



# **FRAGOMEN**

## **FROM MOBILITY TO LIABILITY: WHAT IN-HOUSE COUNSEL NEED TO KNOW ABOUT IMMIGRATION RISK IN 2026**

MARCH 27, 2026



# With You Today



**Joseph Paldino**

Partner  
Fragomen



**Clark Cannon**

Counsel  
Fragomen



**Sydnee Christensen**

Associate General Counsel  
Qualtrics



**Stephen Barnes**

Senior Associate General Counsel  
Ivanti

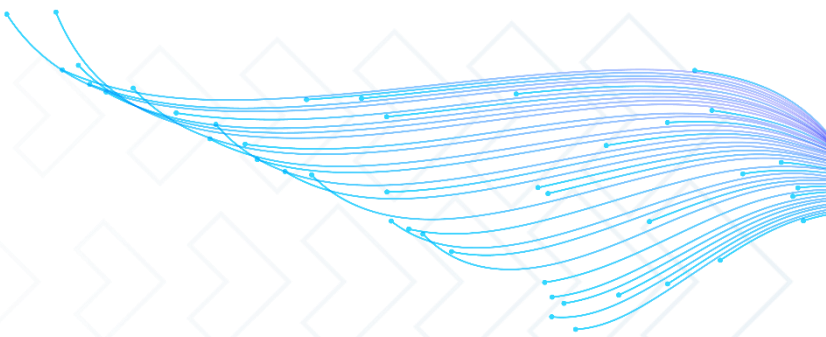


**Monte Crockett**

Counsel  
Intermountain Health

# Agenda



- Green Card Sponsorship Practices
  - H-1B Enforcement and Project Firewall
  - Immigration Communication Strategies and Data Management
  - Remote Work and Cross-Border Compliance
- 

# Green Card Sponsorship Practices





# When does your organization typically initiate the green card process?



**Which permanent residence costs are employees asked to pay?  
(select all that apply)**



**Does your organization have a clawback or repayment policy if an employee leaves early / outside the retention period?**



**Which recruitment methods does your organization typically use for PERM recruitment? (select all that apply)**



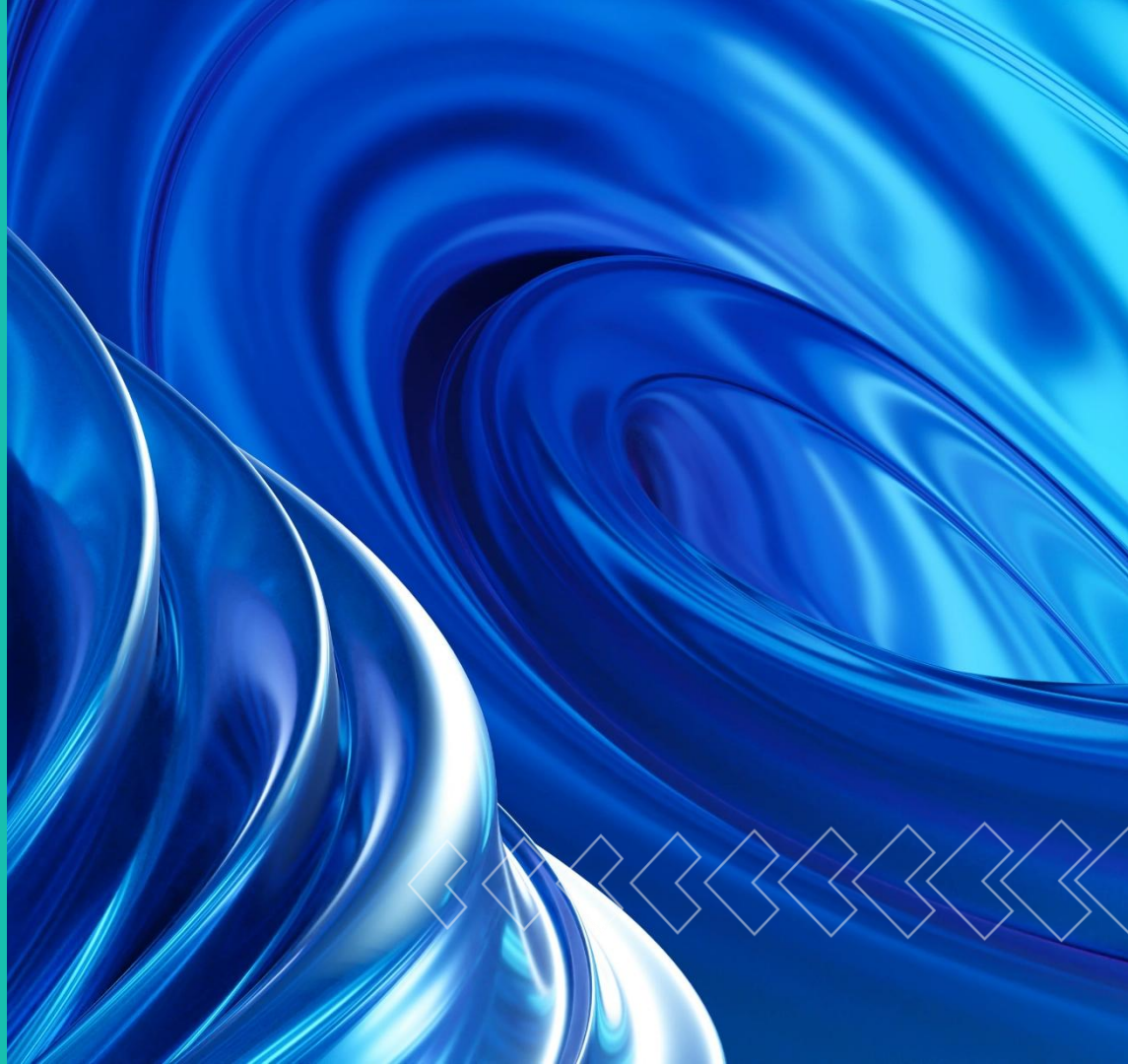
Hypo

- GreenStreet Technologies (GST) seeks to sponsor JoJo, a Director of Distributed Systems (currently in L-1B status, \$100K salary), for a PERM labor certification.
- At the outset, GST’s HR lead states they are experienced with PERM and intend to structure the process to avoid identifying qualified U.S. workers. They propose job requirements of a master’s degree plus 8 years of experience, along with fluency in Dutch—criteria aligned with JoJo’s background. You note that comparable roles in the market typically require a master’s plus 3 years.
- HR indicates they will manage recruitment by having resumes mailed directly to them, reviewed internally with the hiring manager and JoJo, with the goal of disqualifying applicants. They do not intend to respond to candidates. For additional recruitment steps, they plan to use a radio ad, campus recruiting, and an ethnic newspaper to limit applicant volume.
- During your review of recruitment materials, you observe:
  - A candidate was given a multi-page, subjective technical assessment (e.g., evaluating “efficiency, scalability, and system design judgment”) not clearly tied to the stated minimum requirements
  - An internal employee (who appears qualified) was told via email that the role “isn’t a real opening” and not to apply
  - Job postings (including the Notice of Filing and external ads) reference “JoJo PERM”
- Later, HR informs you that the internal employee has filed a complaint with the Department of Labor and asks whether there is any exposure.



# H-1B Enforcement and Project Firewall

**FRAGOMEN**





# What is “Project Firewall”?



# Why did the Department of Labor launch Project Firewall?



**If violations are found during a Project Firewall investigation, what penalties could employers face?**



# **Immigration Communication Strategies and Data Management**

**FRAGOMEN**





**Are you familiar with the Presidential Proclamation issued on September 19, 2025, that set forth the \$100,000 H-1B fee provision?**



**How does your  
organization communicate  
immigration updates?  
(select all that apply)**



**How does your  
organization track  
immigration data? (select  
all that apply)**

# Remote Work and Cross-Border Compliance





**Do you allow employees to work outside their home country / where they have work authorization?**



**Does your organization  
have a formal policy  
governing international  
remote work?**



# Do you know where your employees are working globally?



**Does your organization use technology to track employee locations or confirm whether employees are legally permitted to work in a country outside the United States?**



**In situations where employees are stranded outside the U.S., how is your company managing compensation? What's your policy?**



**How are organizations managing the intersection of immigration, tax, employment, and compliance laws?**

THANK YOU



