Immigration

Lathrop GPM provides a broad range of services in the area of immigration and nationality law. We advise on matters dealing with nonimmigrants (those in the United States temporarily but intending at some point to return to their home countries); immigrants (those in the United States with the intent to become permanent residents); verification of employment eligibility and related employer compliance issues; and naturalization (the process by which a foreign national can become a United States citizen).

Non-Immigrant Matters

- **Temporary Workers in Specialty Occupations H-1B**. We handle many cases for employers that seek authority to employ foreign nationals in this classification, which permits them to work in occupations requiring at least a U.S. bachelor's degree or its equivalent.
- **Intra-company Transferees L-1.** The number of cases we have handled in this classification is second only to the number of H-1B cases that we have handled. The L-1 category is tailor-made for U.S. affiliates of companies abroad and U.S. employers with branches or affiliates overseas that wish to bring key employees of their overseas operations to this country.
- **Treaty Nationals under the United States-Mexico-Canada Agreement (former NAFTA).** We assist employers with hiring and extending the stays of Canadian and Mexican nationals in this category, that for a number of occupations, permits nationals of those countries to short-circuit the lengthy procedures required to place nationals from other countries in H-1B status.
- **Religious Workers R-1.** We help religious organizations at both the local and national levels use this classification to employ ministers and religious professionals from abroad.
- **J-1 Waivers**. We assist healthcare providers and others pursuing waivers of the two-year home country residence requirement incurred by foreign physicians and other professionals who have trained in this country as exchange visitors.

- **Trainees H-3.** We help U.S. employers use this category to bring employees from abroad for structured training programs of long duration.
- **Students and Practical Trainees F-1**. Obtaining student status to enroll in a U.S. educational institution is often handled through the institution's foreign student advisor. For employers, however, we provide assistance in evaluating the eligibility of students to work, both while in the midst of their academic programs and as practical trainees following graduation.
- **Treaty Investors E-2.** We assist employers and nationals of treaty countries who come to the United States to develop or direct operations of an enterprise in which the foreign national or employer has invested. We have also helped employers transfer highly-skilled workers to the U.S. in the E-2 category.
- **Foreign Nationals of Extraordinary Ability O-1.** We handle cases for employers that seek authority to employ foreign nationals of extraordinary ability, such as physicians, professional ballet dancers, theatre production directors and synchronized swimming coaches.

Immigrant Matters

- **Employment-Based Immigrants.** We help employers sponsor their foreign national executives, managers, physicians, scientists, technology workers, engineers and other professional employees for permanent residence. Often, this has involved use of the labor certification process. We also have experience in obtaining permanent residence based on qualifying foreign nationals as "aliens of extraordinary ability" and "outstanding professors or researchers," and based on "National Interest Waiver."
- **Family-Based Immigrants.** We assist citizen spouses of foreign nationals to make their spouses eligible for permanent residence and to remove a condition on permanent residence that applies to some of these foreign nationals. We also have handled cases involving foreign fiancÉs entering this country for the purpose of marrying U.S. citizens.

Employment Eligibility Verification

The requirement for U.S. employers to verify the employment eligibility of all new hires, both American and foreign national, arises under the provisions of federal immigration law and, in some instances, state law.

In this area, we have extensive experience with:

- Counseling employers on proper completion of Form I-9, the principal vehicle for the employment eligibility verification process. We also have provided training sessions to employers and their human resources staff on I-9 procedures.
- Assisting employers with I-9 self-audits.
- Helping employers respond to subpoenas from U.S. Immigration and Customs Enforcement (ICE) for inspection of I-9 files, often on short notice.
- Advising employers on issues related to enrollment in the E-Verify program.
- Counseling employers on how to handle the complex employment eligibility issues raised by the so-called no-match letters from the Social Security Administration.
- Answering questions on the interpretation of laws enacted by states to govern the employment of foreign nationals.