



If you don't have a corporate immigration policy, now may be the time

By Courtney H. New

Have you ever sponsored a foreign worker for a non-immigrant visa (H-1B, L-1A/B, E-3, etc.) or Lawful Permanent Resident status (i.e., green card)? Do you have foreign employees traveling to the U.S. via the Visa Waiver Program or on B-1 visas? If the answer to either or both of these questions is yes, you may want to consider creating a Corporate Immigration Policy.

A Corporate Immigration Policy outlines the processes, policies and procedures a company has adopted with respect to sponsoring foreign employees for immigration benefits. For example, the policy can stipulate that the employer company will only sponsor non-immigrant visas, or that the employer will only undertake green card sponsorship after a specified period of satisfactory performance. In addition to ensuring the consistent application of the employer's sponsorship practices, creating a Corporate Immigration Policy has a number of other benefits:

- Serves as a potential recruiting tool by communicating an employer's willingness to support non-immigrant and/or immigrant visa processes, which for foreign nationals can be a critical differentiator when weighing career options.
- Ensures that foreign employees entering the U.S. as business visitors via the Visa Waiver Program or B-1 visas are engaging only in activities authorized by that status and not putting the U.S. employer at risk.
- Eliminates the potential for discrimination claims that can result from the inconsistent treatment of foreign nationals.
- Documents the employer's understanding of and efforts to comply with immigration laws and regulations in the event of an audit or investigation.
- Defines the costs to be covered by the company and the foreign national at the outset.

Creating and implementing a Corporate Immigration Policy is not a necessity for every U.S. employer, but it can be particularly helpful for employers that regularly sponsor non-immigrant visas and those offering green card sponsorship.

For more information on the content of this alert, or if you would like assistance creating a Corporate Immigration Policy, please contact your Nixon Peabody attorney or:

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