



## Immigration Law

Globalization is dramatically impacting the way we do business as well as the way we live and work in the United States. Chances are that at least one of your employees, friends or colleagues is facing immigration-related needs or challenges. For a foreign national, the ability to live and work in the United States is more complicated than ever before.

Clients retain Foster Swift immigration attorneys because they have experience with these challenges and are able to assist with solutions. We advise and represent domestic and foreign clients in both business and personal immigration matters, providing representation to domestic corporations, employers of foreign national employees, executives, institutions of higher education and individuals. Immigration benefits are most commonly sought in the following broad categories:

### **EMPLOYMENT-BASED BENEFITS**

An employer may wish to sponsor a foreign national for employment, or a individual may wish to visit or work in the U.S., on one of the following visa types:

- B-1 Business Visitor
- E-1 Treaty Trader
- Green Cards
- H-1B Person in a Specialty Occupation
- H-2A Agricultural Worker
- H-2B Seasonal Worker (non-agricultural)
- H-3 Nonimmigrant Trainee (seeking on-the-job training)
- J-1 Exchange Visitor
- J-1 Waiver of Physical Presence Requirement
- Labor Certification
- L-1 Intracompany Transferees
- O-1 Persons of Extraordinary Ability in the arts, athletics, business, education or science
- P-1 Athletes, entertainment groups and their support personnel
- Q-1 Participants in International Cultural Exchange Programs

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### **ATTORNEYS**

#### **Shareholder**

Ryan E. Lamb

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### **RELATED PRACTICES**

Business Law

International Business & Trade

- R-1 Religious Workers
- Schedule A (Nurses or Physical Therapists)
- TN Professionals (NAFTA)

Foster Swift immigration attorneys prepare and review many of these applications. Foster Swift also provides legal services to individuals with ancillary legal issues that may arise from pending applications.

### **FAMILY-BASED BENEFITS**

Foster Swift attorneys regularly assist applicants seeking immigration benefits based upon the petition and support of family members, specifically:

- K-1 Fiancé or Fiancée of U.S. Citizen
- Green Cards, based upon:
  - Marriage to a U.S. Citizen
  - Siblings of U.S. Citizens
  - Parents or Children of U.S. Citizens
  - Spouses or Children of Legal Permanent Residents (Green Card Holders)
- International adoption
- Removal of conditions (for conditional Green Cards)

### **INVESTOR BENEFITS**

Foster Swift has the expertise to assist an applicant seeking immigration benefits based upon investment in a U.S. enterprise, such as:

- EB-5 Investor Visas (resulting in Green Card)
  - Regional Center Pilot Program
- E-2 Treaty Investor Visas

### **I-9 COMPLIANCE & EMPLOYER SANCTIONS**

Since 1986, the U.S. has placed upon employers the burden of acting as gate-keepers in the enforcement of immigration employment authorizations, via the intake and management of Form I-9 for all new hires. At the same time, employers must be very careful not to discriminate against authorized employees or candidates for employment based on citizenship or national origin. The result is a very fine line that employers are required to walk, with steep pitfalls (business disruption, substantial fines, negative publicity, discrimination lawsuits, and criminal penalties) awaiting any missteps.

Foster Swift assists businesses in taking a proactive approach to their I-9 compliance obligations, and in responding to allegations of breach and employer sanctions, including:

- Employer Sanctions Defense

- I-9 Program Counseling for Businesses
- Preparation of comprehensive internal I-9 Compliance Policy
- Response and Defenses to Immigration and Customs Enforcement ("ICE") Audits or Raids

## **PUBLICATIONS & ALERTS**

Final Rule Issued on H-2A Visa Regulations, *Foster Swift Agricultural Law News*, November 9, 2022

Appeals Court: J-1 Visa Employee at MSU Ineligible for Workers' Compensation, *Foster Swift Workers' Compensation Update*, February 22, 2020

2020 Deadline & Procedural Changes for H-1B VISA—Fiscal Year 2021 CAP Season, *Foster Swift Business & Tax Law E-blast*, January 28, 2020

The E Visa - Benefiting International Companies and Investors, *Foster Swift Business & Corporate Law News*, October 31, 2016

Addressing Labor Shortages With Temporary Agricultural Workers, *Foster Swift Agricultural Law News*, February 29, 2016

I-9 Compliance – 2015 Updates & Planning Items, *Foster Swift Business & Corporate Law News*, September 30, 2015

New Agricultural Guestworker Act Proposed in House, *Foster Swift Agricultural Law Update*, June 2013

I-9 Compliance - 2013 Updates & Planning Items, *Foster Swift Agricultural Law Update*, January 2013

I-9 Compliance & E-Verify – A Potentially Useful Tool, But Not A Substitute For A Comprehensive Compliance Policy, *Foster Swift Agricultural Law Update*, January 2012

The Basics of H-2A Visas For Temporary Agricultural Workers, *Foster Swift Agricultural Law Update*, May 2011

An E-2 Visa is an Attractive Option for Foreign Investors, *Foster Swift Business & Corporate Law Report*, Winter 2011

## **NEWS**

New Video Series Discusses Legal Issues for the Michigan Farmer, *Foster Swift Agricultural Law News*, October 6, 2022

DDBA elects new officers for 2020-2021, June 15, 2020

Foster Swift Elects New Shareholders, *Lansing Regional Chamber*, January 21, 2019

## **EVENTS**

Demystifying TN Visas, *Great Lakes Regional Dairy Conference*, February 2, 2023

Practical Steps to Acquiring International Interns & New Hires, *Global Business Club of Mid-Michigan*, January 25, 2012