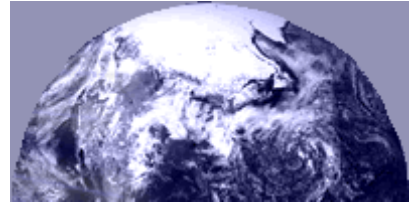


Thompson Immigration Law Associates

Providing U.S. & Global Immigration Solutions
to Businesses Around the World



Global (Non-U.S.) Migration Portfolio

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(Practice Limited to Business Immigration Law)

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1 FIRM OVERVIEW

Thompson Immigration Law Associates is a global business immigration law firm located in Bellevue, Washington. Thompson Immigration handles all immigration needs generated by corporations and professionals for both the United States and other countries around the world.

1.1 FIRM SUMMARY

Thompson Immigration is owned and led by P. Robert Thompson. Mr. Thompson is a seasoned attorney with 20 years' experience as both a trial lawyer and a global business immigration attorney with experience with over 30 countries.

Thompson Immigration was established in 2002, in the middle of the last IT "market adjustment" when many immigration law firms who focused on the IT industry were downsizing or going out of business. Despite the existing market conditions, Mr. Thompson was able to maintain and expand an employment-based law firm. This is because of Mr. Thompson's entrepreneurial spirit and his ability to think "outside the box". This ability is best demonstrated by the fact that Thompson Immigration utilizes visa categories that are not commonly used by other immigration lawyers.

This same spirit has kept Thompson Immigration successful during the current "economic readjustment".

1.2 OBJECTIVES

Thompson Immigration's objectives include:

- To provide the highest level of service possible so as to set the standard for what companies from around the world expect from a top business immigration law firm.
- To exceed customer's expectations with regard to the timeliness and responsiveness of the firm.
- To develop a relationship with clients that will allow clients to feel comfortable that their and their employees' immigration needs are being met in the safest manner possible, while still maintaining the business goals and needs of the company.
- To provide educational services to clients in the form of immigration updates and free seminars to minimize the chance that clients will commit an error that will expose itself or its employees to liability.

Immigration law is 50% law and 50% human nature. Immigration matters must be presented in a manner that is persuasive, yet easily understood by the immigration or border officer who is reviewing the application. If an immigration officer cannot understand an application, (s)he will be inclined to deny the application.

1.3 SERVICES PROVIDED

Thompson Immigration handles all types of business visa or work permit issues to all regions of the world, including:

- Short- and long-term business visas for moving employees across international boundaries.
- U.S. investor visas for both immigrants and nonimmigrants.
- U.S. intra-company transfer visas between existing and newly-established multinational corporations.
- U.S. work permits and other “professional” visas (such as H-1B visas).
- Permanent residency green card applications for foreign workers who wish to remain indefinitely in the U.S. or other countries. This includes permanent residency applications for foreign nationals who marry U.S. citizens.
- Naturalization applications for foreign nationals wishing to become U.S. citizens.
- Defense of companies against law suits brought by the government or employees alleging violations of U.S. immigration laws.

1.4 CLIENT SUMMARY

Thompson Immigration has a broad range of corporate and professional clients, including:

- Individual investors and business owners.
- Small to multinational corporations.
- Professionals seeking to work or establish a business within the United States.
- IT Technology firms.
- Manufacturing companies.
- Architectural and other design-oriented firms.
- Hospitals and medical practices.
- Dental practices.
- Import/export companies.
- Private utility companies.

1.5 COMPETITIVE EDGE

Thompson Immigration's competitive advantage is based on numerous factors, including experience, specialization, use of cutting edge technology and adaptability.

1.6 EXPERIENCE

Robert Thompson brings to Thompson Immigration 20 years' of experience as both a trial lawyer and a business immigration lawyer. Mr. Thompson graduated from the George Washington National Law Center in Washington, D.C., the 12th best law school in the United States. He then practiced eight years in Washington, D.C., one of the four toughest markets for lawyers in the United States for some of the largest law firms in the United States, before moving to the Seattle, Washington, area.

Mr. Thompson worked for the Federal government promulgating regulations for the U.S. Environmental Protection Agency. He also has seven years' experience as a trial lawyer and environmental lawyer; but has practiced exclusively business immigration law since 1996.

This combination of governmental experience, litigation and business immigration experience has served Thompson Immigration's clients well. Thompson Immigration approaches each immigration filing like it is a paper trial, presenting information to government agencies in a manner that reflects a client's needs in the best light possible. This is especially important when dealing with government employees and immigration officers at ports of entry who are not lawyers. *This approach is one reason why other attorneys regularly refer clients to Thompson Immigration or utilize our services in an "of counsel" capacity.*

1.7 SPECIALIZATION

Thompson Immigration has specialized its practice in one field of immigration law; namely, business immigration law. This fact is a critical distinction for clients who are seeking immigration counsel. The reason is that very few immigration law firms specialize in business immigration.

U.S. immigration law is a complex and ever-changing field of law. Indeed, many of the regulatory policies enacted by the Citizenship and Immigration Services and other immigration agencies are not promulgated through a formal rulemaking process, but rather through policy memos that are not published. By limiting its practice to business immigration, Thompson Immigration can assure its clients that it is knowledgeable about every new issue arising in this complex field of law.

Most immigration law firms handle every aspect of immigration into the United States, including family-based immigration, asylum cases, refugee cases, and essentially any other type of case that walks in the door.

On the other extreme is the large corporate law firm that has only one or two immigration attorneys on staff. These attorneys rarely practice immigration law on a full-time basis, and oftentimes practice immigration law only as a courtesy to the firm's large corporate clients. As such, it is difficult for them to keep up with the myriad changes that occur on a monthly and even weekly basis in the immigration field. Those large firm attorneys that do practice immigration law on a full-time basis generally provide limited services to one or two large corporate clients.

This leaves a small percentage of immigration lawyers that specialize in business immigration. Of these, most do not have litigation experience. Moreover, there are only a handful of lawyers in the entire United States that handle immigration matters to countries other than the United States.

1.8 USE OF CUTTING EDGE TECHNOLOGY

Thompson Immigration has always used cutting edge technology in its practice, and continues to "push the envelope" in this area. Thompson Immigration was one of the first law firms in the United States to effectively use the Internet as a marketing platform.

Other examples of how Thompson Immigration is using cutting edge technology include:

- Most of Thompson Immigration's communications are handled electronically. This includes the use of electronic questionnaires (or "Data Information Sheets") and the transmittal of immigration forms and supporting documents in a secure electronic format. Because of this, there is little or no time delay or extra cost associated with Thompson Immigration's communications with either its U.S. or overseas clients.

- Because Thompson Immigration could not find any commercially available immigration forms software that provided the flexibility desired, Thompson Immigration developed its own software platform from which it prepares all of its clients' immigration forms.
- Through its proprietary software system, Thompson Immigration can prepare customized Data Information Sheets that fit the specific needs of each client. In fact, some clients use these Data Information Sheets as a way to ensure that foreign candidates have valid immigration status before hiring them.
- Thompson Immigration has invested heavily into mobile technology. Using this technology, Mr. Thompson can answer telephone calls and emails, and connect to the Internet from anywhere, even in places that do not have WiFi access. He can also prepare documents, and connect and even operate his office computer from anywhere in the world. This allows Mr. Thompson to work on client matters no matter where he is located.
- Thompson Immigration will shortly start making video updates and video seminars which can be viewed by clients at their convenience either on line or on their mobile phones.

1.9 ADAPTABILITY

Another aspect of Thompson Immigration that is fairly unique among law firms is how Thompson Immigration adapts its practice to its clients' needs and desires. Thompson Immigration is constantly seeking new ways to modify how its practice is run so it can provide better service to its clients in what we like to consider as an informal "partnership" between Thompson Immigration and its clients. Some examples of specific operational changes that were made at a clients' request include:

- Doing away with a telephone receptionist and having attorneys answer their own telephones.
- Installing a telephone system in which all calls not answered by the office line are automatically transferred to an individual's cell phone.
- Incorporating daily messages on Mr. Thompson's answering service so that clients are aware if Mr. Thompson is in meetings or is otherwise unavailable on any given day.

Thompson Immigration's goal is to be just as convenient to work with whether we are located next door or around the world.

1.10 FIRM MANAGEMENT

1.10.1 MANAGEMENT BACKGROUND

Thompson Immigration is a sole proprietorship established under the laws of the State of Washington. The principal of Thompson Immigration Law Associates, P. Robert Thompson, Esq., has been a practicing attorney since 1989. He has practiced exclusively business immigration law since 1996. Mr. Thompson is one of just a handful of U.S. attorneys who is experienced in global immigration matters. Mr. Thompson has handled business migration matters to over 30 countries.

Mr. Thompson received a Bachelor of Science degree in Chemical Engineering from the University of Maryland in 1982. After working in the chemical industry for three years, Mr. Thompson went to law school at the George Washington National Law Center, in Washington, D.C. This law school was ranked as the 12th best law school in the United States. Mr. Thompson worked full-time while attending law school at night. During this time, Mr. Thompson worked on Capitol Hill as a lobbyist on forestry issues. He also spent two years with the U.S. Environmental Protection Agency drafting regulations regarding existing chemicals in the chemical industry.

After graduation, Mr. Thompson worked for eight years in the Washington, D.C. area as a trial lawyer and environmental lawyer. In 1996, he joined a small immigration firm and fell in love with the practice of immigration law. He has practiced business immigration law exclusively since that time.

In 1998, Mr. Thompson convinced a Midwest law firm to open a West Coast office in Seattle. Mr. Thompson managed this office until 2002, when he bought out the office and started Thompson Immigration Law Associates.

Mr. Thompson is a member of numerous immigration and business/trade associations, including:

- American Immigration Lawyer's Association.
- District of Columbia Bar.
- Maryland State Bar.
- International Who's Who of Entrepreneurs.
- National Register's Who's Who of Executive and Professionals.
- Society of Human Resource Managers.
- Northwest Recruiters Association.
- Northwest Entrepreneurs Network.
- World Trade Center.
- Foundation for Russian American Economic Cooperation.
- Trade Development Alliance of Greater Seattle.

1.10.2 FIRM STAFFING

Thompson Immigration keeps its overhead (and consequently its legal fees) low by utilizing staff on an "as-needed" basis across the United States. This takes advantage of the time zone differences for keeping work moving forward quickly. Thompson Immigration also has working relationships with other attorneys who can assist when a large influx of work is received, or when Mr. Thompson is out of the office for an extended period of time. Such flexibility allows Thompson Immigration to maintain sufficient capacity to adapt to any work load.

2 GLOBAL MIGRATION

2.1 GENERAL INFORMATION

At first glance, moving employees across international borders can seem confusing and complicated. However, if approached properly, it can be done efficiently and relatively quickly. Each country has its own set of migration laws and regulations that address how foreign workers may enter and work in their country. These laws and regulations reflect each country's individual political, socio-economic and cultural needs.

Because of the increased security after 9/11, the length of time it takes to obtain travel visas has increased significantly. Consular officers are less likely to exercise their discretion and approve a travel visa without going through the complete security clearance process. As such, companies and individuals traveling to foreign countries must plan ahead and cannot expect to travel within a matter of days of deciding to obtain a visa. Sufficient time must be allowed to gather the information and documentation required and to present it to the appropriate foreign embassy or consulate, with enough time to permit the embassy or consulate to review the materials and issue the visa. By allowing for sufficient processing time, an employee is more likely to experience a trouble-free trip.

The key factors in moving employees internationally is to find a law firm that has experience with many countries, knowledge of many foreign embassies and consulates, and contacts in the country into which an employee is being transferred (*i.e.*, the "destination country"). This is because there are many local nuances to global migration. In addition, local counsel must be retained to file most long-term work permit applications. In our opinion, it is important that attorneys be used whenever possible, since this ensures that the applicable laws are complied with correctly the first time an application is filed.

2.2 FACTORS AFFECTING GLOBAL MIGRATION LAWS

There are many political, socio-economic and cultural factors that affect how each country addresses migration issues. For example, countries with weaker economies usually allow business people to enter their country on long-term business visas quickly and with fewer restrictions. These countries have a greater incentive to allow foreign workers to enter because they can help develop their economy. Moreover, there is less of a chance that a citizen or permanent resident of such a country will lose the opportunity of being hired in place of the foreign worker. However, some of these countries have decided it is better to experience a shortage of qualified workers while they train their own citizens and permanent residents rather than rely upon foreign workers.

On the other end of the spectrum, countries with strong economies tend to restrict the long-term entry of foreign workers, since foreign workers can displace citizens or permanent residents in the workplace. However, some of these countries recognize that there is a shortage of experienced workers in certain fields and permit such workers to enter their country on work permits that can be obtained quickly and with fewer restrictions. These countries strive to keep their economies growing by allowing long-term entries into their countries under a work permit system.

2.3 GENERAL GLOBAL MIGRATION STEPS

Most countries have a 3-step migration process:

- If needed, a "business visa" is applied for in an individual's country of origin. This "visa" is permission by the destination country to enter that country in order to "conduct business".

- A “residence permit” is oftentimes required once an individual arrives in the destination country. This allows the individual to reside within the destination country.
- A “work permit” application usually is filed in the country where employee is being transferred. This allows the individual to actually “work” in the destination country.

As such, entering another country is oftentimes not the end of an individual’s immigration process. For example, unlike the United States, most countries require all foreign nationals to obtain a “residency permit” from local immigration or law enforcement officials. This is an unusual concept for most Americans. In addition, many countries also have “exit” requirements that can impact a foreigner’s ability to return to the destination country if they are not complied with.

Finally, many countries regulate migration on a national level, while others regulate migration (at least work permits) on a local or regional level. Generally, those countries that regulate migration on a national level are more consistent in issuing work permits. Countries that regulate on a local or regional level have more local nuances that complicate filings.

2.4 SHORT-TERM BUSINESS VISAS

If an employee enters a country in order to “conduct business”, a work permit is not required. Rather, only a short-term business visa is required. These can usually be obtained quickly, depending upon the country to which the employee is traveling. However, like the United States, most countries are concerned that foreign workers will enter their country and take jobs away from its citizens or permanent residents. Therefore, when a company sends an employee to another country on a business visa, it is very important to demonstrate that the employee will not be “working” in that country but will merely be “conducting business”. If an employee works in another country, then that employee must obtain a work permit, which is usually a very complicated and time-consuming process.

A common definition of “work” is any activity in which an employee or his or her employer “earns money or some other form of valuable consideration” for activities conducted in the foreign country. At first glance, this includes almost every trip since what business trip will not result in an employee or his or her employer earning money or some form of valuable consideration? Fortunately, most countries differentiate between “conducting business” and “work.” Conducting business generally includes activities such as the following:

- Making sales calls
- Developing business contacts
- Establishing a business strategy or negotiating an agreement for the sale of goods or services
- Attending business meetings
- Gathering information from a client, and
- Installing equipment or products and training a client on these products pursuant to a sales or service agreement

With these activities in mind, a good, practical definition of “work” is “engaging in productive work” or “providing services” to a client. Even this definition, however, can cause uncertainties. For this reason, each business trip must be examined independently to determine whether an employee may enter another country on a business visa, or whether he or she will require a work permit.

2.5 AN EXAMPLE

A computer software company is hired to develop and install a new software product for a client that is located in another country pursuant to a sale or service agreement. In most countries, a software consultant may enter

the country under a business visa to meet with the client, research the client's needs, and examine the client's existing computer system. However, the consultant must return to the United States (or to whichever country the consultant is based) and develop the software application in his or her home country. Developing the software product in the client's country constitutes "work". Of course, the consultant can always return to the client's site to update the client on the status of the product development and to gather additional information. The final steps of this process, the installation, configuration, and training of the client on this new product, can also be accomplished under a short-term business visa, as long as these steps are contracted for under a sales or service agreement.

The key to this entire scenario is that the actual development "work" is conducted outside of the client's country (*i.e.*, the software consultant did not sit down at a client's site and actually develop the program there). This makes the software product a foreign product that is being bought and installed pursuant to a sales or service agreement. In this instance, all of the consultant's activities at the client's site are classified as "conducting business" pursuant to a sale or service agreement, and the consultant does not need to obtain a work permit to accomplish his or her assignment.

Because of all the nuances associated with business visas, it is very important that a detailed support letter be prepared for every employee traveling across national boundaries on business, even if that employee is not required to have a visa. This letter will explain the basis under which the employee is entering the country and help ensure that no problems arise with regard to their entry. It will also help ensure that the employee understands the limits to his or her activities within that country.

2.6 LONG-TERM WORK PERMITS

Like the United States, most countries are concerned that foreign workers will enter their country and take jobs away from its citizens or permanent residents. Therefore, when a company sends an employee to another country, they must demonstrate that the employee will not be taking a job away from either a citizen or permanent resident of the destination country. Many countries do this by requiring an employer to test the local labor market to determine whether there is an actual shortage of qualified workers in the country, before issuing a work permit. This is a long and difficult process. There are, however, some alternatives to this approach.

Most countries recognize that intra-company transfers within a multinational corporation will not affect the local labor market. Because of this, local labor market testing is generally not required for intra-company transfers. In addition, many countries recognize that a shortage of experienced professionals in certain fields exists, and they allow such professionals to enter their country on work permits that can be obtained quickly and with fewer restrictions. From a policy standpoint, countries with weaker economies are usually willing to let foreign workers enter their country quickly and with fewer restrictions, as this promotes the countries' economic growth. Other countries, however, have decided that they are willing to accept short-term labor shortages while they train their own labor force to meet the countries' future economic needs. These countries make it more difficult for a foreign worker to enter their country.

In most countries, a work permit must be obtained prior to the employee's transfer to the destination country. However, an employee can oftentimes enter a country on a short-term business visa while the work permit application is pending, as long as the employee does not perform any productive work while awaiting the work permit.