

Q&A

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Immigration Law Q&A With Hunton & Williams' Ian Band

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Ian P. Band is a partner in the labor and employment team of Hunton & Williams LLP. Band counsels corporate clients on various aspects of immigration and nationality law, including temporary visas, permanent visas, U.S. citizenship and I-9 compliance. In addition to his corporate clients, Ian counsels individuals on family-related immigration matters.

Along with his legal practice, Ian is co-chairman of the firm's pro bono committee for the Washington, DC, office, where he is based. He donates more than 100 hours of his time each year to pro bono matters and has successfully helped immigrants with their legal issues and those seeking asylum as well as battered spouses of U.S. citizens under the Violence Against Women Act, ensuring their safety and family unity.

Q: What is the most challenging case you have worked on and what made it challenging?

A: In the field of immigration law, we work on many cases each week, which makes it difficult to isolate a single case as being the most challenging. The majority of our practice entails planning temporary and permanent immigration strategies for employees of our company. Each one has its own challenges. However, the most challenging case I have worked on in my career centered around a client that purchased another company while the target company was under criminal and civil investigation for allegedly employing individuals without work authorization. The company employed over 16,000 individuals, and after reviewing 8,000 of the individuals, the government offered to forego the review of the other 8,000 if the company would pay a fine exceeding \$4 million. After personally reviewing 8,000 records in a warehouse out of state, we settled the case for \$250,000. (I actually believed we could have settled it for less, but the client told me to offer \$250,000, which the government

took instantly!). This case took many months to resolve, but the client was incredibly grateful for the many trips out of state and support our team provided.

Q: What aspects of your practice area are in need of reform and why?

A: There are many aspects of immigration law that require reform. The border security issue is the one that most read about in the news, and it is important that Congress address this contentious issue. But, from my perspective, Congress needs to address legal immigration on many fronts, here are just a few:

- The yearly cap on H-1B specialty occupation visas results in a filing frenzy every April, only to have the cases placed in a lottery system. The vast majority of businesses that utilize the H-1B visa program do so to hire the individuals who they believe will contribute to the success of the company; however, the anti-immigration lobby is convinced that businesses use this program to undercut the U.S. workforce. While it is true that there is some abuse of the program, the government has increased worksite visits to ensure that the H-1B workers are not being used improperly and that they do not undercut the U.S. workforce. The annual cap, which is exceeded every year, needs to be lifted completely, or increased to a reasonable level so that the foreign students that are educated here can use their education to support U.S. companies, rather than send them overseas to work for US competitors.
- There is a ridiculous backlog for those foreign nationals who have waded through the complex and lengthy permanent residence (i.e., green card) process, only to find backlogs for the last step that can last more than 10 years. During that time, they may be stuck in their positions, and if the employer wants to promote them, the process must be started from the beginning (although the person's place in line may remain unchanged). This brings added expenses to the employer, and may lock a person into a single position with little career advancement. Removing those with science, technology, engineering and mathematics degrees from the annual quota on immigrant visas, and removing immediate family members from the count as well, will allow them to avoid decade-long backlogs. Those without STEM degrees will find the lines shorter as well. Doing this does not mean more individuals will qualify for permanent residence; it just means that if they qualify, they can obtain permanent residence sooner. This benefits U.S. employers as well.
- Many U.S. citizens working abroad get married and have children, only to find that their employers want to assign them back to the U.S. When this happens, the spouse will need some type of visa to join the family (the children may or may not be U.S. citizens upon birth, so they may require visas as well). One would

think that if you are married to a U.S. citizen, the process would be quick and easy. Unfortunately, it is not quick. It can take nine to 12 months of mostly waiting for the family to obtain the necessary visas to join the U.S. citizen family member. This needs to be fixed by Congress as well.

Q: What is an important issue relevant to your practice area and why?

A: The most important issue is remembering that the work we do affects not only our corporate clients, but also the individuals who have a desire to live and work in the U.S., and provide a wonderful life full of opportunities for their families. The work we do affects their lives and their futures. Knowing that our work directly affects their lives keeps us grounded, and it makes the experience much more personal. Because of this, the members of our immigration team donate hundreds of hours each year to pro bono work for immigrants without the means to hire their own lawyers.

Q: Outside your firm, name an attorney in your field who has impressed you and explain why.

A: Denise Hammond, co-founder of Hammond Young Immigration Law, in Maryland. I have known her for 12 years and am impressed with her knowledge and creativity. I would not hesitate to recommend her if a conflict of interest prevented me from representing a new client.

Q: What is a mistake you made early in your career and what did you learn from it?

A: The one mistake that I learned from the most is looking at a pile of files as just work that needs to be handled. It wasn't until my second year of practice working at a small firm that I met a young client who had very little immigration options that would allow him to stay in the country. He sat in my office and told me his story. As he wept telling me the details, I realized how important this work is, and that all those files on my desk were people with different stories, dreams and hopes. Since that day, every case that comes across my desk is not a file, but a person coming to me to help with his or her hopes and dreams.