

## Why an Employer Should Have an Immigration Policy

### By Jerome Grzeca, Grzeca Law Group

The hotel industry is inextricably tied to a workforce comprised of people from all over the globe. Given the array of nationalities of employees, it is likely that some of these individuals may not be U.S. citizens or permanent residents.

Employers may receive many immigration questions from foreign nationals when recruiting and hiring for open positions. Individuals without permanent employment authorization in the U.S. are often eager for their employers to pursue permanent residence on their behalf and may raise the issue early and often during their employment, and sometimes even during the hiring process.

Given the complexity of immigration laws and processes, an employer will save time and resources by consulting an immigration attorney to establish a company-wide immigration policy. Such a policy should address common scenarios and frequently asked questions and serve as the employer's guideline regarding initiating and pursuing immigration cases. Furthermore, establishing these guidelines will assist an employer, and possibly the employee, in budgeting for the fees and expenses associated with these immigration cases.

The following are some common issues and questions that are often addressed in a company-wide immigration policy:

- If and when an employer would consider initiating a permanent residence case on an employee's behalf;
- Who would be responsible for payment of fees and expenses required in a given case;
- Costs that will be passed on to the employee in each type of immigration matter;
- Fees and expenses associated with the employee's family's status in the U.S.; and,
- Repayment expectations for any immigration fees and expenses when an employee quits or is terminated (i.e. will the employee be required to sign a reimbursement agreement as a condition of the employer initiating a permanent residence case?).

When developing an immigration policy, the company and immigration attorney should partner to determine the company's immigration needs and long-term goals and to understand how immigration sponsorship fits into the company's overall human resources strategy. Once this policy is in place, it will determine the company's structure for handling all immigration cases. It will help eliminate the inconsistencies that can arise when different company representatives handle foreign nationals' questions and cases, while offering protection and clear guidelines to both the employee and company. In addition, the implementation of an immigration policy is an effective way to control immigration costs under budgetary guidelines of the company.

Given its importance, each company should have an immigration policy in place to set guidelines for their employees when handling immigration questions and cases.

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