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A Survey of Immigration Issues Confronting Business Clients

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L-1 Intracompany Transfer

Zaven is a struggling business person who owns a software company in Armenia which does proprietary programming for the industries of their clients who hail in in business specialties, manufacturing, and other technology companies (from which they sub-contract). He has a 50/50 partner who does not want to keep working if Zaven comes to the U.S. The company has been in existence for 10 years and has a dozen employees in Armenia. They want to open a marketing operation in the U.S. with minimal staff. This is their first office. Zaven was convicted recently for the equivalent of domestic violence in Armenia. Can he come to the U.S. to expand the business? What are the company's and Zaven's options?

Issues: 1. New Office L-1

2. Dept. of Commerce Clearance for technology transfers
3. Small staff managerial/executive function, business plan
4. Substantially similar ownership between L-1 entities
5. Admissible but deportable

R-1 Religious Worker

Sousanna was the music director of an Evangelical Christian congregation in Armenia for a year before she entered the U.S. to visit her sister who lives here as a permanent resident. An American Evangelical congregation catering to the Armenian population wishes to bring her to the U.S. to play the piano during church services and assist with children's musical programming. Does the church and Suousanna qualify to bring her as a religious worker?

Issues: 1. Appropriate job duties for a religious worker

2. Two year membership before being admitted to the U.S.
3. 20 hours per week minimum work
4. site visit expectations

EB-2 Exceptional Ability and National Interest Waivers

Krikor has designed groundbreaking computer engineering designs which make oil refineries safe, avoid and respond to disaster. His designs set the standards accepted internationally and nationally by OSHA as a result of his unauthorized employment with major oil companies. Krikor has never published any books or articles or won any awards. He has been responsible for educating every person at the refineries whose safety systems he has designed. Krikor and his family entered the U.S. decades ago as visitors. He's afraid of asking one of the companies he does work for whether they will sponsor him since he filled out an I-9 as a U.S. citizen or national. What can he do?

1. Standard for Exceptional ability vs. Master degree 2d preference
2. Definition of National Interest
3. 245i adjustment
4. National Interest Waiver differences from Extraordinary ability standard
5. Viability of the option