

PRACTICE AREA

BUSINESS IMMIGRATION

Our employment-based immigration work includes employment authorization, sponsorship, and verification for workers across all fields. Businesses seeking to hire foreign workers must meet applicable requirements from U.S.C.I.S. and the U.S. Department of Labor. From temporary and seasonal workers to full-time, permanent employment, Pender & Coward guides businesses through the process for obtaining and maintaining employment authorization.

Work Visas and Permits

In order to work in the U.S.A., all workers must meet certain requirements. U.S. citizens are generally authorized to undertake any employment in the U.S.A., subject to minimum age requirements and general labor laws. Lawful permanent residents ("green card" holders) enjoy similarly broad employment opportunities except where U.S. citizenship is required, which can include U.S. intelligence agencies, jobs involving classified government projects, certain positions in the U.S. armed forces, and other similar positions. For everyone else, specific permission must be obtained to legally work in the U.S.A. and this employment authorization is often tied to a specific sponsoring employer and subject to numerical limitations for visa issuance. Pender & Coward is experienced with a broad range of employment visas and classifications, including nonimmigrant classifications for H-1B, H-2B, TN, O-1, and certain E-visas, and immigrant classifications under the first-, second-, and third-preference. Our clients include university professors, public school teachers, engineers, and professionals in the arts and athletics, among others.

Employer Compliance and Audits

We provide assistance with verification of employment authorization and completion of Form I-9 and offer assistance with I-9 audits, compliance, and safe harbor requests for training and correction in the event of errors and omissions in employment files, whether discovered through internal audit or otherwise.

Labor Certification and Permanent Residency

Our attorneys are experienced with the PERM Labor Certification process with the U.S. Department of Labor. In the current climate, delays (sometimes extensive) are common, particularly given the backlog with Prevailing Wage Requests which are a critical component in the employment-based sponsorship process.

What are the legal and financial consequences of noncompliance with immigration regulations, and how can I avoid them?

Penalties for non-compliance can be severe. For small employers with only technical paperwork violations,

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training and corrective actions may be available to cure any deficiencies in lieu of formal penalties. In the case of willful violations and/or large-scale or repeat offenders, penalties can easily be tens of thousands of dollars or more and may include criminal charges as well. Furthermore, noncompliance may result in debarment from future sponsorships of foreign workers.

Pender & Coward is committed to accurate and honest representation of our clients and ensuring that all applications and petitions for employment sponsorship and authorization faithfully comply with U.S. immigration laws. Our integrity is our strength, and we will provide an honest assessment of each particular case. Specific education, training, and experience requirements apply to different positions as well as minimum wage levels that are required to support different visa classifications. Sometimes the requirements for a particular position are incompatible with the requirements imposed by immigration law and we only file those petitions that we believe will be successful.

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