form I-9 the

[19] Canadian workers are exempt from the nonimmigrant visa requirement

[20] J-1 nonimmigrants subject to the two-year foreign residence requirement may not change to K, H and L nonimmigrant status or apply for permanent residence until they have satisfied the two-year foreign residence requirement. They may, however, apply for O nonimmigrant status.

[21] All nonimmigrants subject to the provisions of IIRAIRA also must be sure to obtain and submit the required certificates of competence.

identity and authority to work of all employees hired after November 6, 1986. Finally, IRCA prohibits intentional discrimination in employment because of an applicant's national origin or citizenship status.

Under the Immigration Act of 1990, IRCA's definition of unfair-immigration-related employment practices was expanded to include: (a) any request for more or different documents evidencing identity or work authorization than are required by the USCIS regulations; (b) any refusal of facially valid identity or work authorization documents; and (c) any attempt to intimidate and/or retaliate against employees for exercising rights protected by IRCA.

Civil fines and cease and desist orders can be imposed upon employers for violating IRCA. Under the 1996 Act, however, employers who are found to have "technical or procedural" violations will be given 10 days to cure them. Criminal penalties are possible for employers who engage in persistent violations. The DHS has stepped up enforcement efforts under IRCA, so employers should be careful to maintain compliance with its provisions. Increased worksite enforcement efforts by Immigration Customs Enforcement ("ICE") has led to numerous criminal prosecutions and civil forfeiture actions against organizations and their management who failed to follow IRCA requirements and thus were found to have employed, or facilitated the employment of, undocumented workers. This places a premium on healthcare employers to establish uniform immigration policies regarding Form I-9 completion and storage, among other things, and to apply them consistently across the organization.

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THE IMMIGRATION LAW GROUP (ILG)

The Immigration Law Group (ILG) at Epstein Becker Green (EBG) provides both domestic and international clients with sophisticated advice and counsel in the increasingly complicated area of immigration law. ILG attorneys offer a distinctive blend of government service, leading-edge knowledge, and in-house work experience, which gives our clients a competitive advantage as they address the challenges posed by global competition and U.S. enforcement activities.

At Epstein Becker & Green, P.C., *"the service we receive is extremely accurate. The firm is professional and lawyers are extremely knowledgeable and accessible."* ***The Legal 500 United States*** – Immigration category (client feedback)

ILG members have substantial experience representing organizations from many industries in a wide variety of immigration-related matters. In this regard, ILG members regularly represent EBG's public and private sector clients before the Department of Homeland Security (DHS), including U.S. Citizenship and Immigration Services, U.S. Customs & Border Protection, and Immigration and Customs Enforcement (ICE), as well as the U.S. Department of Labor and the U.S. Department of State.

OUR SERVICES

The ILG has extensive experience providing immigration services to an expanding group of entities doing business in the United States. We also have worked with numerous global employers to develop and implement the most appropriate and cost-effective immigration strategies for current and prospective employees. Our services in this area include:

- Counseling employers regarding the short- and long-term consequences of immigration-related decisions so that they understand what options are available and, thus, can select the most appropriate strategy for the particular employee
- Working with clients to prepare and implement immigration risk management policies that standardize the process, make it more predictable and less time consuming and expensive, and significantly reduce the possibility of legal claims that commonly arise out of the sponsorship process
- Counseling employers regarding proper pre-employment inquiries to ascertain the immigration-related challenges that employment applicants present
- Preparing the immigrant and non-immigrant petitions and applications necessary to recruit and retain the talented foreign nationals that our clients need to maintain or expand their competitive edge

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- Advising organizations regarding the immigration-related issues that arise in mergers, acquisitions, and other transactions
- Counseling employers regarding possible export control issues relating to the foreign nationals they hire
- Advising employers about the antidiscrimination, record-keeping, and employer sanction provisions of the Immigration Reform and Control Act of 1986 (IRCA)
- Representing employers in immigration-related actions in state and federal courts and before relevant administrative agencies

COMPREHENSIVE SOLUTIONS

The ILG is able to offer a superior level of service due to the broad nature of EBG's practices. Today, it is rare to have an immigration case that does not implicate employment, tax, or corporate law issues or another area of the law. The ILG regularly consults with attorneys in EBG's Labor and Employment, Health Care and Life Sciences ("HCLS"), Corporate Services, Employee Benefits, and Litigation practices, when necessary, to develop comprehensive, interdisciplinary solutions to client problems at the lowest possible cost. This approach also means that the ILG not only understands the difficult challenges that potential expatriates face when considering a U.S. assignment but is better able to support their transition.

INDUSTRY-SPECIFIC KNOWLEDGE

The ILG has developed industry-specific knowledge to assist the broad array of clients that the firm services. While this largely mirrors the firm's five core practice areas, the ILG also has focused experience serving the Japanese and Chinese business communities in the United States and supporting the health care systems and facilities that EBG's HCLS practice represents. We are not immigration lawyers; we are highly skilled and knowledgeable attorneys who concentrate on immigration issues and are able to bring a wealth of other experience to provide our clients with comprehensive solutions to their immigration-related issues. This rare combination has led to our recognition for client service and dedication by such third parties as *Chambers USA, The Best Lawyers in America, The Legal 500 United States,* and *Super Lawyers*.

OUR DIVERSITY

The ILG is made up of diverse members. This is critical to the ILG's success. Diversity enhances our performance, enables us to assist most clients in the language that they prefer, and facilitates our ability to advise clients regarding foreign travel compliance and help them transfer U.S. or foreign-based employees around the world. At the present time, the ILG has language capabilities in Chinese, Creole, English, Filipino, French, German, Italian, Japanese, Vietnamese, Korean, and Spanish.

EBG is named one of New York City's Top Immigration Law Firms

J.D. Journal
(2017)

EBG is nationally ranked in 2017 for Immigration Law

The U.S. News - Best Lawyers
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In the Immigration category, EBG is recommended for its work on a national level.

The Legal 500 United States
(2016)