

FINDING YOUR

Silver Lining

IN THE
BUSINESS IMMIGRATION PROCESS

AN INSIGHTFUL GUIDE TO IMMIGRANT
& NON-IMMIGRANT BUSINESS VISAS

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Foreword by Margo Chernysheva, Esq.

PRAISE FOR

FINDING YOUR



IN THE BUSINESS IMMIGRATION PROCESS

“Lauren’s passion for educating and helping others comes through in her first book, where she focuses on showing readers how to find the ‘Silver Lining,’ even in the complex world of business immigration. It’s a must read for anyone navigating the path to their American Dream.”

—Mel Robbins, Best-selling Author, Speaker,
and CNN Legal Analyst

“How do you take the complex and often complicated world of business immigration and make it rewarding, profitable and transformational? *Finding Your Silver Lining in the Business Immigration Process* is all that and more. Author and authority on business immigration, Lauren Cohen, has taken her years of wisdom and experience and is now sharing it on the pages of this life-changing book. For any business or person embarking on this adventurous road, this book is a MUST!”

—Allison Maslan, Best-selling Author, Business Coach,
Speaker, contributor to *Entrepreneur* magazine,
and CEO of Allison Maslan International

“It has been a pleasure to be a friend and mentor to Lauren and to watch her build her business as an immigration concierge. *Finding Your Silver Lining in the Business Immigration Process* is sure to ‘wow’ audiences with its sincerity, depth of information, and passion for making a difference—all great reflections of Lauren.”

—Harvey Atkin, Renowned Actor, Comedian,
Master of Ceremonies, and Philanthropist

“Lauren is a dedicated community activist, always willing to lend a hand to help, charitable in every way, and committed to making a difference in the lives of the people she touches. We look forward to Lauren sharing her expertise with our community and beyond.”

—Danielle N. Hartman, MNM, CEO of Ruth &
Norman Rales Jewish Family Services

“As a client, I can confirm that Lauren truly becomes a stakeholder and cares about simplifying the complicated business immigration process. By putting her carefully considered thoughts and approach into writing, *Finding Your Silver Lining in the Business Immigration Process* is sure to reflect the same level of care and commitment.”

—Daniel Shields, J.D., M.B.A., President of
AscendAmerica LLC

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This book contains general information about legal, business immigration, and related matters. This information is not intended to be exhaustive. It is not legal advice nor is it a substitute for legal advice and should not be treated or construed as such. It is not intended that readers rely on the information contained herein as an alternative to legal advice from an attorney or other professional legal services provider. The author and publisher are not responsible for any adverse effects or consequences resulting from the use of the information in this book. For specific questions about any legal, business immigration, or related matters, the author and publisher strongly suggest that readers consult an attorney or other professional services provider.

An independent compliance review of this guide has been performed by Margo Chernysheva, Esq. of MC Law Group.

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I dedicate this book to my amazing son,
Zevi Bryce Cohen, and his Zaidy,
my beloved dad, Allan Cohen,
of blessed memory.

Together, they were the inspiration for this
book and for the non-profit which this book
is helping to fund, Find My Silver Lining.





Preface

*“Anyone who has never made a mistake
has never tried anything new.”*

—ALBERT EINSTEIN, IMMIGRANT

The story behind this book involves a circuitous journey that begins with a dream—the American Dream to be specific.

Like the multitudes that came before me and have followed, I dreamed of immigrating to the United States in the pursuit of personal and professional happiness and success.

After earning my law degree from Osgoode Hall Law School in Toronto, Ontario, Canada, I realized that I wanted to pursue opportunities south of the border, so I consigned myself to the painstakingly long and taxing journey—both literally and figuratively—called the U.S. immigration process.

Unlike many applicants, I was fortunate. After years of (im)patiently waiting, my immigrant visa application was approved, and five years thereafter, in February 2012, I

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obtained my U.S. citizenship with my infant son in tow (he was fifteen months old). While I have now managed to begin turning my dream into a reality, and by doing so find my way into a new career and path, my journey was paved with a multitude of bumps and roadblocks. This is my story:

My first frustrating experience with the U.S. immigration process happened in 1997. I had been living and working legally in the United States in Florida as an in-house corporate attorney for a few years when I decided to take a trip to visit my family in Toronto. I had applied for an H1-B visa¹ and was awaiting approval from the United States Citizenship and Immigration Services (USCIS) at the time of the trip. Unbeknownst to me (having no experience with U.S. immigration law at the time), I technically had no standing as either a permanent or temporary U.S. resident because my visa was still in process. I did not know any better, and unfortunately I didn't bother to do the research. Hence, I was stuck in a bureaucratic limbo. As a result, shortly after my father dropped me off at the Toronto Pearson International Airport, the U.S. Customs and Border Protection (CBP) agents refused to let me pass (U.S. CBP is located in the Toronto Airport). CBP forced me to wait in a holding room while they questioned me and decided my fate.

After a stressful few hours, CBP released me, and my

1. An H-1B visa is a non-immigrant visa that allows U.S. companies to employ graduate-level staff in specialty occupations such as in law, technology, finance, medicine, etc. See Chapter 6 for more information.

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father returned to retrieve me. As soon as I arrived at my parents' home, I called the USCIS Vermont Service Center, where my H-1B visa was being processed. I literally *begged* them to expedite my application so that I could return to my home and livelihood. Thankfully, as the terrible tragedy of 9/11 had yet to occur, and travel as well as immigration was not nearly as strict as it is today, I received a faxed copy of my Notice of Approval six hours later.

Within twenty-four hours of initially being detained, I managed to obtain temporary U.S. immigration status, rebook my flight, and was on a plane home. Note that this all happened nearly twenty years ago; this would *not* have been the case today—especially in terms of USCIS's ability and/or willingness to expedite the process.

I returned home with my temporary work visa and was ready to move forward with the process of obtaining a green card and permanent residency. While this experience would not be the last obstacle on my journey to permanent residency, it was my first step toward becoming an immigration attorney and the creation of e-Council Inc.

My company, e-Council Inc., was initially established as a business plan design and development company focused on startups and those seeking venture or angel capital,² but I soon discovered that most prospective clients did not have sufficient funds to pay for our services. e-Council Inc. then moved to the important

2. Angel capital is money invested by “angels”—that is, affluent investors—in startup or entrepreneurial endeavors, wherein the investor generally does not play an active role in the business.

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business of serving other attorneys and their clients as an immigration visa business plan design and development company—the only company of its kind that was established and operated by attorneys to support other attorneys and their clients in their quest to secure various business immigration visas.

From there, e-Council expanded its scope of work and is now a single-source, turnkey, concierge service assisting businesses seeking alternative capital from foreign investors as well as prospective immigrants like myself to find their way to legal status in the United States without the headaches and hassles I had experienced.

The next bump in the road occurred a few years after the approval of my H1-B visa, and while it was truly devastating at the time, had I not experienced it, I doubt I would have ended up in the field of immigration law.

I had recently married a fellow Canadian who was also in the process of adjusting his immigrant status. We had been informed that once we were married, he would be entitled to derivative status as my spouse under my H1-B visa. My (now ex-) husband failed to disclose to me some circumstances related to his past in Canada that rendered him inadmissible in the eyes of USCIS. I did not find this out until we were returning home from our honeymoon in Thailand: we were connecting in Chicago O'Hare International Airport, and as we went through customs, I was shocked to find myself being escorted to a holding room once again. From there, my then-new husband was detained by U.S. CBP, expeditiously removed, then held in immigration jail, and subsequently deported back to Canada—all before my astonished eyes.

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What CBP knew and of which I was unaware was that my ex-husband had a criminal record for which he received a pardon in Canada. At that time, USCIS did not recognize Canadian pardons. Therefore, my new spouse was inadmissible into the United States, even though, under normal circumstances, my H1-B visa should have applied to us both. I spent many difficult months after that horrible experience fighting with immigration attorneys on both sides of the border to overturn the deportation, so that my then-husband could return to the United States, but my efforts were unsuccessful. Ironically, during this challenging time, I received my own green card, and became a permanent U.S. resident.

As a last-ditch effort, I decided to go to Montreal to have my green card processed so that my spouse could attend the interview (since he was not permitted to enter the United States) with the goal that hopefully he would receive a “derivative” (spousal) green card. Unfortunately, his application was denied once again, while mine was processed without incident. The marriage was short-lived, and to be candid, the issues with admittance were but a small piece of the divorce puzzle.

Frustratingly enough, my run-ins with CBP were not the only obstacle I faced while making a home for myself in the United States. To make matters worse, I hit a few career-oriented roadblocks along the way as well. For example, I had initially immigrated to Florida in hopes of a fresh start while continuing to practice corporate law. While I did get a fresh start, my plan of practicing corporate law in the United States was hindered by restrictions set against me because I had attended law school in

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Canada. Unfortunately, I discovered that I was unable to acquire a license to practice law within my home state of Florida without returning to school, which was simply not a viable option for me.

While I did obtain my Tennessee law license (many states, including Tennessee, recognize the equivalence of Canadian law degrees), I was still obstructed in my ability to find appropriate work and/or to pursue a suitable career path, since I was living and working in Florida. Unsure of how to pursue a career in my new home, many of the paths I tried resulted in dead ends, and I struggled to make ends meet. But I refused to give up. Eventually, after several false starts followed by a series of opportune events along with the help and advice of friends and colleagues, I found my place in the field of immigration law and started my current company, e-Council Inc., as I mentioned above.

It took a while for me to find my niche here in the United States, but when I finally did, it started with a business plan. A friend and colleague, who also happened to be a serial entrepreneur, reached out to me for help in writing a business plan for a new startup business. The combination made sense; as a corporate attorney and strong writer, I was equipped with the combination of knowledge and skill necessary to write a business plan—so I gave it a shot, and it proved successful.

The first plan led to a second, the second to a third, and so on until I was approached by my own immigration attorney, who, having heard about my business plan writing endeavors, asked for my assistance with writing a plan for a treaty investor non-immigrant business visa

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(E-2). I tried my hand at this specialized business plan, and the visa petition was approved.

After the success of my first non-immigrant investor business plan, I started focusing entirely on writing business plans for non-immigrant business visas. In the beginning, I wrote plans only for E, L, and some H1-B visas, but eventually added EB-5 immigrant investor business plans to my repertoire, and over the years, my company has grown and transformed into the thriving turnkey full-service concierge business it is today. We have written in excess of 500 business plans for all types of immigrant and non-immigrant business visas, and have expanded our reach and scope of work well beyond the confines of our original focus on business plan writing.

So what started out as a one-woman company, initially focused on providing business plans for small businesses and those seeking immigration status, has transformed into a small, but thriving full-service concierge business immigration company, comprised of a handful of experts, who guide immigrant and non-immigrant investors, business owners, and project developers through the rough terrain that is the American business immigration process.

In my journey from corporate attorney to immigration lawyer and entrepreneur, I also secured my real estate license and ventured into the field of business brokerage. In so doing, I realized that there is a deficit of information available to those interested in the business immigration visa process, whether clients, their advisors and counsel, or others. What exists is either severely lacking or incredibly complicated.

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From that realization, the idea for this book was born: a guidebook that explains the business immigration visa process in simple and easy terms, enabling those of us without a law degree to grasp complicated immigration concepts. This book was written with the intention of providing a supplement for professional support, not as a substitute for it. I cannot overemphasize the importance of proper, qualified legal counsel, and e-Council Inc. would be more than happy to work with you to coordinate such counsel.

I came to the United States in search of my version of the American Dream, and I found it in the form of paving a pathway for others to do the same. With my combined experience as an immigrant from Canada, a corporate lawyer, and a business plan designer, coupled with my business acumen and entrepreneurial spirit, I was able to facilitate the growth of my company into the flourishing business that it has become.

I refused to give up on my ideas or dreams, and I continue to push through every obstacle in the pursuit of my goals as I urge my clients and colleagues to do. Along with e-Council Inc., this book is the realization of my version of success by hopefully making the long and difficult process I went through much easier for those who follow after me, so that they too can realize their own version of what motivated me—the American Dream.

Just a few short weeks before submitting this guide to my editor, I set up a non-profit in Florida called Find My Silver Lining (www.findmysilverlining.com.) The non-profit was established in my father's memory. While some of the programming will be directly connected to

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my dad and my son and their relationship,³ the overriding mission of the non-profit is for Find My Silver Lining to inspire and assist single mothers, working parents, and *mompreneurs* to focus on the bright side as they strive to lead fulfilling lives. The non-profit's goal is to help the target audience to have confidence and faith that there is indeed a silver lining for those of us who persevere and push through the clouds that are the tough times, ultimately to find their way to the silver lining.

I found my silver lining, and now I want you to help you find yours. I know in my heart that through my message and story, I can guide others to find theirs as well! Find My Silver Lining directly correlates to the purpose of the book, which is to help those seeking ways to access the United States through legal immigration, and to assist their legal and other counsel to access tools and information during the research process.

Business immigration can be complex and is often overwhelming. *Finding Your Silver Lining in the Business Immigration Process* serves to facilitate the process wherever possible. It will function as a springboard to your broader immigration plan, which should definitely include qualified immigration attorneys, accountants, professional business plan writers, and other stakeholders and trusted advisors.

3. Though not directly related to the topic of this book, Find My Silver Lining is also funding a program through Jewish Family Services in memory of my beloved father, Allan Cohen, of blessed memory, the focus of which is to match children without grandfathers/grandparents to grandfathers/grandparents wishing to be meaningfully involved in the children's lives.

"Author and authority on business immigration, Lauren Cohen, has taken her years of wisdom and experience and is now sharing it on the pages of this not-to-be-missed life-changing book."

—ALLISON MASLAN, Bestselling Author, Speaker, and CEO of Allison Maslan International

EXPERT GUIDANCE ON NAVIGATING THE COMPLEXITY OF THE U.S. BUSINESS IMMIGRATION PROCESS

Business immigration can be complex and overwhelming. *Finding Your Silver Lining in the Business Immigration Process* offers a wealth of information and tools to you if you're seeking to access the U.S. through legal immigration or seeking foreign investor capital, or if you are offering counsel or guidance during the research and/or preparation process.

Author Lauren Cohen came to the United States in search of her American Dream, and she found it in the form of paving a pathway for others to do the same. With her experience as an immigrant from Canada, a corporate and immigration lawyer, and a business plan designer, coupled with her business acumen and entrepreneurial spirit, she and her company, e-Council Inc., have successfully quarterbacked numerous business immigration projects and visa applications.

Finding Your Silver Lining in the Business Immigration Process is a springboard to your broader immigration plan, which should include qualified attorneys, accountants, professional business plan writers, and other trusted advisors. Armed with the foreknowledge you need for a successful application, the likelihood of achieving your own American Dream is within your reach.

"Lauren's passion for educating and helping others comes through in . . . *Finding Your Silver Lining in the Business Immigration Process* . . . a must-read for anyone navigating the path to their American Dream."

—MEL ROBBINS, Bestselling Author, Speaker, and CNN Legal Analyst



Lauren A. Cohen, Esq., a graduate of Osgoode Hall Law School in Toronto, Ontario, is a lawyer licensed in both the U.S. and Canada. She is an active member of the American Immigration Lawyers Association (AILA) and many other industry and professional groups, and boasts a stellar track record of success. She is a globally sought-after speaker and enjoys sharing her knowledge with others. Lauren has firsthand experience with the visa process, having become an American citizen in early 2012 following her own complex immigration journey. Visit her at www.findingyoursilverlining.net and www.ecouncilinc.com.

The proceeds from the sale of this book will help fund *Find My Silver Lining*, a Florida non-profit.

