Immigration

OVERVIEW

The Immigration Practice at Eckert Seamans represents businesses, institutions, organizations, and individuals from around the world on a wide array of immigration, global workforce, and compliance matters.

Our attorneys represent clients on a broad range of matters, including:

- Immigrant Visas (EB-1, EB-1A, EB-1B, EB-2, EB-3, EB-2, NIW, etc.) and Adjustment of Status
- Non-Immigrant Visas (H-1B, L, TN, O, R, P, etc.)
- Familial Visas (Spouses, fiancés, children, and other eligible relatives)
- Administrative litigation with the DOL and USCIS
- Work authorization compliance and I-9 audits
- Naturalization and Citizenship Matters
- Representing businesses in connection with DOL and ICE audits and investigations

In the context of business, employers, now, more than ever, must ensure that the foreign national talent they recruit is available when promised, within budget, and positively received. Our full-service team of labor, employment, immigration, and benefits lawyers work tirelessly on behalf of our clients.

Eckert Seamans' team of labor, employment, immigration, and benefits lawyers counsel clients on the issues impacting the global workforce, contending with local, national, and international regulatory requirements, visa and work permit bureaucracies, complex tax regimes, and a host of other legal and compliance challenges.

As necessary, we draw on our well-established local counsel relationships throughout Asia, Europe, Latin America, and the Middle East. Through the firm's membership in SCG Legal, a worldwide network of 120 independent law firms, we can coordinate and manage cross-border projects, while providing practical, commercial, and cost-effective advice.

REPRESENTATIVE MATTERS

Immigration Visas

- Represented a wide array of religious non-profit organizations, businesses, from start-ups to international companies, particularly in the technology sector, and institutions, in connection with obtaining employment-based visas for foreign nationals and adjusting their status; e.g., advanced degree holders, aliens of exceptional ability, aliens of national interest, skilled workers, and professionals.
- Obtained prevailing wage determinations for clients and requested redeterminations from the Department of Labor.
- Counselled clients while they tested the labor market, conducted the mandatory recruitment steps, and drafted their recruitment reports.
- Represented clients where the Department of Labor audited their Program Electronic Review Management (PERM) Application for Labor Certification.
- Advised employers on the impact of corporate restructuring (mergers, acquisitions, bankruptcy), material changes to employees' terms and conditions, and strategic planning initiatives.
- Facilitated the downgrading of employment-based petitions (e.g., from EB-2 to EB-3).
- Secured ordinary, expedited, and emergency advance parole for foreign nationals, if necessary, during the immigration process.
- Advised clients navigating consular processing abroad.
- Accompanied and prepared foreign nationals for interviews.

- Counselled employers on the use of porting.

Non-Immigrant Visas

- Represented employers that petition for temporary work authorization for foreign nationals; e.g., H-1B (specialty occupation), L (inter-company transfers), O (extraordinary ability or achievement), P (athletes and performers), TN (Canadian and Mexican professionals), and R-1 (religious workers).
- Obtained wage rate determinations for positions from the Department of Labor for specialty occupation visas.
- Advised employers during the Registration Process for the annual lottery for specialty occupation visas.
- Advised non-profit organizations in establishing or formalizing affiliations necessary to obtain advantageous cap-exempt H-1B visas.
- Facilitated the porting of previously approved visas for foreign nationals.
- Advised employers regarding amendments to previously approved non-immigrant petitions.
- Collaborated with employers that experience corporate restructuring or who otherwise wish to amend the terms and conditions of a foreign national's employment.

Derivative Status and Benefits/Family Based Immigration

- Represented spouses, children, and fiancées of foreign nationals in connection with obtaining, maintaining, and extending their status and requesting work authorization where applicable.

Administrative Litigation

- Successfully responded to Requests for Evidence and Notices of Intent to Deny that USCIS serves in response to petitions.
- Successfully obtained a *nunc pro tunc* approval to correct agency error affecting 7 foreign nationals whose status was in jeopardy due to their expiring visas.

Work Authorization

- Advised employers on the completion and the updating of I-9s as well as the avoidance of discrimination and document abuse.
- Defended employers against claims of status-based discrimination and document abuse.
- Counselled employers on the implementation and the use of E-Verify and advised them on handling Tentative Non-Confirmations.
- Conducted and coordinated self-audits of I-9s to ensure that employers are in compliance with federal immigration law.
- Defended and advised clients that are subject to I-9 Audits that Immigration and Customs Enforcement conducts.