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PLAYBOOK

**YOUR COMPANY
HAS IMMIGRATION
COUNSEL.**

NOW YOU DO TOO.

Prepared by IS Law Firm 2026

The Problem Nobody Warned Them About

This scenario comes up more than most people realize: an H-1B professional who has built years of career and life in the United States, a green card case moving through their employer's system, and a career decision they want to make; but cannot properly evaluate, because the only immigration attorney they have ever spoken with represents their employer, not them. They have a job, a visa, and a pending case. What they do not have is an attorney who can tell them what their actual options are if they change employers, get laid off, or decide to pursue a self-petition.

This is not an edge case. It is the default situation for virtually every visa-holding professional working in the United States today. The employer has legal counsel. The employee almost never does; and most do not recognize this gap until something forces the issue.

The Question They Haven't Asked Yet

Your employer's immigration attorney manages your visa case; but who does that attorney represent? Not you. They represent your employer. Their obligation is to maintain your employer's workforce compliance. Your personal immigration options, your portability rights, your self-petition eligibility, and your long-term green card pathway are not their assignment. They are yours to figure out; unless you have independent counsel.



MOST PROFESSIONALS DON'T REALIZE THIS UNTIL IT'S TOO LATE

The attorney handling your H-1B or PERM case represents your employer's interests, not yours. Every strategic decision that attorney makes – timing, structuring, prioritization – is made in the employer's interest. Your personal immigration future is not part of their scope. It is not a conflict. It is an absence.



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Why This Matters Right Now

Three forces converge at the start of the year to make independent immigration counsel not a luxury but a professional necessity for visa-holding employees:

01

Career Planning Season Is Now

Q1 is when professionals assess promotions, lateral moves, and employer changes. Every one of those decisions has an immigration consequence that the employer's attorney will not advise on; because that advice protects the employee, not the employer.

02

H-1B Registration Opens in Weeks

H-1B registration opens February 28. Professionals who understand their independent rights before registration – portability, cap-exempt options, self-petition alternatives – can make decisions that the employer's attorney is not assigned to surface.

03

Layoff Risk Is a Real Variable

Technology, defense, and healthcare sectors in the NoVA corridor have seen workforce reductions in recent quarters. An H-1B holder generally has up to 60 days from termination to act, depending on individual circumstances. Professionals who wait until they receive a termination notice to consult independent counsel may find themselves with less time and fewer options to evaluate.



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#1

Core Problem

Your Employer's Attorney Cannot Give You Independent Advice

What It Is

Every H-1B, L-1, and TN professional has an immigration attorney in their professional life. In nearly every case, that attorney was engaged by – and is exclusively accountable to – the employer.

When that attorney decides the timing of your PERM filing, the structure of your H-1B petition, or how your job description is written, those decisions reflect the employer's compliance priorities.

Your personal green card timeline, your portability rights under AC21, and your options if the company is acquired; those are not their assignment.



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The Risk

Consider a hypothetical example: an H-1B professional at a NoVA defense contractor receives a restructuring notice. They have an approved I-140 and an I-485 adjustment of status application that has been pending for well over 180 days, which can place a case within AC21 portability eligibility depending on the specific facts. The employer's attorney advises the company on its own options. No one separately advises the employee that AC21 portability may allow priority date retention with a new employer, or that delay in consulting independent counsel can carry real risk to preserving that option. The point is not that the outcome would have been the same in every case; it is that the employee had no attorney whose job was to evaluate that question for them specifically.

COMMON MISTAKE



Assuming the attorney managing your visa case represents your interests. They represent your employer's compliance program. Your personal rights, your portability options, and your self-petition eligibility are outside their scope; not because of bad intent, but because of the professional relationship they were hired to serve.

A LAWYER WOULD ASK YOU

Does anyone in your current immigration picture – your employer's attorney, your HR department, or your own research – have a professional obligation to advise you on your personal immigration rights, options, and long-term pathway, independently of your employer's interests? If not, who is protecting your immigration future?



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#2

Core Problem

Not Knowing Your Rights Means Not Having Them

What It Is

The U.S. immigration system grants meaningful rights to visa-holding employees; rights that most professionals have never been told they have. AC21 portability allows H-1B holders with an approved I-140 – or an I-140 that was approvable when filed – and an I-485 adjustment of status application that has been pending for more than 180 days to change employers without losing their priority date, provided the new position falls in the same or substantially similar occupational classification.

Self-petition pathways like the National Interest Waiver (NIW) and EB-1A Extraordinary Ability allow qualifying professionals to pursue permanent residency independent of an employer. Whether any of these options apply to a particular individual depends on their specific facts and evidentiary record – but for some professionals reading this, an applicable option may exist that has gone unidentified simply because no attorney with an independent obligation to them has looked for it.



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The Risk

Consider another hypothetical: a physician in a J-1 waiver position has been with their sponsoring employer for three years. Their publication and research record may, depending on the specific evidence, support an EB-1A self-petition, a pathway that, if eligibility is established, could allow them to pursue permanent residency independently of their employer and potentially on a shorter timeline. Their employer's attorney had no obligation to evaluate that option, since it falls outside the scope of employer-side compliance work.

Without an independent review, a professional in this position may not learn whether a self-petition pathway is available to them until much later, if at all.

COMMON MISTAKE



Treating your immigration options as whatever your employer's attorney presents. The NIW, EB-1A, and AC21 portability rights are not assigned to you by your employer. They belong to you; but only if someone is looking for them on your behalf.

A LAWYER WOULD ASK YOU

When did an immigration attorney last review your qualifications for self-petition pathways – NIW, EB-1A, or EB-1B – specifically against your personal profile, independent of your employer's sponsored case? If that review has never happened, you may have an option you do not know exists.



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#3

Core Problem

Parallel Representation Is Not Adversarial. It Is Professional.

What It Is

The most common hesitation professionals express when considering independent immigration counsel is the fear that retaining their own attorney signals disloyalty to their employer or creates adversarial dynamics with the employer's legal team. This concern is understandable, though it is generally not borne out in practice. IS Law Firm's model is designed as non-adversarial parallel representation.

We work alongside – not against – the employer's counsel. We do not seek to interfere with employer-sponsored cases, and our aim is to protect the individual's interests in the spaces the employer's attorney is not assigned to cover.



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The Risk

Consider an L-1B professional at a defense contractor who is told by colleagues that having their own attorney 'looks bad.' They defer an independent review for eighteen months. If their employer later initiates a workforce reduction, they may then have only the standard 60-day window to act, without independent legal guidance already in place and without a pre-established relationship with an attorney familiar with their file.

Professionals in this position are not without options, but they are starting the process later than they might have otherwise.

COMMON MISTAKE



Confusing independent representation with adversarial representation. Every corporate executive has personal legal counsel that operates separately from company counsel. Every physician in a group practice carries their own malpractice coverage. Every professional with meaningful personal exposure – including immigration exposure – is best served by counsel that represents them, not the institution they work for.

A LAWYER WOULD ASK YOU

If your employment ended tomorrow, does the immigration attorney currently managing your case represent you in any capacity; or does their professional relationship with you end when your employment ends?



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IS Law Firm's Framework for Independent Professional Representation

Pillar 1:

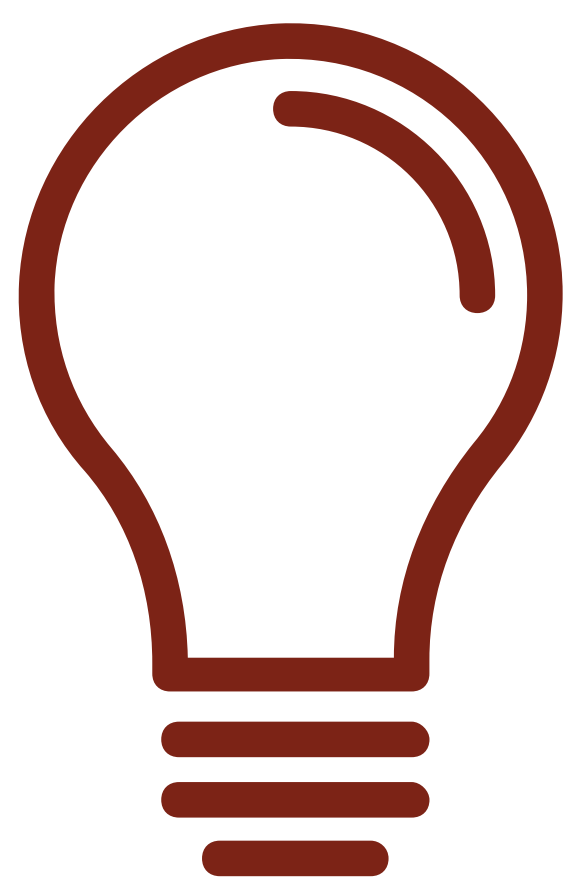
PERSONAL IMMIGRATION STATUS REVIEW; KNOW YOUR FULL PICTURE

What It Is

Before any strategic recommendation, IS Law Firm conducts a comprehensive review of your current immigration status, pending cases, priority dates, and the full range of options available to you independent of your employer. This review covers your visa category's specific rights and constraints, any active employer-sponsored cases and their portability implications, your eligibility for self-petition pathways (NIW, EB-1A, EB-1B), and your vulnerability window if employment ends. Most professionals have never had this review performed for them specifically.

Why This Pillar Matters

For many professionals, the personal status review is the first time they have had their immigration situation reviewed specifically from their own perspective, rather than their employer's. In our experience, professionals who go through this process sometimes learn about rights and options they were eligible for; options that no one with an independent obligation to them had previously identified. The review typically takes about 60 minutes. Some of what it may uncover can be more difficult to act on once a triggering event – a layoff, an acquisition, a career move – has already occurred, which is why earlier review can be advantageous.



The personal status review is not a general walkthrough of immigration law. It works from your actual file – your visa history, your pending cases, your publication or professional record, your career direction – and maps all of that against every independent pathway available to you. Two professionals in the same visa category, at the same company, with similar job titles can have completely different options depending on their individual credentials and case history.



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Pillar 2:

SELF-PETITION PATHWAY ANALYSIS; NIW, EB-1A, AND EB-1B

What It Is

The National Interest Waiver (NIW) and EB-1A Extraordinary Ability categories allow qualifying professionals to self-petition for permanent residency without employer sponsorship, without a PERM labor certification, and without employer consent. The EB-1B Outstanding Researcher and Professor category, while bypassing the PERM labor certification requirement, does require employer sponsorship and a permanent or tenure-track job offer; because it avoids the PERM process, it can in some cases proceed on a faster timeline than the standard PERM-based EB-2 or EB-3 process, though this is not guaranteed and depends on individual circumstances.

For some professionals – particularly researchers, engineers, physicians, and specialists with a strong evidentiary record – these pathways may be worth evaluating as an alternative or complement to employer sponsorship. Whether a given pathway is available, or advisable, depends on the individual's specific credentials, publications, citations, professional recognition, and career trajectory, which IS Law Firm reviews on a case-by-case basis.



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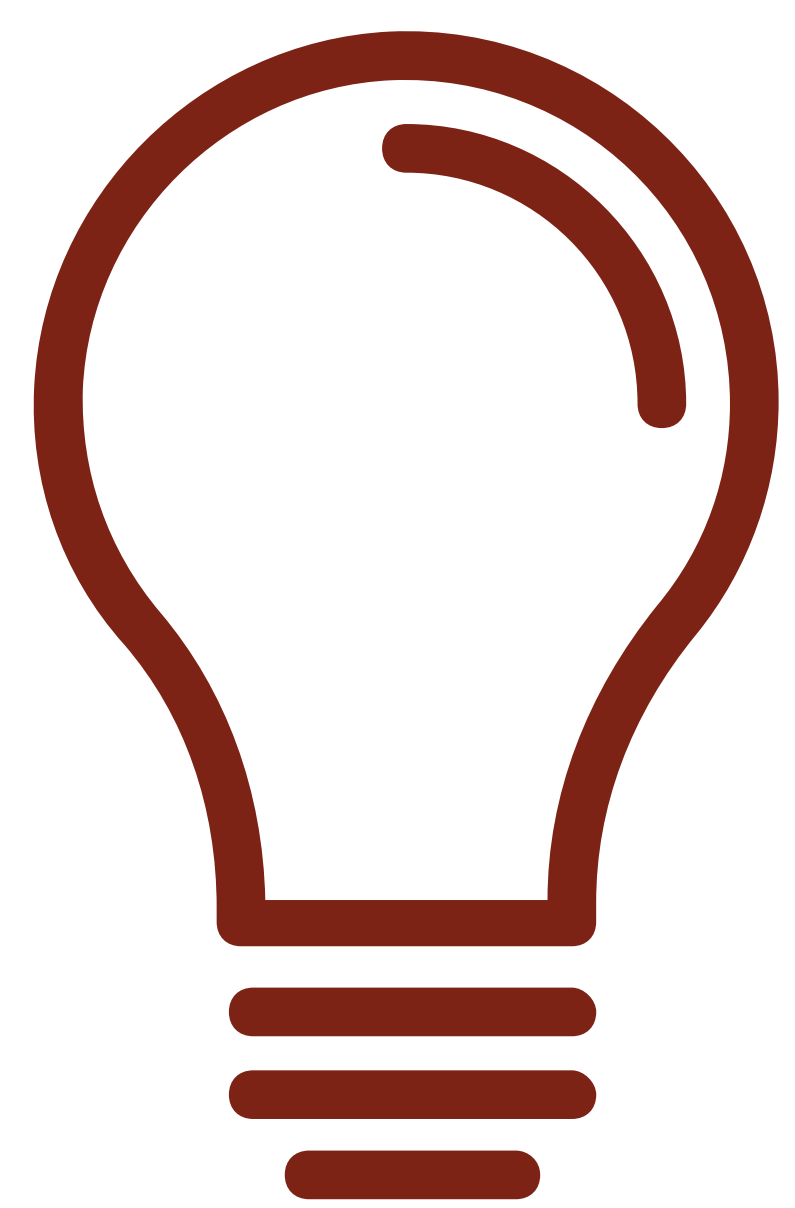


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Why This Pillar Matters

Done at the right point in a professional's career, a self-petition eligibility review can clarify whether a qualifying pathway exists that may shift the trajectory of a green card case; for example, from a longer employer-dependent backlog toward an independent pathway that, for cases that are approved, has in some instances resolved in roughly 18 to 36 months. Actual timelines vary by case and are not guaranteed. That review can typically be completed in a single consultation, though follow-up evaluation of the underlying evidence may be needed. Professionals who never have it done do not learn whether such a pathway was available to them.



Self-petition eligibility is sometimes present in profiles where the professional does not expect it. An engineer with peer-reviewed publications and a citation record demonstrating field-wide recognition may potentially qualify for EB-1A, while a physician with demonstrated impact in an underserved specialty may meet the NIW standard, depending on the strength of the underlying record. A researcher employed at a qualifying institution with documented international recognition in their academic field may have a viable EB-1B pathway to explore – one that does not require the labor certification process associated with employer-sponsored EB-2 or EB-3 filings. IS Law Firm evaluates the evidentiary record specifically – not the professional's self-assessment of whether they 'qualify enough' – though eligibility ultimately rests on USCIS's adjudication.



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Pillar 3:

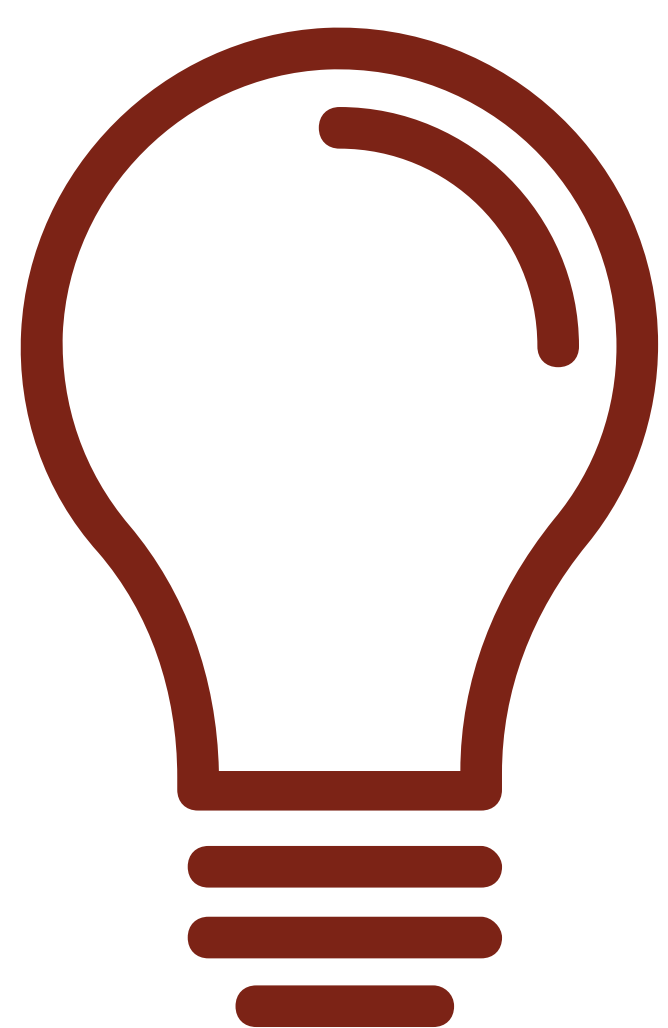
LONG-TERM INDEPENDENT IMMIGRATION ROADMAP

What It Is

IS Law Firm provides every client with a written, independently structured long-term immigration roadmap; covering the optimal pathway to permanent residency, the timeline, the decision points, and the contingency plans if employment status changes. This roadmap is built entirely around the individual's interests and updated as the professional's career evolves. It is separate from, and not dependent on, any employer-sponsored case.

Why This Pillar Matters

Professionals navigating career decisions without an independent immigration roadmap may be making those decisions without important information. A job change, a salary negotiation, a geographic move; each of these can carry immigration consequences that differ depending on visa category, case status, and priority date. A professional who understands their AC21 portability rights may approach an employer conversation differently than one who does not. A professional with a documented NIW pathway under evaluation may have more flexibility in declining an unfavorable offer than one without. Understanding your options can change how you approach these decisions. That is part of what independent counsel can offer.



The roadmap is updated annually and whenever a material career or life event occurs. A promotion, a publication, a change in family status, or a shift in career trajectory can each alter the optimal immigration strategy. Clients who maintain an active independent counsel relationship are better positioned to understand the immigration implications of these changes as they arise, rather than learning about them after a decision has already been made.



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Documents to Gather Before Your Independent Status Review

The items below are a starting point. Which documents are most significant – and how they should be organized and presented – depends on your specific visa category and immigration history.

1 | Passport(s); all nationalities held

2 | Current visa petition and approval notice (I-797)

3 | PERM filing receipt and priority date confirmation

4 | Employment verification and offer letter

5 | CV / resume; full academic and professional history

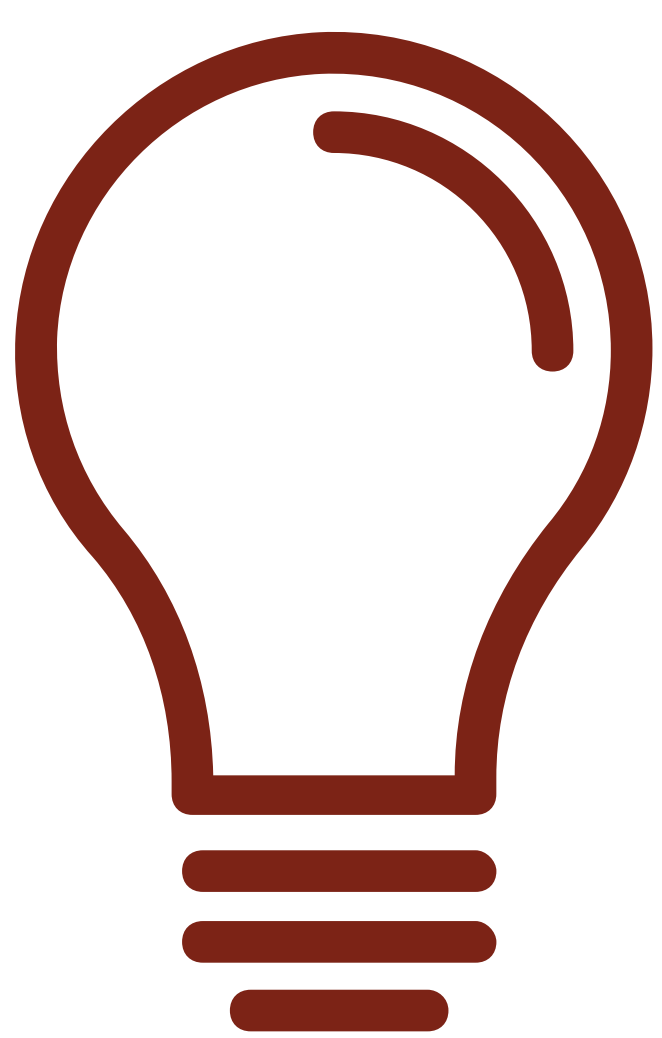
6 | All prior U.S. visa stamps and I-94 records

7 | I-140 approval notice (if applicable)

8 | Any RFE notices and responses in your case

9 | Published papers, patents, or professional awards

10 | Family status: spouse and children's visa classifications



THE MOST IMPORTANT ITEM IS NOT ON THIS LIST

The most valuable input into your personal status review is your career goals; not your documents. What you want to do next professionally, and what constraints your current immigration status places on that, is the question IS Law Firm is specifically structured to answer.



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5 Questions to Ask Any Independent Immigration Attorney

Use these questions to evaluate whether an attorney is genuinely structured for independent employee representation; or primarily structured for employer-side compliance work.



Question 1:

How do you define your professional obligation to me versus to my employer's immigration counsel, and what happens to that relationship if my employment ends?



Question 2:

Have you reviewed NIW and EB-1A eligibility for professionals in my occupational category, and what is your process for evaluating whether a client's record meets the evidentiary threshold?



Question 3:

Can you explain how AC21 portability works in the context of my specific case; and what I would need to do in the first 30 days if my employment ended today?



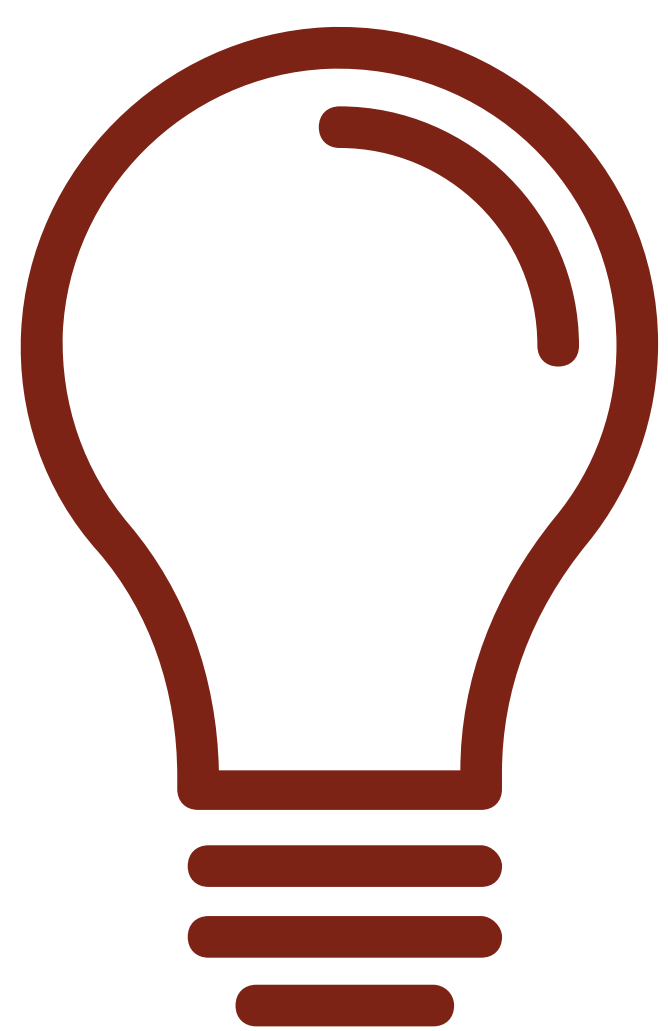
Question 4:

How do you structure a long-term immigration roadmap that accounts for both employer-sponsored and self-petition pathways simultaneously?



Question 5:

Do you represent employers in immigration compliance matters; and if so, how do you manage the independence of your employee-side representation?



WHAT THE ANSWERS REVEAL

An attorney genuinely structured for independent employee representation will typically be able to speak with specificity about your situation, your visa category, and your rights. An employer-side compliance attorney may be more limited to general answers. This difference can often help you evaluate whether an attorney's practice is structured for independent representation.



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5 Mistakes That Prevent Extraordinary Talent Cases From Being Approved

Assuming the Attorney Processing Your Case Represents You

The attorney your employer retained to file your H-1B or PERM represents the employer. If your interests ever diverge from your employer's – in a career change, a restructuring, or a salary dispute – that attorney's professional obligation does not extend to you.

Waiting for a Crisis to Seek Independent Counsel

The 60-day grace period after H-1B termination sounds generous until you are in it. Professionals who have an independent attorney in place before a triggering event are often better positioned to evaluate their options. Professionals who retain independent counsel only after a termination notice may have fewer options available, and less time to evaluate them, depending on their specific case.

Not Knowing Whether You Qualify for a Self-Petition Pathway

NIW and EB-1A eligibility may be present in professional profiles where the individual does not expect it. A consultation specifically designed to evaluate self-petition eligibility can identify, for those who qualify, an independent pathway with a potentially shorter timeline than an employer-dependent backlog; whether that pathway exists, and what timeline applies, depends entirely on the individual's evidentiary record and case-specific factors.

Making Career Decisions Without Understanding the Immigration Implications

Job changes, geography shifts, and employer restructurings have direct immigration consequences that vary by visa category, PERM status, and priority date. Professionals who understand these implications in advance may be better positioned to evaluate their options. Those who discover them only after signing an offer letter may have less flexibility to address the immigration consequences at that stage.

Confusing Employer Immigration Counsel with Personal Immigration Counsel

These are two distinct professional relationships. One exists to serve the employer's workforce compliance program. The other exists to serve your immigration future. Most professionals currently have only the first.



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Frequently Asked Questions



My employer already has immigration counsel. Why do I need my own?

Your employer's immigration counsel represents your employer, not you. Their professional obligation is to your employer's compliance program. Your personal immigration rights – portability, self-petition eligibility, independent green card pathways – are outside their scope. IS Law Firm's representation is specifically structured around your interests, independently of your employer's.



Will retaining my own attorney create conflict with my employer?

No. IS Law Firm's model is non-adversarial parallel representation. We work alongside your employer's counsel without interfering with employer-sponsored cases. Our focus is on the areas your employer's attorney is not assigned to cover: your personal rights, your independent options, and your long-term pathway.



What is AC21 portability and do I have it?

AC21 portability applies when an H-1B holder has an approved I-140 (or an I-140 that was approvable when filed concurrently with the I-485) and an I-485 adjustment of status application that has been pending for 180 days or more. If those conditions are met, the professional can change employers without losing their priority date, as long as the new position is in the same or substantially similar occupational classification. Whether portability applies to your specific case depends on the status of your I-140 and I-485; this is one of the first things IS Law Firm examines in a personal status review.



I think I might qualify for a National Interest Waiver. How do I find out?

NIW eligibility depends on your specific professional record; publications, citations, research impact, professional recognition, and the relationship between your work and a defined national interest. IS Law Firm evaluates NIW eligibility by reviewing your actual credentials against the current USCIS evidentiary standard, not against a general checklist. The evaluation takes approximately 60 minutes.



What happens to my immigration status if I am laid off?

H-1B holders have a 60-day grace period after involuntary termination of employment. L-1 holders have the same. During that window, you can transfer your H-1B to a new employer, change to another visa status, or take other qualifying actions. What you can do – and how quickly you can do it – depends on your specific case history. Professionals with an independent attorney already in place are significantly better positioned to act within that window.



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The Decision That Changes Everything

Every visa-holding professional in the United States is navigating an immigration system that includes rights they may not be aware of, pathways they may not know they qualify for, and deadlines that pass without notice. The attorney their employer retained was not engaged to surface any of that. That attorney's job is to manage the company's workforce compliance; and they do it well. But workforce compliance and personal immigration strategy are two different things, and the former does not cover the latter.

IS Law Firm's Independent Immigration Counsel practice is built for the professional who has decided that their immigration future is too important to leave to an attorney who represents someone else. The personal status review that starts the process typically takes about 60 minutes. The goal is to leave you with a better understanding of your rights, your potential independent options, and the questions that matter for your long-term pathway; with the analysis built around your interests, not your employer's.

**Your company has
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Now you do too.**



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