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Immigration

Attorneys in Steptoe & Johnson LLP’s Immigration practice focus on three areas: compliance with homeland security rules, regulations, and mandated procedures; temporary and permanent immigration to the United States; and employment-related compliance issues.

A new and increasingly important part of our immigration practice consists of helping clients comply with the numerous immigration statutes and regulations that fall under the jurisdiction of the Department of Homeland Security (DHS), the Department of Labor, the Department of Justice, and the Department of State. Specifically, our attorneys represent clients with respect to matters including the following:

- Cross-border movement of executives, managers, and technical personnel, aided by our broad international experience in many countries and our longstanding experience with foreign and domestic legal systems;
- Representation of special immigrants such as investors, treaty traders, religious workers, aliens of extraordinary ability, and outstanding researchers.
- Counseling with respect to deemed export matters and changes in enforcement measures and the law brought about since the terrorist attacks;
- Audits for compliance with Department of Labor, US Citizenship and Immigration Services (the former Immigration and Naturalization Service, and Immigration Reform and Control Act requirements such as Form I-9 Employment Eligibility Verification;
- Applications for work authorization, nonimmigrant visas, permanent residency, naturalization, political asylum, and foreign adoptions; and
- Litigation before immigration judges, the Board of Immigration Appeals, and federal courts.
- Legislative representation before the US Congress on amendments to immigration laws.

Immigration Law Advisory

The *Immigration Law Advisory* summarizes legal developments of interest to our clients and friends of the firm. It is published on a periodic basis as developments warrant.

The practice covers the following:

Immigration

- Department of Homeland Security
- Temporary/Nonimmigrant Visas
- Immigrant Visas/Permanent Residence
- Consular Processing
- Border-Crossing Issues
- Employers
- Citizenship & Naturalization
- Pro Bono Immigration
- Appeals

Department of Homeland Security

The practice of immigration law has changed fundamentally since the September 11, 2001, terrorist attacks. The most notable change came about with the passing of the Homeland Security Act of 2002, which dissolved the Immigration and Naturalization Service and created the Department of Homeland Security (DHS).

A proposed benefit of the DHS was increased border security as a result of the consolidation of those agencies previously responsible for this function. Beginning on March 1, 2003, the DHS assumed the functions of the INS in such a way that three different agencies housed within the DHS (US Citizenship and Immigration Services, Immigration and Customs Enforcement, and Custom and Border Protection) were tasked with the responsibilities and duties that had previously been performed solely by the INS. The change has resulted in the promulgation of a significant number of compliance regulations, not to mention an increased backlog due to the restructuring, as well as staffing and budget limitations.

Our attorneys are sensitive to this constantly changing climate, and are equipped to meet the needs of our clients, both corporate and individual, who must interact with the DHS.

Temporary/Nonimmigrant Visas

Step toe attorneys have successfully handled a variety of cases involving individuals seeking visitor visas (B2), as well as cases involving any one of the numerous business-related visas available for companies seeking to employ foreign nationals for their US operations:

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- B1 (visitor for business),
- E (treaty trader/investor),
- F (student),
- H (temporary worker),
- I (journalist),
- J (exchange visitor),
- L (intra-company transferee),
- O (outstanding researcher),
- P (athletes and performers),
- R (religious), and
- TN (NAFTA visa applications for Canadians and Mexicans).

Our clients include domestic and international companies across many industries. We also assist clients who must enter temporarily for urgent humanitarian reasons, or significant public benefit, and those eligible to enter the United States on visa waiver.

Our practice also serves clients who must change or amend their status to reflect changes in their employment.

Immigrant Visas/Permanent Residence

We represent individual and corporate clients who sponsor foreign nationals for immigrant visas via employment-based or family-based petitions by

- providing seamless transitions for those clients who are present in the United States in a nonimmigrant status at the time they are sponsored for immigrant visas;
- filing and renewing applications for travel documents and employment authorization (EAD) concurrently with their adjustment of status applications;
- advising lawful permanent residents of the procedures required to preserve residence during extended absences from the United States;

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- ensuring the continued compliance of our permanent-resident clients who are subject to conditional residence restrictions.

Our attorneys diligently notify clients of case developments to ensure that clients' post-filing requirements, including the scheduling and attending of fingerprint and biometrics appointments are satisfied. Our attorneys also offer pre-interview counseling for marriage-based immigrant petitions.

The retrogression of available visa numbers has adversely affected many individuals seeking permanent residence in the United States. Our attorneys counsel affected clients, and, where applicable, offer alternative and effective methods for maintaining legal status in the United States in light of this development.

Step toe attorneys are knowledgeable about the complex recruitment and filing procedures required by the recently implemented PERM Labor Certification system. The PERM system requires a higher level of involvement by employers in demonstrating that no US workers are available to fill their permanent job openings. We assist our clients to meet the PERM requirements and to file solid and well-supported applications.

Diversity Visa Lottery. We notify clients eligible for this provision that is made available annually to certain foreign nationals seeking permanent residence in the United States, and skillfully guide them through the application process.

Consular Processing

The US Department of State requires most travelers to obtain visa stamps from a US embassy or consulate abroad, or comply with other regulations prior to requesting entry to the United States.

We are adept at researching and communicating current and consulate-specific procedures for visa processing at US embassies and consulates abroad. We also help clients schedule visa interviews.

Border-Crossing Issues

We understand the effects of increased reliance by the government on databases to identify and track the movement of visitors entering and exiting the United States. We respond to this concern by vigilantly monitoring client travel, to ensure that we efficiently and accurately redress difficulties caused by erroneous data, and by ensuring that traveling clients are prepared with supporting documentation and equipped to justify their presence in the United States to the satisfaction of a US Customs and Border Protection inspector.

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Additionally, we aid those clients whom the Government requires to complete special registration (NSEERS) or registration via the Student and Exchange Visitor Information System (SEVIS) upon their arrival to or departure from US Ports of Entry.

Employers

We assist our corporate clients to comply with labor and employment laws with regard to their foreign workers, most notably by meeting the requirements of the Employment Eligibility Verification Form I-9, which is used to establish employees' identities and to confirm their eligibility to work in the United States.

Compliance also includes creating and maintaining public access files for H-1B employees, as well as filing labor condition applications with the Department of Labor to ensure that the hiring of a foreign worker will not adversely affect a US worker.

We also counsel our corporate clients whose staffing projections are impeded by the H-1B cap.

Citizenship & Naturalization

We counsel clients on US naturalization application procedures, citizenship verification procedures for those individuals born in the United States as well as individuals born outside of the United States to US citizen parents (citizenship by descent), and the procedures for and effects of renunciation of US citizenship.

We also ensure that clients adhere to the relevant residence requirements for naturalization.

Pro Bono Immigration

We have extensive experience in the pro bono representation of clients seeking political asylum or refuge in the United States because of past persecution, or fear of future persecution in their home countries on account of religion, gender, political opinion, sexual orientation, and/or social affiliations.

We also research the eligibility of the immediate relatives of our asylee and refugee clients for derivative immigration benefits.

Appeals

We help clients successfully challenge decisions of the Departments of Labor, Homeland Security, and State.

This work has included the following:

Immigration

- informal appeals and reconsiderations of consular officer visa denials;
- US border exclusion cases;
- deportation proceedings;
- advisory opinions from the State Department Visa Office;
- regulatory interpretations;
- administrative appeals and proceedings before the Labor Department and DHS; and,
- litigation before federal district courts.