



Business Immigration Law: Strategies For Employing Foreign Nationals

Editors: Rodney A. Malpert and Amanda Thompson

Co-Authors: Roger Wolf, Tarik Sultan, Rebecca Whitehouse,
George Lester, Kevin Fitzgerald, Charles Kuck, Rinku Ray, Robert
O'Keefe, Laura Lasdow-Dussourd, Richard Gump, Nancy Morowitz,
Leslie Thiele, Ellen Yost, Vicki Martin, and Edward M. Griffith Jr.

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Book Outline

Finally, employing foreign nationals has been demystified! **Business Immigration Law: Strategies for Employing Foreign Nationals** guides you step by step through this intricate legal maze. An impressive array of specialists provides helpful and pragmatic advice on the nonimmigrant work authorization, including: specialty occupations (H-1Bs); intra-company transfers from abroad (L-1); and treaty traders and investors (E-1 and E-2). Coverage includes: tax issues; discrimination law problems raised by screening foreign nationals during hiring; and how to avoid sanctions for I-9 violations. This book's appendices provide forms, guidelines, regulations and other helpful materials. Please see its companion volume, [Business Immigration Law: Forms and Filings](#).

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EDITORS

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general practice, including criminal, personal injury and domestic relations law.

Tarik H. Sultan has concentrated his practice exclusively in immigration law, both in private practice and as an attorney in the U.S. Department of Justice with the U.S. Immigration Court. He is listed in The Best Lawyers in America for immigration law and Superlawyers.com as one of the top 5% in immigration law, and has the highest "AV" rating in the Martindale-Hubbell legal directory. Prior to forming Wolf & Sultan P.C., Mr. Sultan practiced in the corporate immigration practice group of a 600+ lawyer international law firm. His practice is focused in all areas and aspects of immigration law, with a particular emphasis in employment-based visas and employer sanctions defense. He is a former Director on the National Board of Governors for AILA, and has served on numerous national liaison committees with the Departments of Labor and Justice. Mr. Sultan has also testified as an expert in several litigation matters involving immigration and nationality issues. He is a graduate of the University of Arizona College of Law, where he served as Managing Editor of the Arizona Journal of International and Comparative Law.

Rebecca S. Whitehouse began her practice in 1992 with the Houston office of Baker and Botts, LLP. In 1999, she transferred to the firm's Austin office, where she practiced labor/employment law and business immigration law. Ms. Whitehouse has represented employers in a wide range of employment matters, such as discipline and discharge issues, employee testing, defending discrimination and retaliation charges, and drafting and enforcing employment policies. She also assists employers with hiring and transferring foreign national employees, I-9 compliance, and obtaining and maintaining employment authorization. Ms. Whitehouse has given seminar presentations on topics such as alternative dispute resolution, the Texas Unemployment Compensation System, emerging employment law issues, employee discipline and discharge, and compliance with immigration laws.

George Lester has over ten years experience practicing exclusively in the field of U.S. immigration and nationality law, advising diverse U.S. and multinational companies seeking to hire foreign professionals, scientists, business persons and artists and representing them in all procedures to obtain temporary or permanent immigration status before relevant U.S. government agencies. In addition to providing immigration representation and account management services to corporate clients, George has extensive experience advising companies on immigration-related compliance, including representing clients in government investigations, and in assisting clients in Congressional advocacy for H-1B and H-2B visa programs.

Kevin J. Fitzgerald serves as head of Foley Hoag's Immigration Practice Group. He has more than 25 years of experience in the field of immigration law, and concentrates on business immigration issues. Kevin represents employers on immigration matters in a wide range of industries, ranging from advanced technology (information technology, telecommunications, biotechnology) to services and professions (management consulting, education, hospitality) to traditional manufacturing. His immigration law counsel for employers includes both facilitating the temporary employment of skilled foreign nationals in the U.S., and securing employment-based permanent residence status. Kevin also handles family-related visa filings. In these and other immigration matters he is fully experienced in all aspects of the necessary filings and compliance steps. In addition to his immigration counsel, Kevin also has extensive experience advising employers on all aspects of employment law.

Charles H. Kuck is the Managing Partner of Kuck Immigration Partners LLC-The Immigration Law Firm, and oversees its nationwide immigration practice. His practice focuses on U.S. Immigration and Nationality Law and international migration matters. Mr. Kuck assists employers and employees with business and professional visas, labor certifications, immigrant visas, consular representation, and citizenship matters. Mr. Kuck also maintains an active Federal Court practice focusing on immigration issues. He has represented asylum seekers in more than 400 trials before the Immigration Courts. Mr. Kuck also advises employers on compliance procedures in verifying the work eligibility of all new employees as required under the I-9 employer sanctions provisions of the Federal Law and is a leader in training and



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compliance with programs on the E-Verify and IMAGE. His clients include technology firms, manufacturers, multinational corporations, individual investors and entrepreneurs, as well as families, individual immigrants and asylum seekers.

Rinku Ray focuses on the practice of immigration and nationality law. With over thirteen years of experience, she counsels companies and individuals regarding strategies for securing temporary and permanent employment authorization and other legalization for foreign nationals. Ms. Ray represents companies of all sizes -- from start-ups to established multi-national corporations -- in a wide range of industries regarding their immigration needs. Present and past clients include high tech companies, healthcare providers and colleges and universities.

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Nancy Morowitz is Of Counsel in the firm's Professional Practices Group. The Professional Practices Group monitors and analyzes federal, state and international immigration law developments, provides guidance on complex legal issues, and acts as liaison with government agencies and Congress on complex cases and policy matters. Nancy also directs the firm's legal training program and is executive editor of the Fragomen Global Business Immigration Handbook, an analysis of the immigration laws and procedures of the world's major business destinations.

Leslie Thiele partner, joined Whiteman Osterman & Hanna in 1992 as one of the founders of the International Trade and Business Practice Group. She leads the Firm's Immigration Practice Group. Her practice is concentrated in the areas of international business transactions, international trade, and business-related immigration matters. She also spent four years as an executive with an international trade and development consulting company in Philadelphia, advising domestic and foreign businesses on international investment and personnel transfer issues.

Ellen G. Yost joined Fragomen as a Partner in 2001 when the law firm she previously co-founded was merged with Fragomen's practice. She began her legal career serving as a corporate lawyer for seven years and headed the Canadian Practice Group for a Buffalo, New York firm of more than 100 lawyers. Thereafter, she co-founded a law firm in Buffalo that primarily advised Canadians doing business in the United States in connection with corporate, tax and business immigration law matters.

Vicki L. Martin-Odette is Chair of the Business Planning, Taxation and Benefits Section of the firm. She has represented U.S. and foreign individuals and entities with regard to the legal and tax issues related to their businesses and investment activities. She has also represented investment funds and private and publicly held entities with regard to



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business planning and taxation matters including formations, capital raising and placement, mergers and acquisitions, dispositions and restructurings.

Edward M. Griffith Jr. practices federal state taxation with an emphasis on taxation of banks and tax litigation for banks and other corporations. He is listed in *Best Lawyers in America*, and has written and lectured extensively on federal and state tax matters. He is a member of the faculty and advisory board of the Graduate Certificate Program of the State University of New York at Buffalo Law School. Mr. Griffith graduated from Georgetown Law Center.

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