

**NINTH COORDINATION MEETING ON  
INTERNATIONAL MIGRATION**

Population Division

Department of Economic and Social Affairs

United Nations Secretariat

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**ACTIVITIES AND INITIATIVES OF ONE PRIVATE SECTOR ORGANIZATION  
INVOLVED IN GLOBAL CORPORATE MIGRATION<sup>1</sup>**

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<sup>1</sup> The views expressed in the paper do not imply the expression of any opinion on the part of the United Nations Secretariat.

<sup>2</sup> Report of Ellen G. Yost, Partner, Fragomen, Del Rey Bernsen & Loewy, LLP, New York

The objective of the meeting being to exchange information of capacity-building initiatives on international migration, this report will concentrate on the activities and initiatives taken by the law firm of Fragomen, Del Rey, Bernsen & Loewy, LLP (the Firm), one particular organization in the private sector answering to the needs of the increasing stream of migrants around the world. This report tracks both the for-profit and *pro bono* activities of the Firm. It is intended not only to give participants an impression of the growth of an organization active in the area of global corporate migration and its regulation but also to express the willingness of the Firm to share, with governments and intergovernmental organizations, the Firm's experience and its close relationship with other entities in the private sector.

#### A. AN INDICATOR OF THE GROWTH OF GLOBAL CORPORATE MIGRATION

Although the Firm has not specifically developed indicators, its rapid growth is itself an indicator measuring the impact of a specific section of migration; i.e., the migration of highly-skilled employees within the framework of multinational corporations and the growing national regulatory environment to which this workforce is submitted.

The Firm has grown during the last 20 years from a group of 17 lawyers practicing United States immigration law to an organization of 1,500 employees, including over 275 lawyers, barristers and solicitors and more than 800 paralegals and immigration professionals practicing exclusively in the area of global corporate immigration. Country specialists of the Firm work in 35 offices in 15 countries throughout North America, Latin America, Asia Pacific, Europe, the Middle East and Africa.

The Firm has the capacity to assist companies and individuals doing business to comply with the national laws, regulations and procedures that govern migration to obtain the necessary work permits, residence permits and visas needed when hiring and transferring highly-skilled personnel, their families and accompanying persons among 120 jurisdictions in an expeditious and cost-effective manner while avoiding the risk of non-compliance with national laws or of erroneous filings which could result in delays and refusals of permits. Despite the recent global economic downturn, the Firm continues to see the rapid growth of global corporate migration and its expansion into more regions of the world.

#### B. CAPACITY-BUILDING

By acting exclusively in migration issues and concentrating on highly-skilled workers and intracompany transferees, the Firm has developed the capacity to assist multinational corporations and organizations to employ and to hire highly-skilled migrants and to deploy this type of employee around the world. By creating an extensive and constantly-updated proprietary database of the rules on migration in the various countries and areas serviced, the Firm is able to analyze an arising migration situation and to indicate how to obtain the required documents and authorizations in order to hire and to transfer tens of thousands of members of personnel. The Firm partners with its clients to track the location and migration status of the clients' personnel.

For more than 50 years, all of the offices of the Firm were in the United States. However, as a result of the changing flows of migration, in 1999 the Firm saw the need to establish offices abroad. The Firm opened its first overseas office in Brussels, Belgium. Thereafter it established offices in Hong Kong, Singapore, London, United Kingdom and Frankfurt, Germany. In 2004, the Firm acquired the Australian immigration practice of PricewaterhouseCoopers, establishing the Firm as the largest immigration practice in Australia. Between 2004 and 2006 the Firm opened two additional Australian offices, established its presence in New Zealand with an office

in Wellington, and opened an office in Shanghai, China. In 2008, the Firm expanded its global practice to India with two offices, opened an additional office in Beijing, China, and opened offices in Toronto, Canada, San Jose, Costa Rica and in Dubai, United Arab Emirates. The Firm's newest office, located in Johannesburg, South Africa, was opened in December 2009. The global practice continues to expand rapidly as the Firm continues to establish offices in the jurisdictions where its clients require its presence.

In addition to numerous United States immigration law treatises, the Firm publishes the "Global Immigration Handbook" that provides information on global mobility and country-by-country analysis of immigration in the major business immigration destinations of the world. The Firm regularly advises United States government agencies and the United States Congress on business immigration matters.<sup>1</sup>

The experience obtained in business migration has enabled the Firm to be active in *pro bono* work and its partners and associates assist hundreds of low income migrants in various jurisdictions. In order to institutionalize its training activities, the Firm has established a Fragomen Fellow at the New York City Bar Justice Center who, on a full-time basis, trains lawyers to represent indigent migrants and assists organizations such as Catholic Charities and The Door. Among the other organizations the Firm is actively engaged in providing assistance to are Casa Cornelia, The Catholic Legal Immigration Network (CLINIC), Communities Overcoming Violence (Harbor COV), Lawyers' Committee for Civil Rights, and Partners in Health.

Similarly, partners of the Firm are active in the International Section of the American Bar Association. In 2006, as a result of the urging of the Firm, the American Bar Association (ABA) adopted policy "supporting multinational cooperation and consultation in the formulation of national laws and policies relating to migration and urging the United States government to enter into regional and international discussions and agreements governing the flow of workers".<sup>2</sup>

Representing the ABA and on its own behalf, the Firm has been active in the Civil Society Days at the Global Forums on Migration and Development in Brussels, Belgium, Athens, Greece and Puerto Vallarta, Mexico, attempting to draw attention to and underline the importance of the field of business migration to the overall discussion of migration and development.

As a result of the experience of the Firm and its importance as an operator in the marketplace, it was invited by the United States Council for International Business (USCIB) to collaborate in bringing the message of the specific needs of highly-skilled migration to various international forums. In cooperation with the USCIB, the Firm pleads for a continuous, open and transparent dialogue among legislators and rule-makers in the public sector and migration professionals in the private sector.

The USCIB asked a partner of the Firm to represent the Business and Investment Advisory Committee of the OECD (BIAC) at meetings of the Organisation for Economic Co-operation and Development (OECD) in Amsterdam, the Netherlands and Paris, France on the subject of highly-skilled migration. Most recently, the USCIB asked the Firm to cooperate in writing its submission to the 2010 Global Forum on Migration and Development entitled "The Importance of Global Mobility and Business Migration".

In the framework of its *pro bono* commitment to the development of the rules applicable to migration, a partner of the Firm is President of the Commission on Immigration and Nationality Law of the Union Internationale des Avocats, the Paris-based association of more than 200

national bar organizations around the world.<sup>3</sup> In this way, the Firm can help direct the thinking of this international organization of lawyers, and maintain an awareness of the evolutions of the legislation, regulations and procedures concerning migration in the private sector of the international legal community.

The rapporteur represents the American Bar Association and the Union Internationale des Avocats at the United Nations Economic and Social Council in Geneva and, in that capacity, participated in the work of the Global Commission on International Migration and spoke at the 2008 Symposium in Geneva on Mode 4 of the GATS.<sup>4</sup> Austin T. Fragomen, Jr., Chairman of the Firm, spoke at the High-level Dialogue on International Migration and Development at United Nations Headquarters in New York in September 2006. Partners of the Firm also are active in the International Bar Association and its Immigration Committee.

The Firm would welcome any initiatives tending towards developing clear and transparent policies and procedures, standards and definitions, best practices or even harmonization of migration laws on a regional or global basis. The Firm is willing to put its particular knowledge and experience at the disposal of any government or other entity interested in moving towards these goals.

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#### NOTES

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1 For a full description of the Firm's capabilities, see <http://www.fragomen.com>.

2. [http://www2.americanbar.org/sdl/Documents/2006\\_AM\\_123B.pdf](http://www2.americanbar.org/sdl/Documents/2006_AM_123B.pdf) - 55KB

3 <http://www.uianet.org>

4 [http://www.wto.org/english/tratop\\_e/serv\\_e/mouvement\\_persons\\_e/sym\\_sept08\\_e/sym\\_sept08\\_e.htm](http://www.wto.org/english/tratop_e/serv_e/mouvement_persons_e/sym_sept08_e/sym_sept08_e.htm)