



Pictured left to right, Tonkon Torp attorneys Melany Savitt, Turid Owren, Melina LaMorticella and Alan Perkins.

KAPLAN

As Immigration Policy Shifts, Smarter Strategies are Key

Oregon businesses that hire foreign nationals are discovering that the best defense may well be a good offense.

BY ERIN J. BERNARD

A multi-national corporation brings in an experienced foreign executive to oversee operations at a new plant.

A mid-sized company hires a talented recent grad with an expiring student visa.

An employee with a green card set to travel overseas with family is worried about the logistics of re-entering the United States.

In Oregon, businesses of every size and sector — from apparel, advertising and architecture to health care and high tech — hire from abroad, say the attorneys at Portland-based law firm Tonkon Torp LLP's Business Immigration practice group. And doing so inevitably raises questions.

When it comes to visa procurement, some bells simply can't be un-rung, notes Turid L. Owren, Tonkon Partner, Immigration Practice Group Chair, and member of the American Immigration Lawyers Association (AILA) USCIS HQ Benefits Committee.

Drill down on details at the outset, she says, and you may avoid disasters down

the line: "We distinguish ourselves from immigration practices that have more of a factory approach by trying to dig into a person's background so we have a full picture of that person. I often say to clients that immigration is like a game of chess: we want to know that a move made today isn't going to preclude a different option later, such as a green card."

"Immigration law is full of pitfalls," says Partner Alan C. Perkins. Different visas carry different permissions and restrictions, and professional or personal situations can change overnight. Add in an economic hiccup, or a domestic act of terrorism, or a new administration's hasty rollout of sweeping immigration policy changes, and that confusion quickly escalates to deep uncertainty.

After 9/11, he recalls, increased scrutiny and reshuffled oversight stirred up worry. This time around, the Trump administration's poorly worded executive orders have caused major confusion resulting in tangible negative impacts to companies

and their employees. On the horizon, at minimum, increased audits and site visits, plus revised visa requirements across the board, are likely.

Oregon's smaller businesses, many of which have operated for decades without immigration counsel, may well feel the most impact, predicts attorney Melina LaMorticella, current chair of AILA's Oregon chapter.

"The big corporations may have more options because they're in a better position to transfer operations and people abroad temporarily," she says. "But we also represent a lot of regional and smaller companies and they may not have as many options."

The upside: concerned companies can take steps today to mitigate potential problems tomorrow, Perkins says, beginning by hiring counsel capable of interpreting complex policy changes with an eye for developing smarter defensive postures.

Hiring from abroad will always be a human investment as much as a financial or practical one. The best way to protect Oregon businesses is to protect the people who keep them running, says attorney Melany I. Savitt: "We're constantly thinking about our clients' best interests — and not just their business, but the foreign nationals they're hiring. For us, it's not a mechanical approach; it's personal."

LaMorticella agrees: "The vantage point we have as immigration attorneys is we know that immigration is a vital part of our community, our businesses and our society." ■