

PREFACE

While this is titled as—and it is—a book addressing “business” immigration law and practice, that term does not do full justice to the process that this book is about. One clear thing we have learned during our time in this field is that “business” immigration law and practice is really about the process by which our country’s employers can draw ideas and expertise and drive and intellect from the world’s talent pool. This process is far from perfect, and it can be immensely complicated, unpredictable, and difficult to navigate; that’s the reason we have produced this book in the first place. But it is a process, we are convinced, that has contributed to the ability of employers in this country to develop new ideas, find better ways to do things, and create jobs. And it is a process that we have found it a privilege to be involved in.

We hope very strongly that this book will be helpful to others involved in the business immigration process. For in-house counsel and human resources professionals and private practitioners, we have tried to create a resource that is useful on different levels: from beginning-level introduction to the issues, to nuts-and-bolts checklists and practice pointers, to in-depth discussion of complex legal and practice issues, to advanced strategic planning and advice.

We also hope that this book will be valuable to those in government service who are involved in the business immigration process. From our combined experience both within and outside of government, we know that grappling with business immigration issues can be just as daunting for government officials as for those in the private sector. We have therefore tried to ensure that this book could be a helpful resource to the lawyers, adjudicators, judges, clerks, and others in public service whose responsibilities require them to deal with business immigration.

We have done our best, consistent with the production schedule, to ensure that the book has incorporated precedent cases, regulations, and guidance through May 1, 2017. As we go to press, the regulation on entrepreneur parole has been finalized, but will not come into effect for another couple of months. Because there is not yet any practice experience with the rule, it is covered instead in an appendix summarizing the regulation.

Finally, even a specialty field like business immigration is too broad to cover every related topic, and some of those have fallen outside the scope of these volumes. Some highly specialized topics, such as the EB-5 program for immigrant investors, physicians (other than National Interest Waivers), Schedule A health care workers, and the crucial considerations surrounding

employment verification, worksite enforcement, and compliance, are addressed in-depth by other excellent AILA publications already in existence.

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