

HOSPITALITYLAWYER.COM PRESENTS



OCTOBER 1-2, 2012 HOUSTON

IMMIGRATION SOLUTIONS FOR INTERNATIONAL BUSINESS TRAVELERS

Presented By:

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- Board Certified -
Immigration and
Nationality Law -
Texas Board of Legal
Specialization
- Honorary Consul
General, Kingdom of
Thailand
- More than 40 years of
experience
- *“One of 20 of the
nation’s most
powerful employment-
immigration
attorneys”*

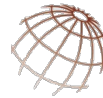
RYAN C. CHARGOIS
LEAD ATTORNEY FOR GLOBAL TEAM
FOSTERQUAN, LLP



- **LLM in French and European Law from the Sorbonne**
- **10 years of experience**
- **Manage a team of over 20 in-house & over 100 international specialists**

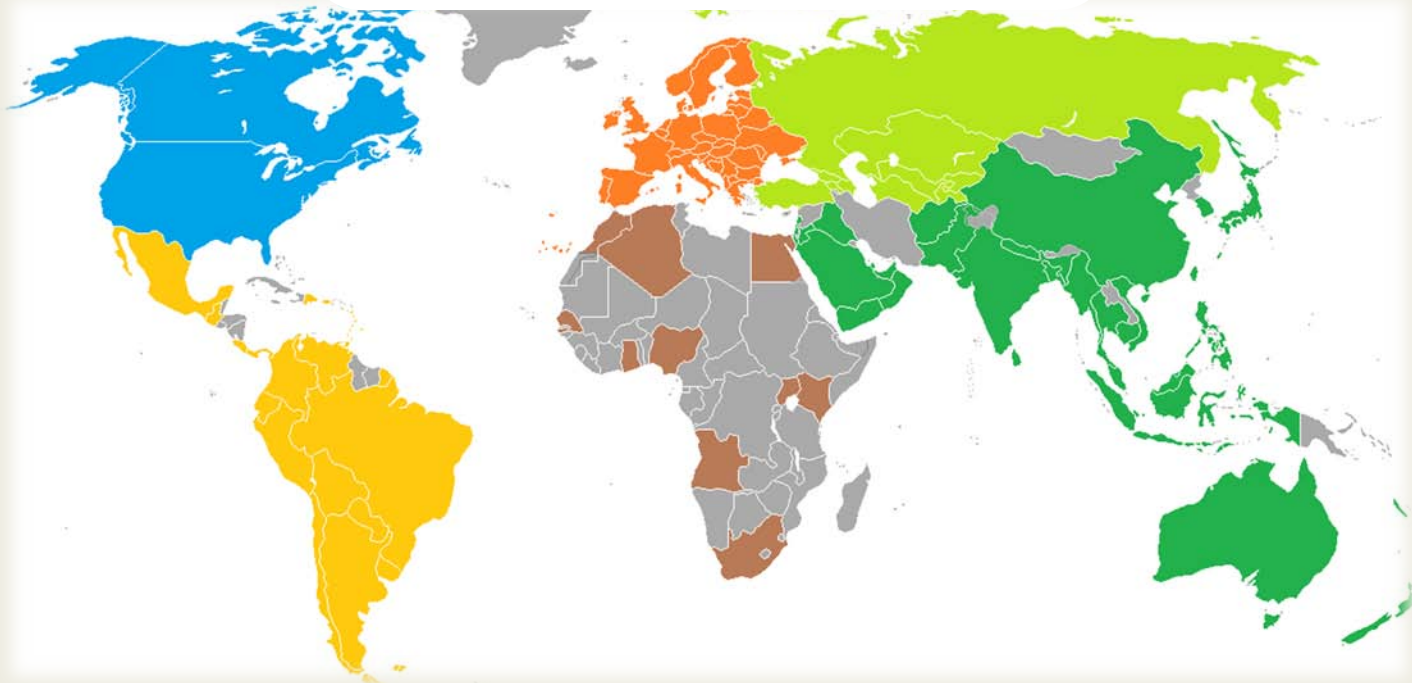
INTRODUCTION

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FOSTERQUAN, LLP

THE COMPREHENSIVE IMMIGRATION LAW FIRM

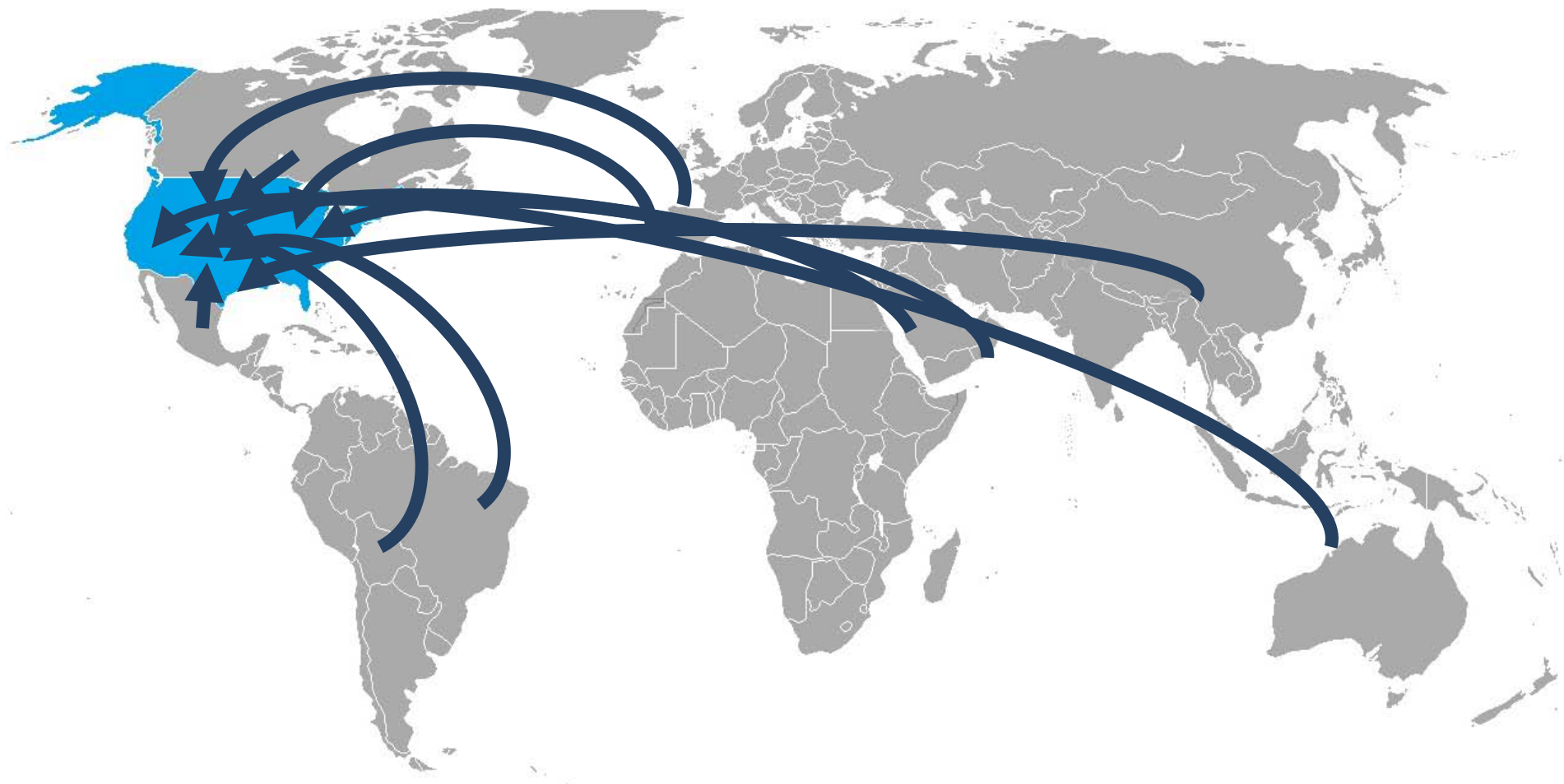


HOSPITALITY INDUSTRY MOBILITY

- Executives and Managers attending meetings or conferences
- Training in an international location
 - Short courses
 - Longer-term programs or exchanges
- Temporary assignments at a foreign location
- Management positions at a foreign location

INCREASING INTERNATIONAL MOBILITY

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INCREASING INTERNATIONAL MOBILITY

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PENALTIES FOR NON-COMPLIANCE WITH IMMIGRATION REGULATIONS

To employee

- Fines
- Refusal of entry at the border
- Deportation
- Loss of ability to travel again

Poor immigration history may limit travel because of requirement of disclosure on visa applications

To the company:

- Fines
- Bad reputation
- Loss of ability to sponsor additional foreign nationals
- Negative impact on other companies
- Failure to execute contracts

Can be assessed against local corporations & against foreign affiliates

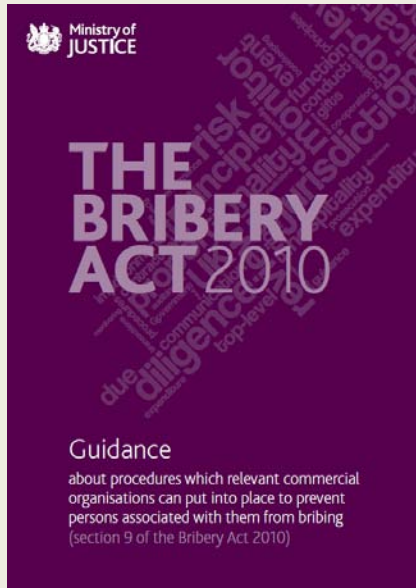
ANTI-CORRUPTION LEGISLATION

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FOREIGN CORRUPT
PRACTICES ACT

&

UNITED KINGDOM
BRIBERY ACT



Impact on Immigration Practice

Use of corrupt methods to secure immigration status may open the company to substantial government penalties and sanctions

COMPONENTS OF IMMIGRATION COMPLIANCE

- Foreign nationals in every country must be present in the correct immigration status that permits work, when needed.

Who makes travel decisions and when work authorization is required?

- Foreign nationals must maintain appropriate status so that they are present legally.

How is foreign national employee immigration status tracked?

- Immigration status must be secured legally and in compliance with all anti-corruption legislation.

What methods and what representatives are your offices worldwide using to secure immigration status?

COMPONENTS OF IMMIGRATION COMPLIANCE

- Foreign nationals in every country

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- Foreign

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anti-corruption registration

Who makes travel decisions

authorization

Global Immigration Compliance now rises to the level of the corporate compliance officer rather than remaining merely a local concern

“What happens in Jakarta reflects upon your headquarters”

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what

your

since worldwide using to

secure immigration status?

KEY IMMIGRATION CONCEPTS

Visa Waiver
Travel



Unrestricted
activity

Work



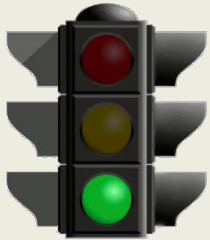
Employment

Immigration status needs to permit the intended activity

**METHODS
MATTER**

IMMIGRATION CONTROL: GOVERNMENTS CONTROL THE NUMBER OF FOREIGNERS ALLOWED INTO THE COUNTRY

Why would a government permit a foreigner to enter?



- Tourist
- To visit family
- To attend business meetings and conduct business
- To live with their families



- To work

Governments are hesitant to allow foreign nationals to work. Work by foreign nationals is generally limited and regulated.

BUSINESS VS. WORK

Business visitors

- Brief entry (usually 90 days or less)
- Attending meetings, either with colleagues of the same company or with potential business partners
- Attending conferences or seminars
- Signing contracts or attending board meetings

Workers the government has decided to allow

- Workers must be vetted to make sure they qualify for one of the categories the government has approved
- An application must be filed with a government agency, which will decide whether the foreign national qualifies for employment

PRACTICAL SCENARIO

Company A is a US based hotel company that has established hotels in Canada, the United Kingdom, Brazil, Poland, and China. Company A has a very experienced and long-time manager based in the US who they want to send to each newly opened hotel to train the new staff. The training will take place over the course of 30 days. The work needs to begin in two weeks.



IS BUSINESS VISITOR STATUS SUFFICIENT OR IS WORK AUTHORIZATION REQUIRED?

CANADA

Business visit (if intra-company transfer)

BRAZIL

Work permit

CHINA

Business visitor status

IS BUSINESS VISITOR STATUS SUFFICIENT OR IS WORK AUTHORIZATION REQUIRED?

UNITED KINGDOM

May be an advisor or consultant on an intracompany basis under business visitor status

POLAND

Depends on nationality. US nationals may work for 30 days over a 1 year period in business visitor status (including training)

PLANNING ISSUES

- Visa applications for visa nationals
- Processing times
- Advertising
- Biometrics appointment
- Document authentications
- FBI Clearance
- Medical tests

Certain types of Canadian Work Permits require advertising in local employment newspapers or other media

Brazil requires documents issued outside the country to be notarized and legalized at a consular post

RECOMMENDATIONS

1. Plan ahead
2. Utilize an employee status tracking system
3. Consult qualified immigration counsel
4. Vet, and perhaps flow chart, how decisions are made regarding the need for work authorization
5. Evaluate the process of obtaining work authorization through company employees and 3rd party agents
6. Monitor Anti-Corruption Law compliance and training domestically and abroad.
7. Evaluate the procedure for verifying whether new hires have the appropriate work status domestically and in foreign offices.