

Status Violations & Unauthorized Employment

BY BECKI YOUNG

Most foreign nationals in the United States are aware of the importance of avoiding status violations and unauthorized employment. Yet time and time again in my practice, these issues arise. The sad part is that many foreign nationals do not realize that they are committing status violations until it is too late.

For example, most employment sponsorships are employer-specific. If Company A sponsors a foreign national to work in the United States, she is authorized to work only for Company A, and only in the position described. Furthermore, she must continue to work for Company A in that position in order to maintain valid status. If she quits her job with Company A and stays home all day, she is out of status. If she quits her job with Company A and goes to work for Company B without first obtaining authorization from the Im-



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migration Service, she not only is out of status but also is engaging in unauthorized employment.

Any time there is a material change in the terms and conditions of employment, the sponsoring employer must file an amended petition with the Immigration Service. If a U.S. employer sponsors a foreign worker for full-time employment, and then cuts her hours to part-time, the U.S. employer must file an amended petition. If a U.S. employer sponsors a worker for Position A, and then wants him to work in Position B, the employer must file an amended petition. Failure to do so is a violation of the immigration laws on both the part of the employer and the employee.

HERE ARE TWO scenarios that arise frequently:

Harry Hospitality-Student comes to the United States in J-1 status to pursue an 18-month training program with Artichoke Restaurant. Halfway through his training pro-

gram, Harry decides he would rather train with Broccoli Restaurant, and he starts there without obtaining prior authorization from the training program sponsor. From the moment Harry commences his training with Broccoli Restaurant, he is in violation of his J-1 status and is engaging in unauthorized employment. Broccoli Restaurant is most likely in violation of the Immigration Service's employment eligibility verification rules.

At the end of the 18 months, Cauliflower Restaurant decides to sponsor Harry for H-1B status. Because Harry is no longer in valid status, he cannot change his status from J-1 to H-1B in the United States and instead will need to return home with the H-1B petition approval from Cauliflower Restaurant, apply for a new H-1B visa stamp at the U.S. consular post, and disclose his unauthorized employment on the visa application forms. Presuming he is issued a new visa stamp despite the unauthorized employment with Broccoli Restaurant, Harry can re-enter the United States with the new visa stamp and petition approval to commence his H-1B employment with Cauliflower Restaurant.

Roberta Restaurant-Manager comes to the United States in H-1B status to work for Eggplant Restaurant as a general manager, a full-time position with an annual salary of \$75,000. After six months, Eggplant Restaurant demotes Roberta to the position of

catering manager, a part-time position that pays \$15 per hour. Eggplant Restaurant never files an amended petition with the Immigration Service. Both Roberta and Eggplant Restaurant are in violation of the immigration laws.

A year later, Roberta is offered a general manager position with Fennel Restaurant. Because Roberta is no longer in valid status, she cannot extend her H-1B stay in the United States and instead will need to leave the United States and re-enter with a new petition approval from Fennel Restaurant (and could be interrogated at the border about her previous status violations and/or unauthorized employment).

Although status violations and unauthorized employment can sometimes be corrected, as in the two examples above, this is not always the case. Too often, hopes and dreams of working in the United States are shattered by careless or unintentional immigration violations. In this day and age, no foreign national or sponsoring employer can afford to fail to exercise the utmost caution in avoiding the twin pitfalls of status violations and unauthorized employment.

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LINENS

Choosing Table Linens to Enhance Your Image

BY JENNIFER YEAGER

UNIFORM AND TEXTILE SERVICE ASSOCIATION

What do customers see when they sit down at your tables? The way they are set. Effective use of today's wide array of linen options is a must for a satisfying guest experience. The right linens can maximize the impact of your decor theme while also providing practical value in a cost-effective manner.

Today's linens offer restaurant owners and managers a wide range of colors and fabric options. Armed with up-to-date information on these choices, you can make the best selections for your restaurant and ensure that your dining area makes a positive impression on your customers.

Today's Big Linen Trend: Cloth Napkins. Many restaurants have begun to follow the lead of high-end restaurants by making the change to cloth napkins, even if they do not use tablecloths. From family dining chains to pubs to independent casual restaurants, owners and managers are learning that they can separate their restaurants from the competition by upgrading the quality of their diners' experience with cloth napkins. As more and more restaurants raise the bar in terms of table settings, this trend is likely to continue.

Other niche restaurants are longtime con-

sumers of the cloth napkin industry but seek varying appearances for their tables. Upscale seafood houses; hip restaurants offering the latest cuisine, seeking to become destinations for younger crowds; and antique-themed tearooms with feminine decor all share the dilemma of creating looks that are distinctive within their categories.

When choosing colors, consider:

- ❖ How unique do you want the look of your restaurant to be?
- ❖ Whether you simply want an upscale feel, or do you want to make a bold statement by picking up on color in artwork, wallpaper, stained glass windows or other visual elements within the dining areas?

If a distinctive look is an important element of your restaurant's image, can that look be accomplished with napkins in dark or earth-toned hues, or are brighter colors needed? This question is important because maroon, dark green, royal blue and deep gold are among the most readily available colors in cloth napkin inventories, other than white or cream. Vibrant colors, such as bright blue and burnt orange, like pastel shades, can create unusual and modern looks that enhance feelings of spaciousness and festiveness in a dining area. Napkins in these colors are not as readily available, however, and they tend to cost a bit more.

New Textiles Offer High-End Feel

with Durability and Ease of Care.

Restaurant owners, especially those operating the upscale restaurants, traditionally preferred table linens made of 100 percent cotton. The first generation of polyester linens that came to market a few years ago felt smooth and slippery and did not absorb well, leaving owners and managers who tried them very disappointed. The recent debut of spun polyester linens has rapidly begun to change opinions, however.

Today's new synthetic linens offer luxurious feel and strong absorbency. Stain-release properties make them easy to clean, which is of particular importance to the most upscale restaurants that still tend to use traditional white tablecloths and napkins. The synthetic linens also come without the disadvantages that accompany cotton, such as lint that quickly transfers to servers' and diners' attire, pilling, and a tendency to tear easily. Owners and managers who used to find it very difficult to leave cotton linens are now choosing synthetic linens.

Proper Care Extends the Life of Your Linens. Proper care is important to ensure that you get the most from the durability features of your linens as well as to maximize the impact of their appearance. The most important characteristics of linen care:

- ❖ Stains and odors must be completely

removed.

- ❖ Wrinkles must be completely removed, and corners should be flat.

- ❖ To the surprise of many restaurant owners, even synthetic linens can be lightly starched. Starching helps napkins hold their fold and helps tablecloths drape properly.

Textile service companies, both linen launderers and uniform rental services, provide services including delivery of clean linens, pickup of soiled goods, and repair or replacement of torn and worn linens. Restaurants using these services are able to place top-quality, well-maintained linens on their tables without the initial investment to purchase linens, or the inconvenience of in-house laundering.

If you want to change the colors in your dining area seasonally or as color trends change, a rental service can offer that option. If it would help profitability to adjust your available linen inventory as business rises and falls or when you want to launch a catering venture, a linen service provider can offer a flexible plan. And if you are in the early stages of decorating your restaurant, a textile service provider will create a linen look to complement new designs.

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