



## **Immigration 101**

**By Jerome Grzeca, Grzeca Law Group**

Whether transferring employees between international properties or employing management trainees, immigration is an integral part of the hospitality industry. The top five visa types utilized by the hospitality industry are the J-1, H-3, L-1, TN and H-1B. The following is a brief outline of each of these visa types:

### **J-1**

For seasonal/temporary employment, there is the J-1 Summer Work/Travel Program, which allows foreign college or university students to work in the U.S. during their summer vacation. This type of J-1 classification is valid for four months and allows the students to assist companies in meeting current labor demands. In addition, the biggest benefit to this type of J-1 classification is that the foreign students can do any type of work for the company. It is not necessary for the work to be related to the student's degree.

The Management Trainee J-1 visa classification is another viable option and is valid for twelve to eighteen months and considered relatively easy to obtain. The potential trainees must possess a post-secondary degree or professional certificate and one year of work experience in their occupational field from outside the U.S. Five years of work experience in their occupational field can also be used in place of the post-secondary degree or professional certificate.

### **H-3**

In addition to the J-1 and Management Trainee J-1 visas, the H-3 classification is another option worth considering. H-3 visas span up to two years and are available to companies with an established training program. The key to this classification is that the training offered cannot be available in the foreign national's home country and the training must benefit the foreign national in pursuing a career outside the U.S.

For managerial, specialized knowledge and professional needs, companies should also consider an L-1 intracompany transfer, the TN Hotel Manager and the H-1B specialty occupation classifications.

### **L-1**

The L-1 intracompany transfer classification is available for individuals who have been employed with the company for more than one year outside the U.S. in an executive, managerial or specialized knowledge capacity. L-1 classifications are usually valid for an initial period of three years, but can also be extended for a maximum of seven years for executives and managers or for a maximum of five years for specialized knowledge employees. There is also the option of applying for a TN Hotel Manager classification.

### **TN**

The TN classification is part of the North American Free Trade Agreement (NAFTA) and is only available to citizens of Canada and Mexico. The minimum credentials for a Hotel Manager are a Bachelor's degree in hotel/restaurant management or post-secondary diploma or certificate and three years experience in the field. The TN classification is usually valid for three years and can often be extended indefinitely.

## H-1B

Lastly, there is the highly publicized and debated H-1B specialty occupation classification. The position must require at least a Bachelor's Degree and the individual must possess a Bachelor's Degree or equivalent. Each Fiscal Year (starting October 1) there are 65,000 H-1B visa numbers available to employers. The initial H-1B classification is usually valid for a three-year time period, and one three-year extension is available.

Each of these five visa classifications offers companies different options for filling positions and meeting labor demands. Without these options, it would be difficult for companies to diversify and to expand to meet their business needs.

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