

IMMIGRATION + BORDER SERVICES

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Guidepost Solutions provides guidance on immigration compliance programs for companies, individuals and schools. We work closely with our clients and/or their counsel to develop proactive solutions, respond to government inquiries and implement effective compliance policies. We assist law firms with addressing individual visa issues, admissibility guidance, and entry services. We also help corporations and educational entities navigate immigration laws and regulations in their respective industries.

The laws and regulations pertaining to immigration are intricate and complicated. Consequently, assessing and maintaining compliance can be a challenging task. Our services help clients protect the integrity of their workforce, manage compliance concerns and mitigate the risk associated with not operating according to all legal and ethical standards.

SERVICES INCLUDE:

- Reviewing, creating and implementing immigration compliance programs, including third-party vendor and contractor compliance programs
- Creating and developing in-house investigation capabilities for investigating compliance breaches, vetting vendors and contractors, and performing other routine due diligence
- Providing training in the proper completion of the Form I-9 and assisting in responding to Notices of Inspection from the Department of Homeland Security and other audits
- Conducting I-9 compliance and fraudulent document detection
- Providing litigation support for organizations facing immigration-related investigations/prosecutions
- Mitigating the risk of fraud, abuse or misuse of E-Verify by verifying the validity of information in the system
- Reviewing international student programs for educational institutions

Business/Worker Visa Compliance (B, H, L, EB-5)

We offer a broad range of visa consulting services for individuals, businesses and educational institutions. We also work directly with law firms in order to assess compliance or to find solutions to adverse governmental decisions regarding visa applicants and holders.

Our team specializes in assisting clients in structuring visa usage and issues relating to denials of B, E, H, and L visas. We also conduct extensive compliance reviews of work-based visa programs that are particularly critical for visa dependent U.S. companies and entities. Additionally, we assist colleges and universities in managing their international student program, or Student and Visitor Information System (SEVIS) program (F, J, and M).

We bring unparalleled expertise when working with law firms, businesses, schools and individuals to help navigate the complexities of the United States immigration system. Key team members include former agents and leaders from the U.S. Department of Homeland Security Immigration and Customs Enforcement (ICE).

The EB-5 or Immigration Investment Program can provide tremendous value but carries significant risk to the investors, the investment and the program. Unfortunately, there has been some fraud in the program, and for this reason, USCIS is expanding its monitoring of new centers and projects. To ensure that an EB-5 project is successful, compliance must be an integral portion of each project and center, not an afterthought. How you oversee your compliance program will make the difference between a successful EB-5 investment strategy or risking adverse enforcement actions or negative publicity.

We have a highly experienced team to assist regional centers, projects, or individual advisors. Members of the Guidepost Solutions team have served in key leadership roles throughout the government, including in the U.S. Department of Homeland Security Immigration and Customs Enforcement and the Federal Bureau of Investigations. They have a keen perspective of efficiently maintaining and documenting compliance with the EB-5 requirement and often advise on the trends in enforcement actions affecting compliance filings for both standard EB-5 investments and regional centers.

Integral to that compliance is the accuracy and reliability of regional centers and projects to deter, identify and address fraud, financial malfeasance, violations of law and ethics, waste, and abuse as well as to verify a project's performance according to its plan, budget and schedule. We deploy our integrated team of attorneys, field investigators, forensic accountants and engineers to monitor all aspects of a project.

Guidepost Solutions also offers EB-5 due diligence to assist law firms and EB-5 investor visa applicants with minimizing risk of fraudulent investment scams that abuse the Immigration Investor Program. Our investigators and forensic accountants work in tandem to help clients identify, understand and address financial malfeasance.

Services:

- Investigations
- Litigation support
- Construction monitoring
- Review policies and procedures
- Develop programs for managing processes and operational plans
- Verify job creation
- Employee training

- Review revenue projections
- Internal audit consulting and reviews
- Investment option due diligence
 - Evaluate activity of identified regional center or investment partner(s)
 - Background and vetting of investment partners, contractors and suppliers
 - Withdraw / return of funds / return on investment
 - Jobs creation evaluation
 - Evaluation of additional costs (regional center fees)
- Investment funds due diligence
 - Source of funds / tracing of funds
 - Review of mandated At Risk Capital provision
 - Transfer of funds

Document/Identity Fraud Investigations + Litigation Support

Despite enacted and enforced laws regarding immigration, there remains a large and robust document and identity fraud market for individuals to subvert the existing laws and compliance tools offered by the government. In particular, the E-Verify system is completely vulnerable to identity theft and misuse due to its limited photo-matching functionality. As such, many employer who try to comply with the law are defrauded through the use of fake documents and identity theft, and identity misuse. Guidepost team members are subject matter experts in identifying individuals who present fraudulent documents and who present suspect identities. Our consulting services in this area consist of the following:

- Review of employee identity documents to identify those that are fraudulent;
- Conduct employment based background checks that focus on potential identity theft or identity misuse;
- Where large-scale fraud is identified, assist employers with the review of the workforce and the non-discriminatory remediation of workers whose identity is in question; and
- Establishment of best practices and counter-fraud measures that can be implemented to prevent future fraud attempts.

Enforcement Issues

Guidepost team members have over 125 years of immigration law enforcement experience and can assist individuals and companies with enforcement related issues. Guidepost's team members are former leaders of immigration and customs law enforcement agencies and are knowledgeable to the processes and tactics used against individuals and companies. Our consulting services include:

- Support with responses to immigration and customs related law enforcement inquiries, requests for interviews, and subpoenas;
- Support with internal audits and assessments when enforcement action is contemplated;
- Support to legal team regarding active civil and criminal investigations;
- Planning and executing remediation efforts related to prior enforcement actions.

I-9 Compliance

Our team works closely with businesses to support the implementation of a comprehensive immigration compliance program tailored to their needs. Utilizing our network of former immigration agents and professionals, our expert team creates customized compliance plans, offers critical compliance training and, with our proprietary auditing software, I-9 Evaluator, conducts comprehensive audits with detailed reporting to help employers identify trends and issues of

concern.

Our unique expertise across the federal trade, commerce, regulatory and the law enforcement landscape, allows us to provide basic immigration compliance training, to help companies comply with contract terms and conditions.

Services

- Perform comprehensive I-9 inspection services with a focus on enhancing technical and substantive compliance of existing I-9s to government requirements including a review of current retention policies.
- Develop an attorney/client privileged comprehensive I-9 review report, with recommendations for corrective actions (as needed), trend analysis and post-audit training action plan.
- Implement a bi-annual, re-inspection program. This program involves randomly selecting a limited number of hiring locations each year, and reviewing I-9s to ensure compliance with the latest requirements and company training.
- Develop a contractor compliance program to ensure that all contractors are fulfilling their immigration compliance responsibilities to mitigate this common corporate vulnerability.
- Provide in person immigration and compliance training for managers, including specific guidance on I-9 completion; common technical and substantive problems, red flags, and trends; document fraud training; discussion of new ICE guidance; and what ICE auditors look for in reviews.

Contractors and subcontractors are increasingly being required to certify their compliance to basic immigration best practices as a condition of their contracts. These requirements range from proving a basic understanding of the I-9 process to submitting to a third-party audit reviewing paperwork. Our training programs, auditing services and custom consulting ensure clients are meeting the terms of their contracts.

International Student Program Compliance (SEVIS + Export Controls)

International students are a tremendous asset to any educational institution. Many educational institutions also employ a number of foreign nationals who do significant research and enhance university programs. Failing to properly manage the visa and export process for these populations may put entire programs at risk, cause you significant negative publicity and subject you to fines and other penalties.

Managing these programs isn't intuitive and it is too easy for even well-intentioned programs to make costly mistakes. Guidepost Solutions will work closely with your university, college or technical school to support the implementation of a comprehensive visa and export compliance program that is tailored to your needs and protects your institution.

Our visa and export compliance services for schools include the following:

- Review use of the Student and Exchange Visitor Information System (SEVIS) and ensure that there are no current or potential issues in the way the program is administered.
- Review and audit your deemed export policies and I-129 compliance procedures.
- Assist your institution in preparing for the certification process or re-certification process.
- Perform a comprehensive audit of your I-9 compliance program, including appropriate utilization of optional practical training and deemed export issues.
- Review, and if necessary, revise your policies and procedures regarding student, exchange visitor and work based visas.

- Develop a third party compliance audit program to review contractors that do business with your school to ensure that they too are in compliance with all pertinent immigration and export laws and regulations regarding exchange visitor and work based visas.
- Ensure your facility is taking full advantage of all potential opportunities to recruit, select, manage and retain foreign students.
- Assist with responding to government subpoenas, audits or other investigative activity.

VISA Consulting

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VISA Denial + VISA Revocation Investigations

Guidepost's extensive immigration law enforcement experience allows our team members to assist individuals and families navigate the visa denial and visa revocation process. While clear legal obstacles may not be overcome, our consulting practice supports clients with denials and revocations that are due to inaccurate government data, poison pen letters, or other derogatory information that may be impeding an otherwise lawful visa issuance or renewal.

Our visa denial and visa revocation consulting services include the following:

- Review denied visa applications and visa revocations for underlying potential cause;
- Investigate the allegations for the visa denial or revocation to identify the government agency providing the derogatory information;
- Conduct due diligence to ascertain if a non-government individual or entity is the source of the derogatory information;
- Assess the evidence collected and develop a plan to present to the Government; and
- In egregiously adjudicated cases, support with Government communication.

Workplace + Contractor Compliance

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- Develop an attorney/client privileged comprehensive I-9 review report, with recommendations for corrective actions (as needed), trend analysis and post-audit training action plan.

- Implement a bi-annual, re-inspection program. This program involves randomly selecting a limited number of hiring locations each year, and reviewing I-9's to ensure compliance with the latest requirements and company training.
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