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# TRAILBLAZERS

## IMMIGRATION



### MARK KOESTLER AND MATTHEW DUNN PARTNERS

KRAMER LEVIN NAFTALIS & FRANKEL LLP



**PIONEER SPIRIT** Mark Koestler said he fell into immigration work 25 years ago. "I graduated from law school and was practicing in an area I didn't find satisfying. Ted Ruthizer, the then head of the immigration practice, was looking for a young associate, and I jumped at the opportunity. Once I made that jump, I could not have been happier. That was in 1993. As immigration lawyers, we are helping U.S. businesses compete in the global economy while making a difference in people's lives."

For Matt Dunn, immigration work is a family affair. "My dad was an immigration inspector, and my brother was chief of the U.S. attorney's Immigration Division in New York. I love the people, the impact of counseling individuals and businesses and the strategy."

**TRAILS BLAZED** Koestler and Dunn represent clients in all aspects of business immigration law, from developing strategic plans to preparing and filing nonimmigrant and immigrant visa petitions.

Dunn has never felt more need for immigration lawyers than he does right now. "People are reaching out to us with new issues. Collectively as a team, we've had to propose creative and out-of-the-box solutions so that clients feel that they are well served." Their ability to understand the mindset of the government helps them to be effective counsel, he said. "With the industry knowledge we have and the sheer volume of work that we do, we have captured the full landscape of areas the government is looking to probe. Over the last year or so, the government has scrutinized certain visa types. We are able to anticipate the areas they might be interested in." He points to their work on H-1B visa audits. "We have been engaged to represent businesses on some of the largest H-1B audits. We represent companies in IT industries and others that are subject to audits in the enforcement arena. And we see this as something that will continue to ramp up as the government becomes much more aggressive. We've been very successful in working with and preparing our clients for audits and educating them on issues that are regularly raised by the government."

According to Koestler, while H-1B visas have always been a significant part of their practice, they make extensive use of all of the nonimmigrant visa categories to satisfy the immigration needs of their corporate clients "Because we have such a deep client roster in a number of different industries, we are experts in those industries. So we know the industry-specific issues that the Immigration Service is looking for. We are good at identifying issues before they become problems and getting approvals without too many questions from the government."

For example, Dunn points to how the government was trying to limit the visas for financial analysts. "The government is taking the position that the analysts do not require a specific degree for entry into the field. Having a significant roster of Wall Street banks and hedge funds for clients, we can give the government a more detailed view of what is necessary in the role and provide concrete evidence of what the client is looking for. Financial analysts are common positions on Wall Street, and it would be hurtful if the government were to shrink the ability of organizations to find these people. We were able to put together what the real job requirements are, and the government has come to understand, at least for our clients, what the job entails."

**FUTURE EXPLORATIONS** Koestler said that business immigration changed dramatically when Donald Trump became president. "We are seeing new interpretations of laws and regulations every day. And all of them are more restrictive. I see further restriction and an increased need for effective counsel to navigate constantly changing policies. Things are only getting more difficult. The government will be performing many more audits, and companies must be prepared. In the Trump era, the role of an immigration lawyer has never been more important. Developing strategies for cases and proactive issue-spotting are critical."

Dunn said that immigration is an interesting practice area, since it sits somewhere between human resources and the legal counsel's office. "As time has gone on, legal counsel has gotten much more involved. I see this continuing, and creative and strategic decision-making being a crucial component for success."

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