




IMMIGRATION LAW IN THE GAMING INDUSTRY

Tingen Law, PLLC | Jacob Tingen & James Williams

WHO WE ARE



- ◉ Tingen Law, PLLC. We are on [twitch.tv/teamgavel](https://www.twitch.tv/team/gavel)
 - ◉ Established in 2012 by Jacob Tingen as a General Practice Firm
 - ◉ Today the practice focuses on two primary areas:
 - ◉ Immigration
 - ◉ Business & IP
 - ◉ Clients include companies and professional athletes
- 

WHO WE ARE



- ◉ Jacob Tingen
 - ◉ jacob@tingen.law | (804) 477-1720
 - ◉ Managing Partner of Tingen Law
 - ◉ Adjunct Faculty: UR Law School
 - ◉ Practice Areas
 - ◉ Immigration
 - ◉ Business Law
 - ◉ Intellectual Property
-



JACOB TINGEN

WHO WE ARE




- ◉ James Williams
 - ◉ james@tingen.law | (804) 477-1720
 - ◉ Partner
 - ◉ Practice Areas
 - ◉ Intellectual Property
 - ◉ Business Law
 - ◉ Entertainment Law
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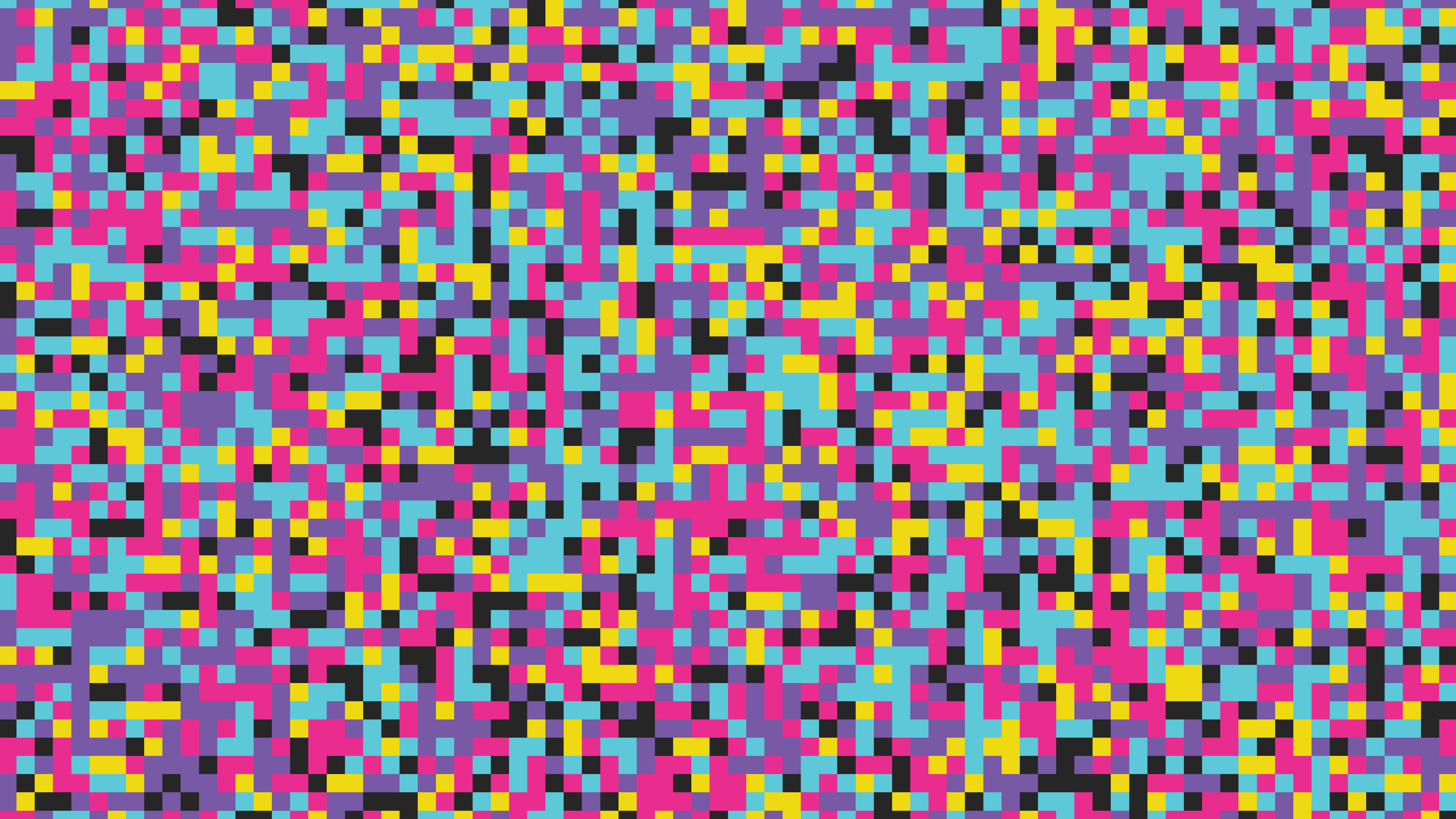


JAMES WILLIAMS

PURPOSE OF PRESENTATION



- Discuss common intersections between immigration law and the gaming industry.
 - Provide examples of when immigration law may be relevant to gamers, esports athletes, and streamers.
 - Explain the options available for entering and leaving the United States.
- 



Hyohohoho...

This is my presentation now!

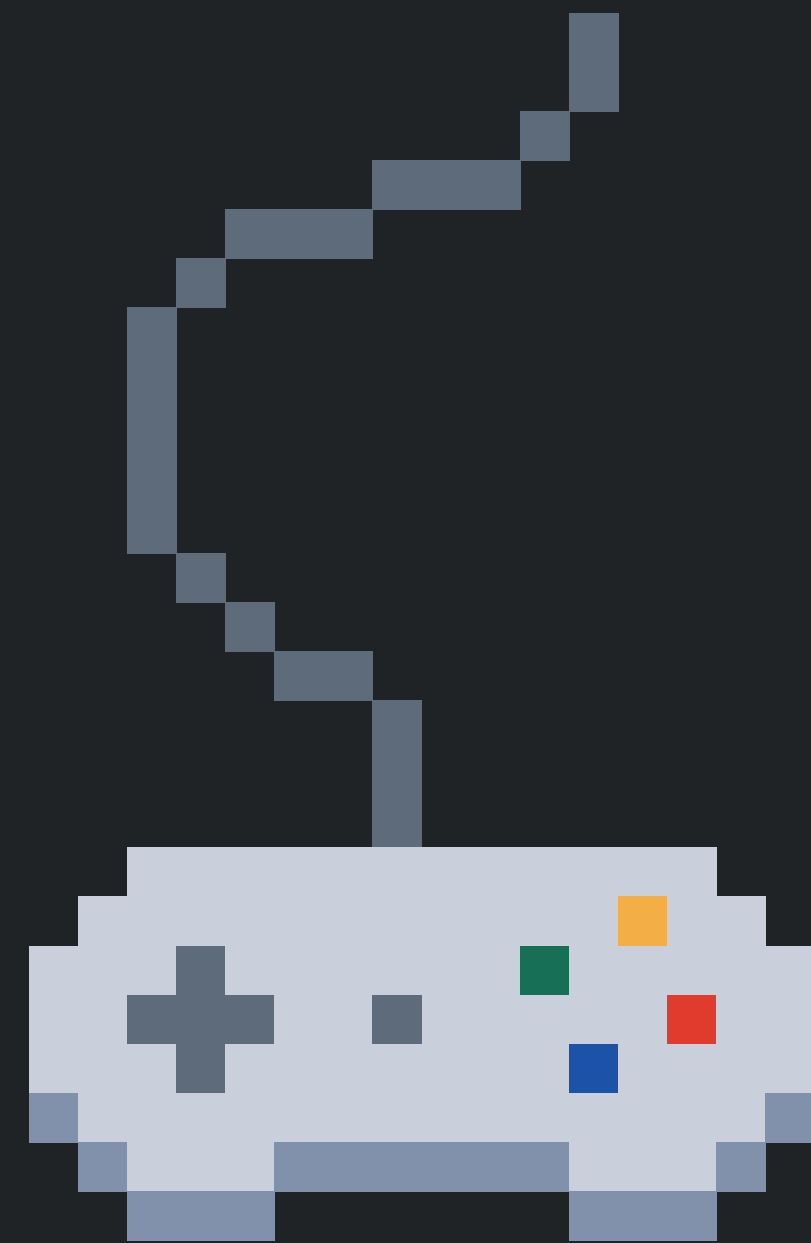
I am BLINDFOLD, god of
incorrect legal information
on the internet.

To get back to your
presentation, you have to
play my game...

U.S. IMMIGRATION LAW: PASSPORT EDITION



Player 1
Jacob



Press Start



Player 2
James

GRAB YOUR PASSPORT

Level 1: Where
Are We?

Level 2: To Basic

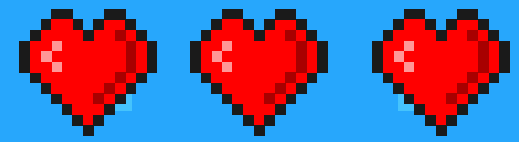
Level 3: Deep
Dive

Level 4: The Final
Question!

Secret Bonus Round:

Land of Pitfalls

James

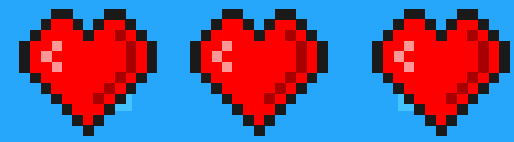


Level 1: Where are We?



< - Back to Levels

James



Level 1: Where are we?

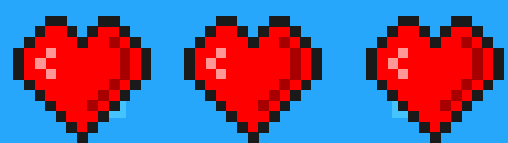
JAMES: Where are we?

VOICE: No one really knows, but we're somewhere between where the low ends and the video game industry begins.

JAMES: Right. And who are you?

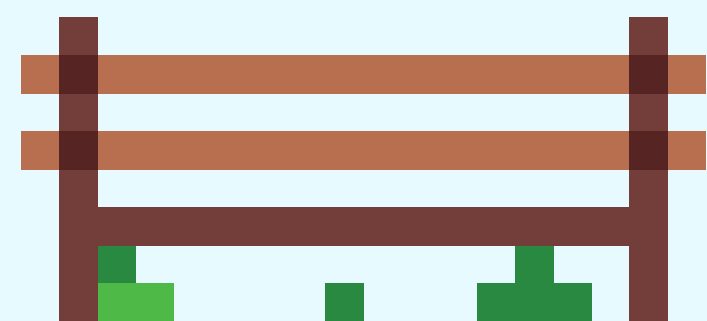
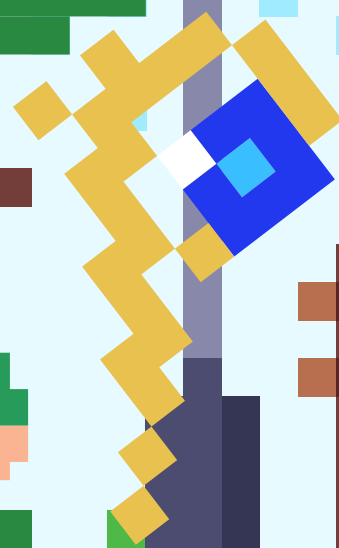
< - Back to Levels

James



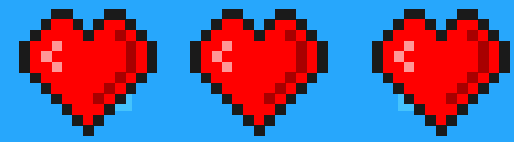
Level 1: Where are We?

VOICE: I'm PAXEASTIA, an angel sent to help you. I've put a laser pointer in your pocket. You need the audience to help you make decisions so you can defeat BLINDFOLD. Let the audience point the way...



< - Back to Levels

James

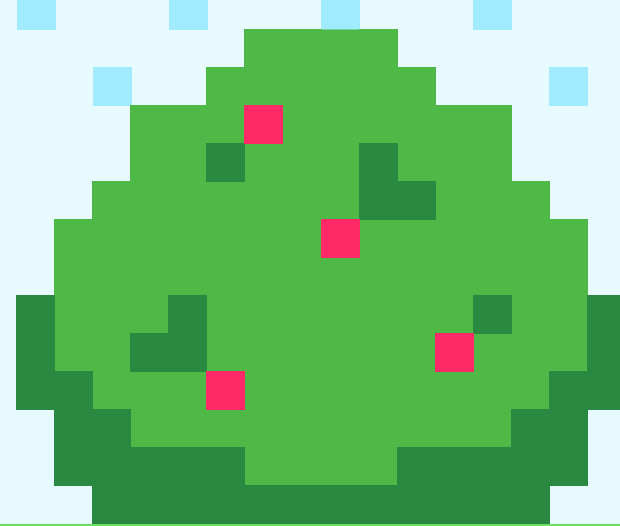
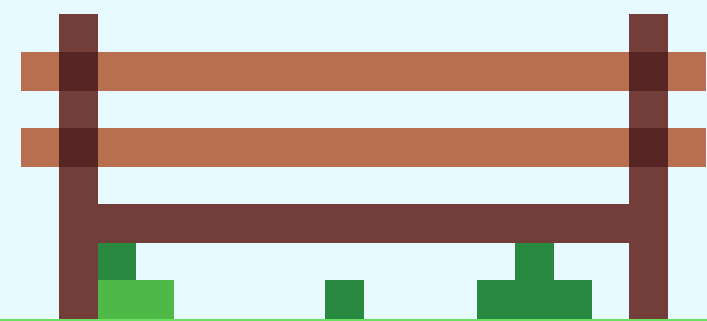
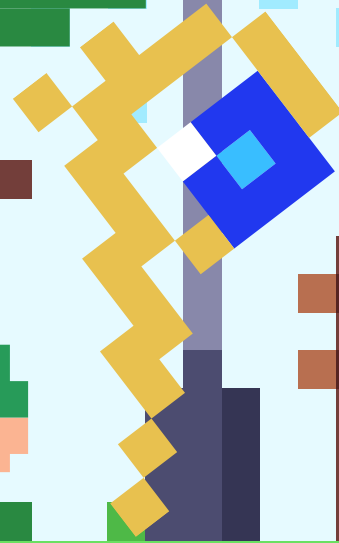


Level 1: Where are we?

JAMES: Okay. Now that's settled. How did we get here?

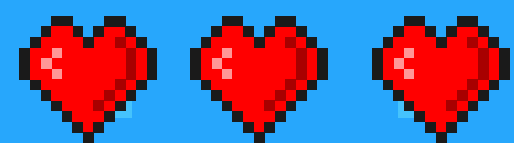
PAXEASTIA: You know the answer to that James...

- a. James definitely knows the answer
- b. James definitely DOES NOT know the answer



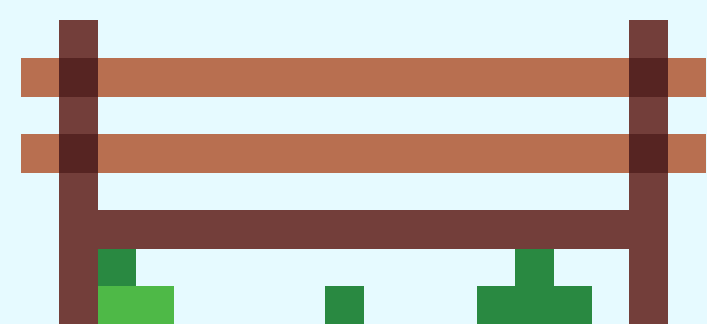
< - Back to Levels

James



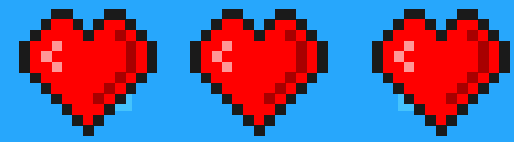
Level 1: Where are We?

JAMES: I suppose I do know that one. THE LAW, as it is sometimes called, tends to move very slowly. And the gaming industry is at the cutting edge of, well, everything. So that's why there's a gap between the law and the things that people in the gaming industry do. That's especially true when it comes to immigration law, and even IP issues.



< - Back to Levels

James



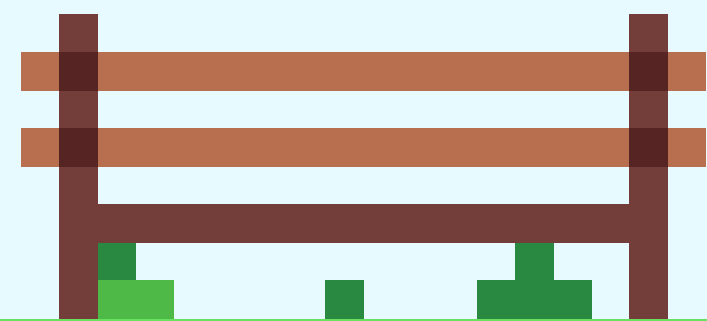
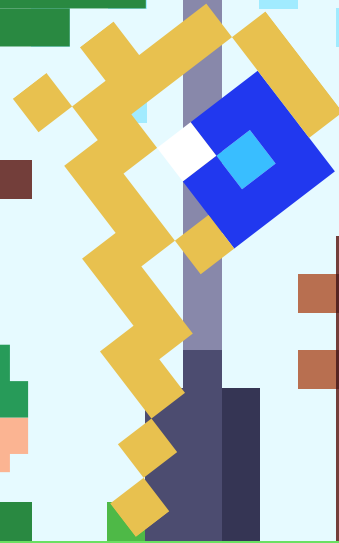
Level 1: Where are We?

PAXEASTIA: Wow! You're super smart. Do you see a visa anywhere around here for gamers?

a. Yes

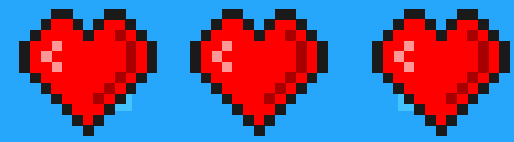
b. No

c. Maybe so



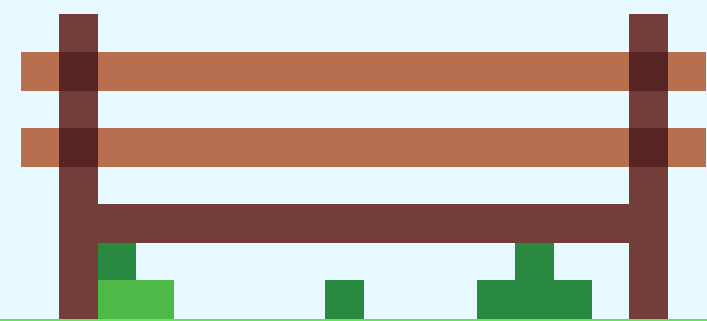
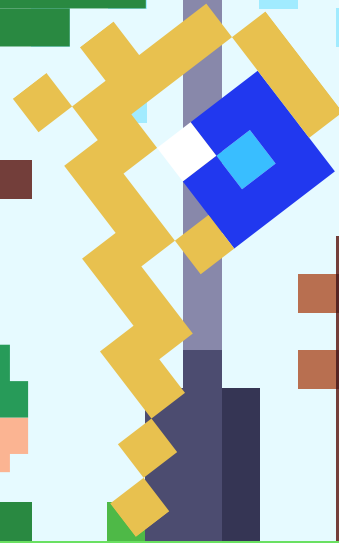
< - Back to Levels

James



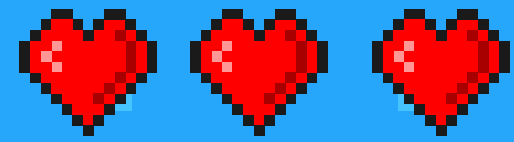
Level 1: Where are We?

JAMES: No, there's not really a visa for people in the video game industry. Though many people coming to compete in the U.S. can probably enter with a B1/B2 visa. In recent years, some esports professionals have entered on a P-1 Visa.



< - Back to Levels

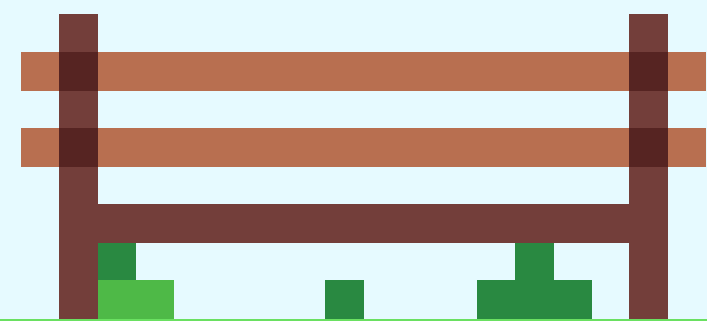
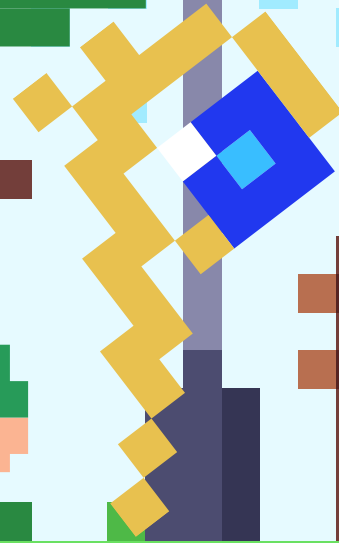
James



Level 1: Where are We?

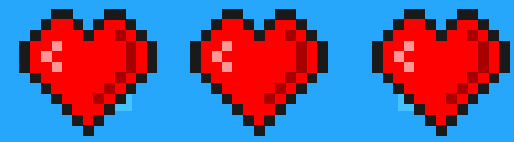
PAXEASTIA: What's a P-1 Visa?

- a. A visa traditionally used for athletes competing in the U.S.
- b. A visa traditionally used for fashion models
- c. A visa created specifically for the esports industry



< - Back to Levels

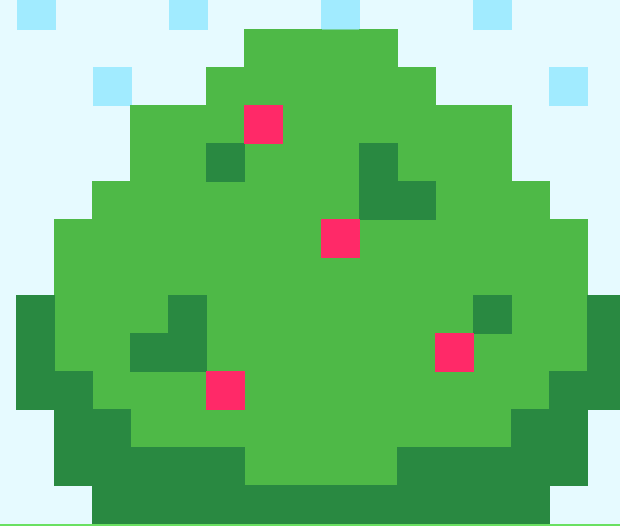
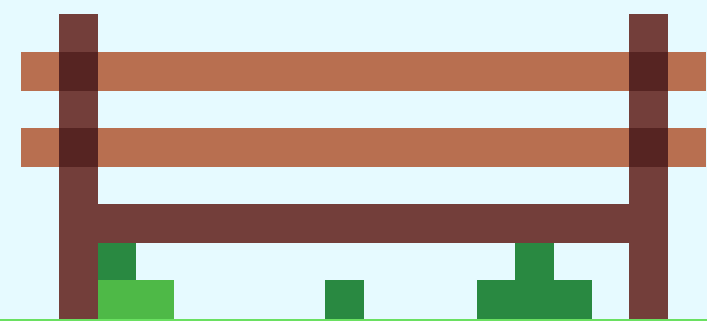
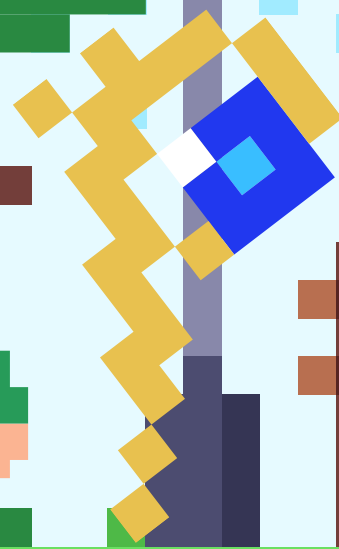
James



Level 1: Where are we?

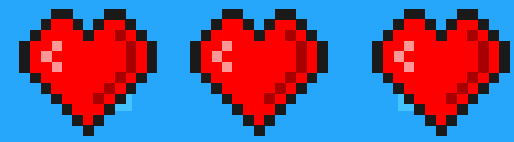
JAMES: There are visas specifically for fashion models, but none specifically for esports so far.

The P-1 is primarily used to allow foreign athletes to come and compete in the U.S.



< - Back to Levels

James



Level 1: Where are We?

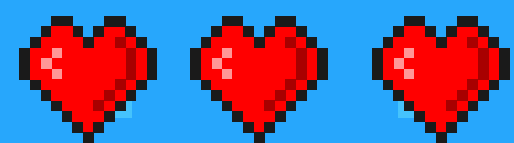
PAXEASTIA: Hm... I thought THE LAW was supposed to be about PRECEDENT and making things predictable. It seems like this gap between THE LAW and the video game industry causes problems. Does it?

- a. No, U.S. immigration law works like a charm every time and is fairly administered in a non-discriminatory manner
- b. Yes, there are significant problems



< - Back to Levels

James

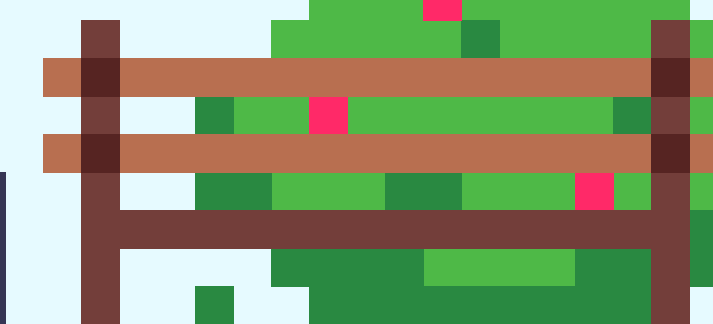
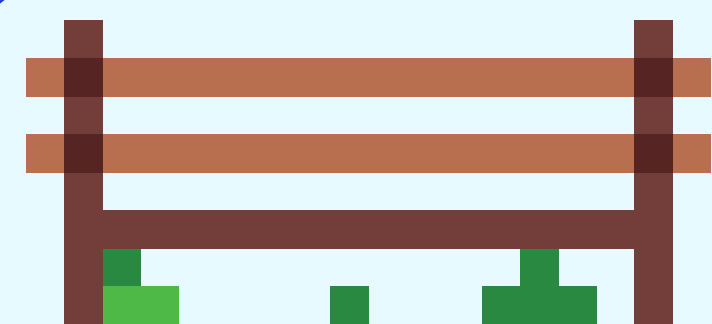
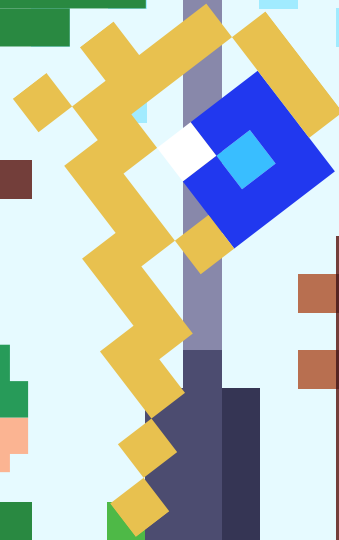


Level 1: Where are We?

JAMES: Yeah, there have been problems with immigration in the gaming industry.

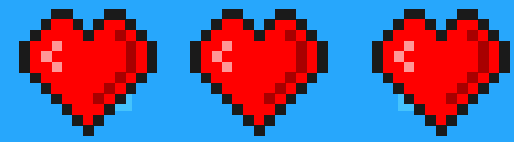
William “Leffen” Hjelte was denied entry to the U.S. in 2015, even though he had an approved P-1 visa.

Henrik “Admiral Bulldog” Ahnberg was denied entry on a B1 visa in 2017.



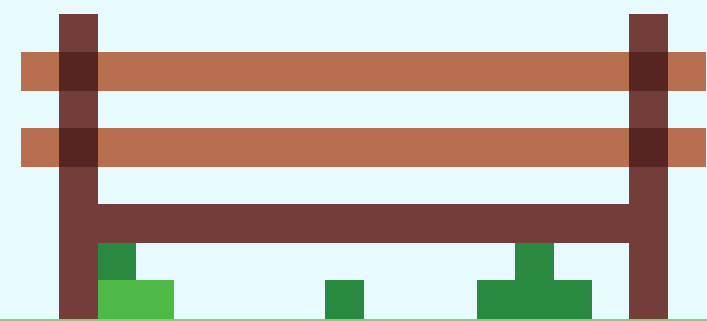
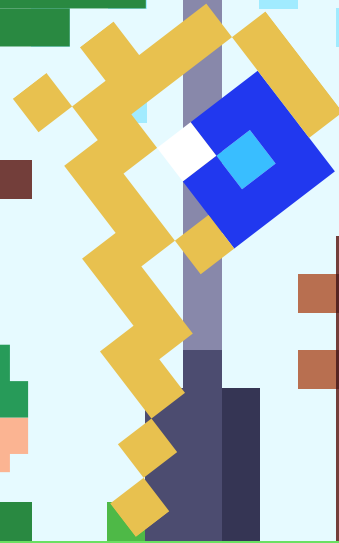
← Back to Levels

James



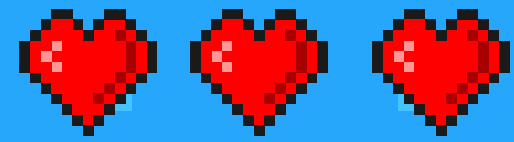
Level 1: Where are We?

JAMES: But, as the gaming and esports industry continues to grow bigger than traditional sports, it will probably become easier to travel to the U.S. for gaming.



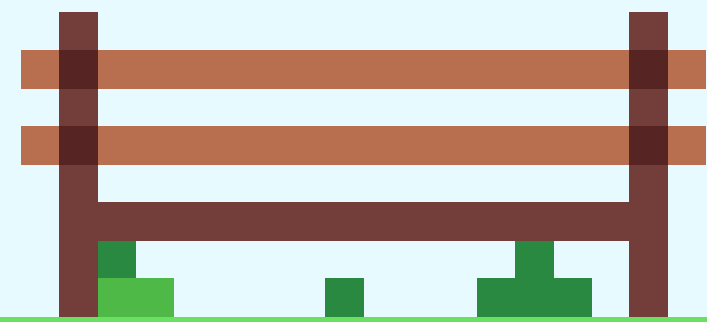
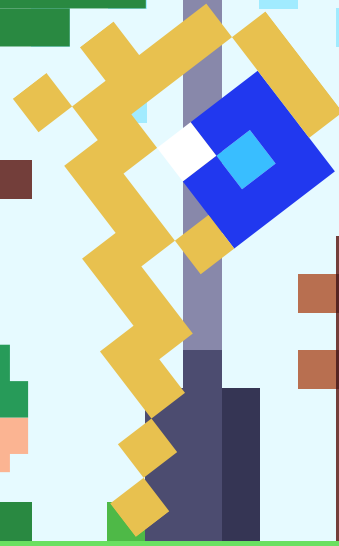
< - Back to Levels

James



Level 1: Where are We?

PAXEASTIA: It looks like you answered all the questions on this level. Let's move on...



< - Back to Levels

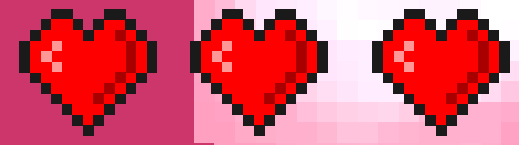
GRAB YOUR PASSPORT

Stage Complete!

← - Back to Levels

Finish Game

Jacob

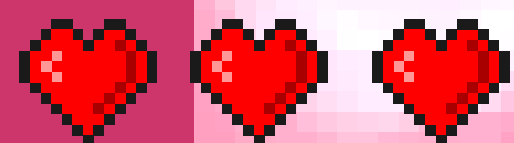


Level 2: Ya Basic



< - Back to Levels

Jacob



Level 2: Ya Basic

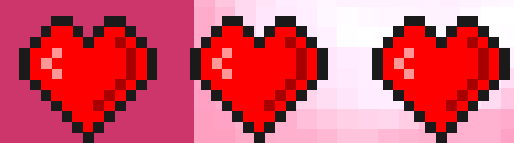
PAXEASTIA: Great, we've arrived at the land of basic immigration law.

JACOB: Oh, hi PAXEASTIA. JAMES mentioned you might be here. What do we do now?



< - Back to Levels

Jacob



Level 2: Ya Basic

PARCEASTIA: We answer the questions the clients in this land have because of all the confusion that BLINDFOLD has created.

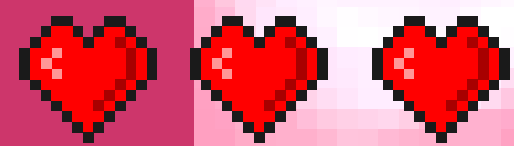
Oh look, there's a question right there.

JACOB: Okay, I have a sword... apparently.



< - Back to Levels

Jacob



Level 2: Ya Basic

PAXEASTIA: Are you ready to begin the immigration tutorial?

a. Yes

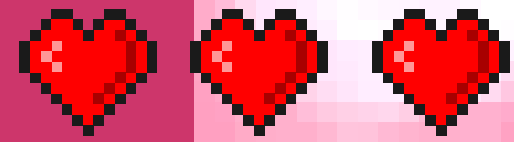
b. No

c. I am just doing this to move the show forward



< - Back to Levels

Jacob



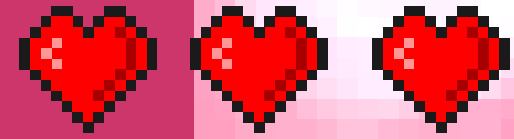
Level 2: Ya Basic

JACOB: I was born ready.



< - Back to Levels

Jacob



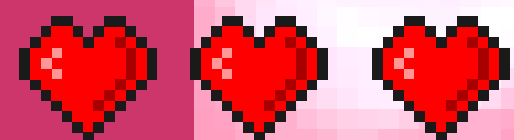
Level 2: Ya Basic

PAXEASTIA: U.S. immigration law is complex and slow to adapt to changes in real-world industries. There are two primary categories of visas, Immigrant versus Nonimmigrant visas.



< - Back to Levels

Jacob



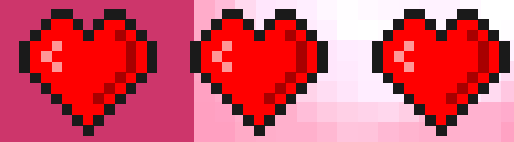
Level 2: Ya Basic

- What's the difference between Immigrant and nonimmigrant visas?
- Nonimmigrant is a misnomer, they're the same thing.
 - This doesn't make any sense, how can a visa used for immigration be called a "nonimmigrant" visa.
 - The answer is long and complicated.



< - Back to Levels

Jacob



Level 2: Ya Basic

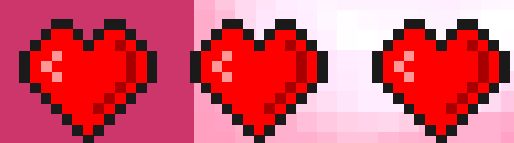
JACOB: Immigrant visas are issued to people who are planning to immigrate permanently to the USA.

Nonimmigrant visas are issued to people who have plans to travel to the U.S. for a reason other than immigrating permanently.



< - Back to Levels

Jacob



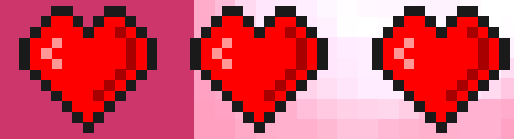
Level 2: Ya Basic

JACOB: Examples of nonimmigrant visitors to the U.S. include people who enter on a B1/B2 visitor visa, P visas, O visas, and sigh... visa waiver entrants. Yep, we make a big deal about getting a visa, and then we even waive getting a visa. This is why lawyers are always saying "it depends."



< - Back to Levels

Jacob



Level 2: Ya Basic

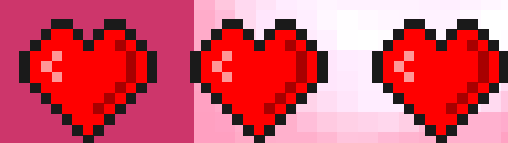
PAXEASTIA: So, if I'm coming to the USA on a nonimmigrant visa for something related to the gaming industry, does it matter which kind of visa I use?

- a. No, it doesn't matter at all.
- b. Yes, it matters. Of course it matters!
- c. It depends.



< - Back to Levels

Jacob



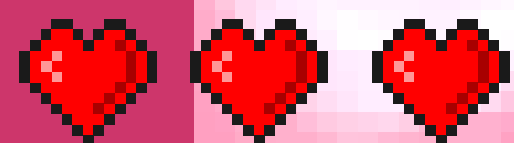
Level 2: Ya Basic

JACOB: Well, it depends on what you want to do while you're in the U.S., and how long you plan on staying. Most visa issues related to the gaming industry in the news are about nonimmigrant visas, and that's where ~~our presentation~~ BLINDFOLD's game will focus.



< - Back to Levels

Jacob



Level 2: Ya Basic

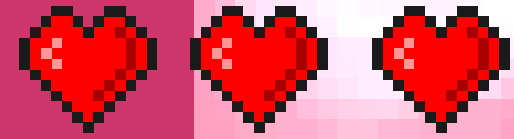
PAXEASTIA: Okay. Let's get a little more specific. What is a visa waiver anyway?

- a. The Visa Waiver Program lets people from participating countries enter the U.S. without getting a visa first.
- b. Something BLINDFOLD created to confuse us.



< - Back to Levels

Jacob



Level 2: Ya Basic

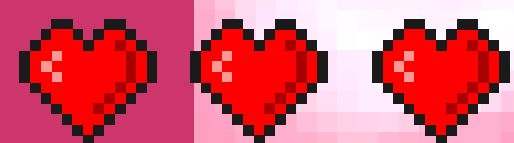
PAXEASTIA: So if you can visit on a Visa Waiver, why do we need a B1/B2 visitor's visa?

- a. Not every country participates in the WWP
- b. You can stay longer on a B1/B2 visa
- c. Both a. and b.



< - Back to Levels

Jacob



Level 2: Ya Basic

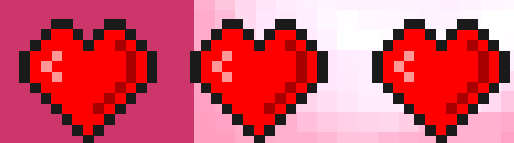
JACOB: You can only stay for 90 days max under the WVP. With a B1 or B2 entry, you could stay for as long as six months.

You can't work or receive income (except for prize winnings) but you can go to conferences, negotiate contracts, and attend events like PAX.



< - Back to Levels

Jacob



Level 2: Ya Basic

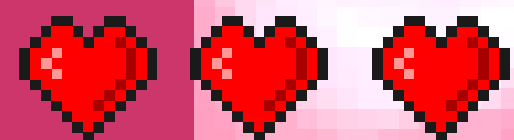
PAXEASTIA: Alright, what about P and O visas?

- a. P-1 stands for player 1, and O stands for overlord.
- b. These are visas for people of internationally recognized and extraordinary abilities.
- c. These visas are just for athletes.



< - Back to Levels

Jacob



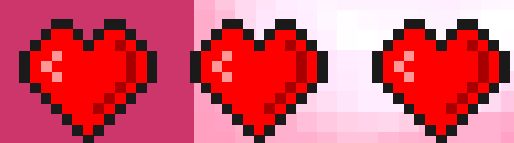
Level 2: Ya Basic

JACOB: P and O visas aren't just for traditional sports. It might take some convincing, but USCIS has in the past approved P-1 visas for esports. P visas can be issued for individuals or teams. O visas are only issued for individuals. Ideally, you would apply with evidence of serious credentials and acclaim, and an event or series of events you plan to participate in.



< - Back to Levels

Jacob



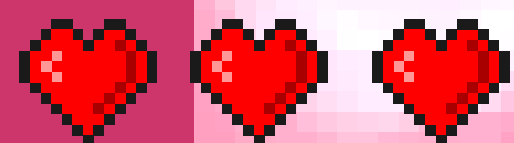
Level 2: Ya Basic

JACOB: P visas can be approved for periods up to 5 years, and can be extended for an additional 5 years. O visas can be granted for up to 3 years, and can be extended multiple times. Anything else, PAXEASTIA?



< - Back to Levels

Jacob



Level 2: Ya Basic

PAXEASTIA: Just some questions about immigrant visas, but they don't look like they're attacking us.

JACOB: Okay, we'll tackle those another day then...



< - Back to Levels

GRAB YOUR PASSPORT

Stage Complete!

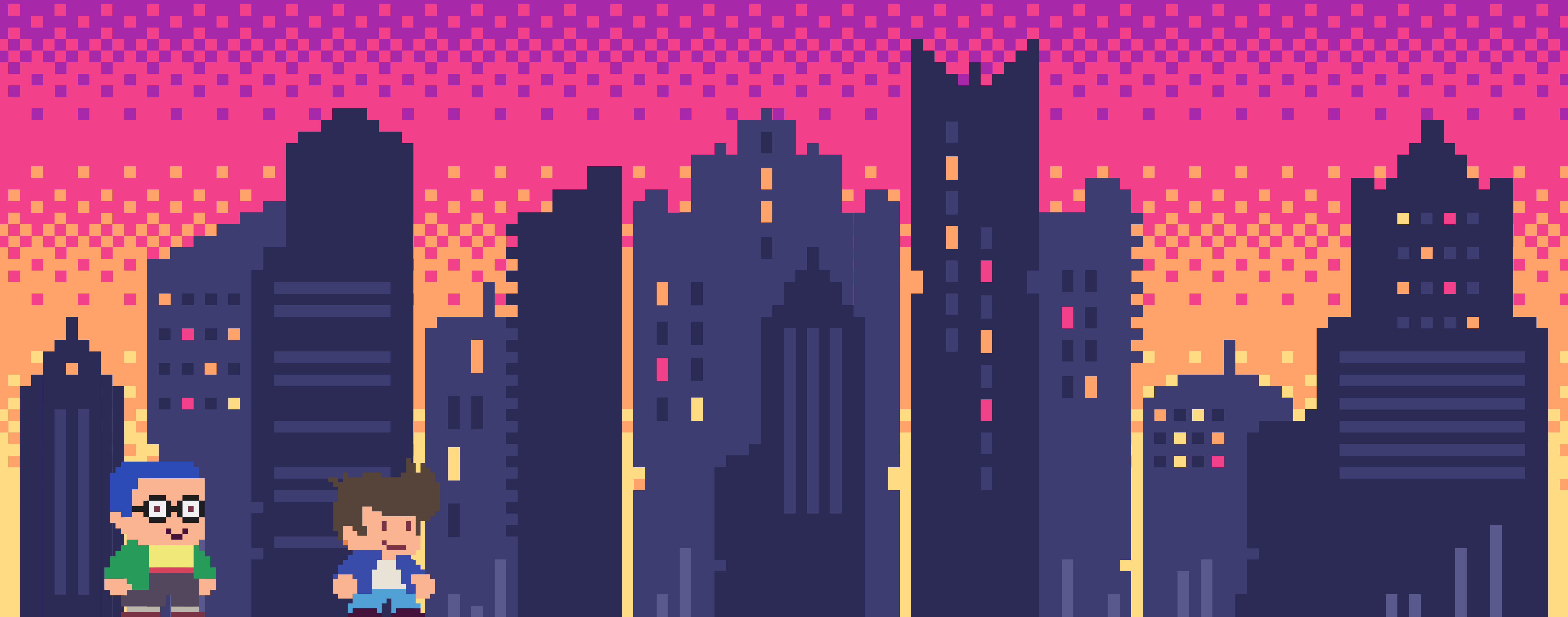
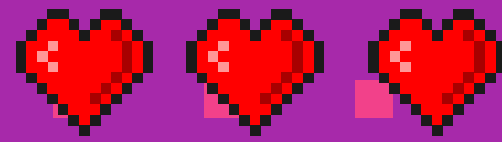
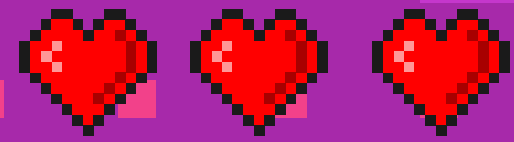
← - Back to Levels

Finish Game

James

Jacob

SBR: Land of Pitfalls

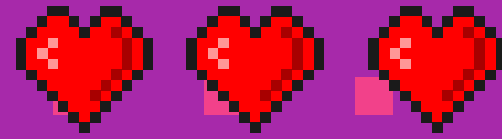
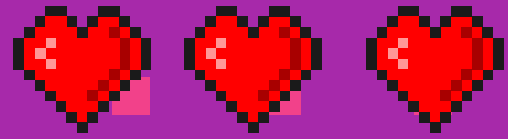


< - Back to Levels

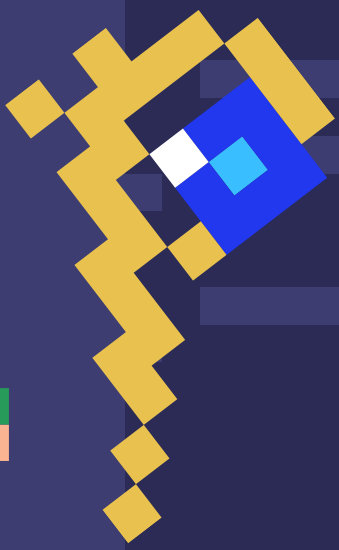
James

Jacob

SBR: Land of Pitfalls



PAXEASTIA: We're getting closer to BLINDFOLD's castle. I've got a bad feeling about this place.

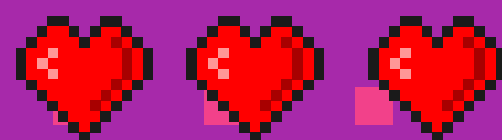
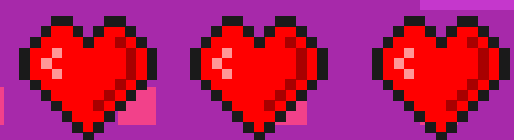


< - Back to Levels

James

Jacob

SBR: Land of Pitfalls



JAMES: Well, we've answered all the questions so far.

JACOB: Yeah, tell us where the questions are and we'll beat them with JAMES's staff or my sword.

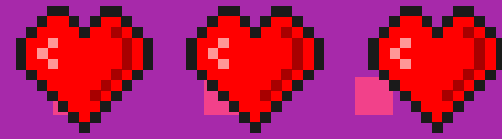
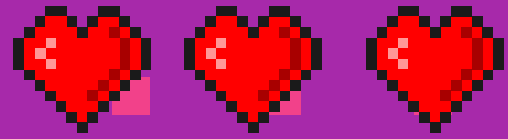


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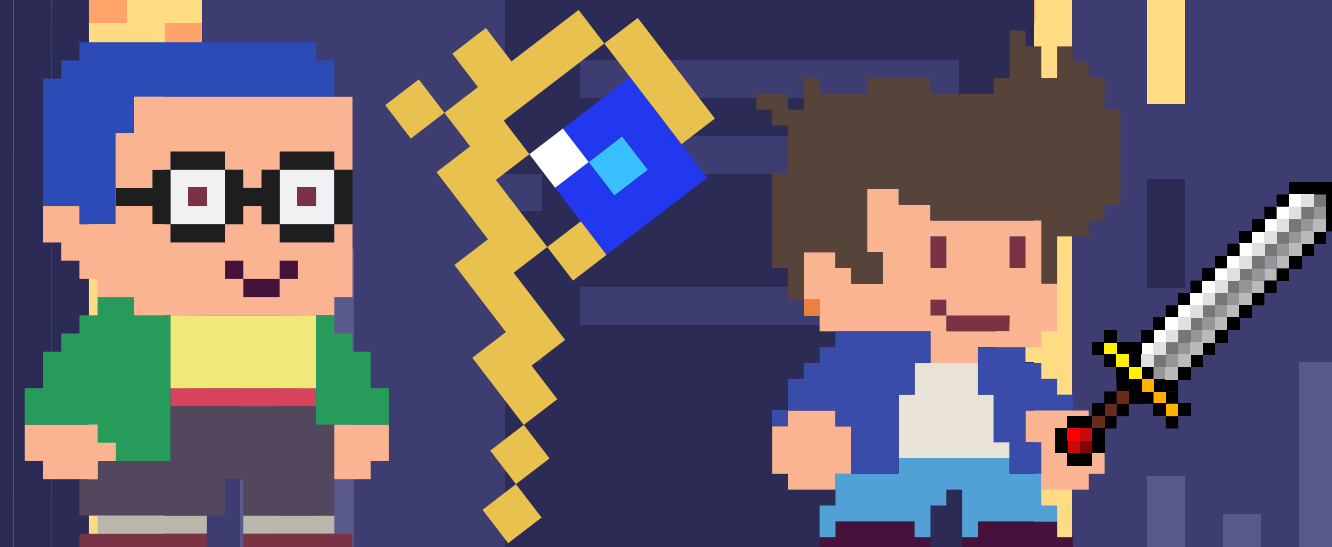
James

Jacob

SBR: Land of Pitfalls



PAXEASTIA: I thought your Twitch name was TEAM GAVEL—how come neither one of you has a hammer... that's not important right now is it?

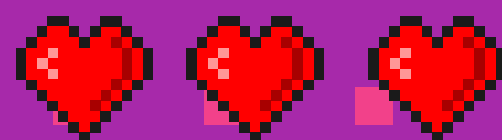
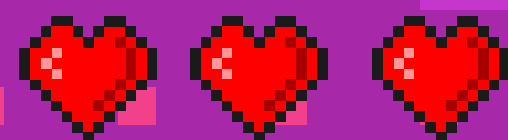


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James

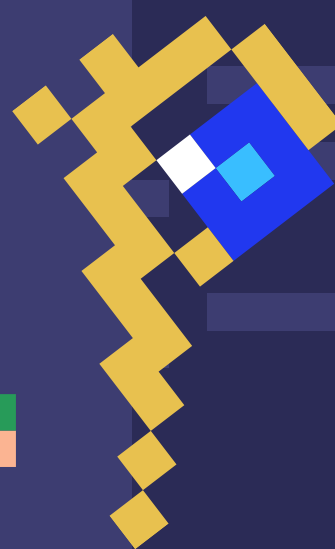
Jacob

SBR: Land of Pitfalls



PAXEASTIA: Okay, here's the first one. Do immigrants coming into the country have constitutional rights?

- a. Nope.
- b. Yep.
- c. It depends.

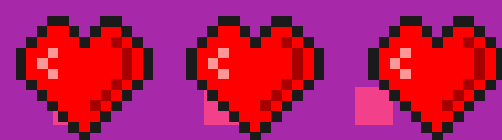
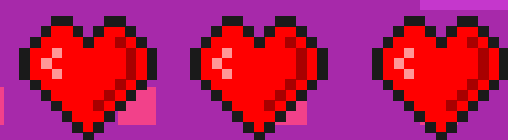


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James

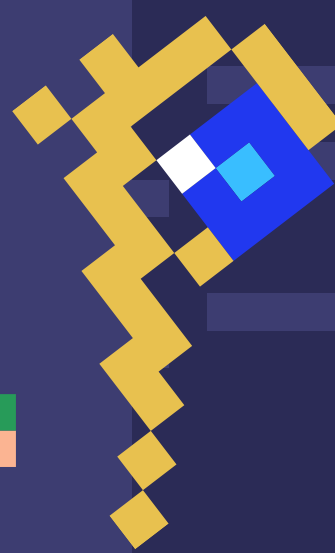
Jacob

SBR: Land of Pitfalls



JAMES: Immigrants haven't been afforded constitutional rights upon entry to the U.S.

JACOB: So much for all of us being created equal, right?

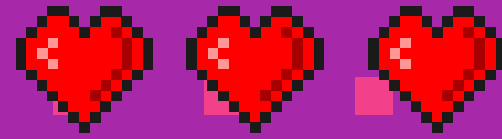
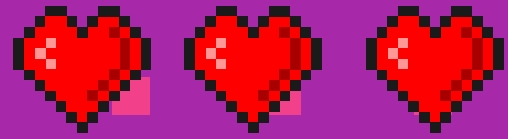


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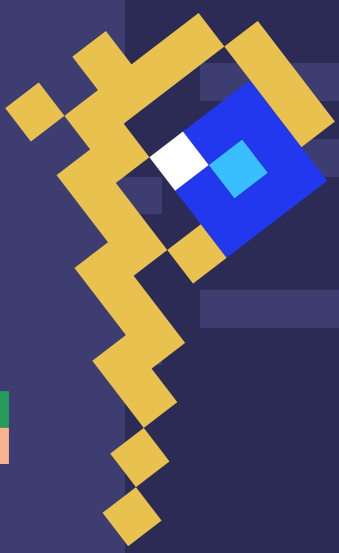
James

Jacob

SBR: Land of Pitfalls

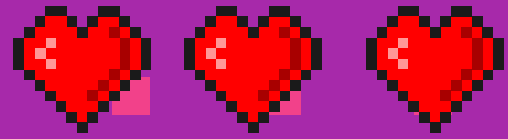


JACOB: Courts have found that, at the point of entry, immigrants don't have a right to an attorney. So if you're stopped for questioning when you're trying to get in, you're on your own.

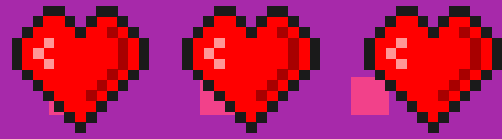


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James

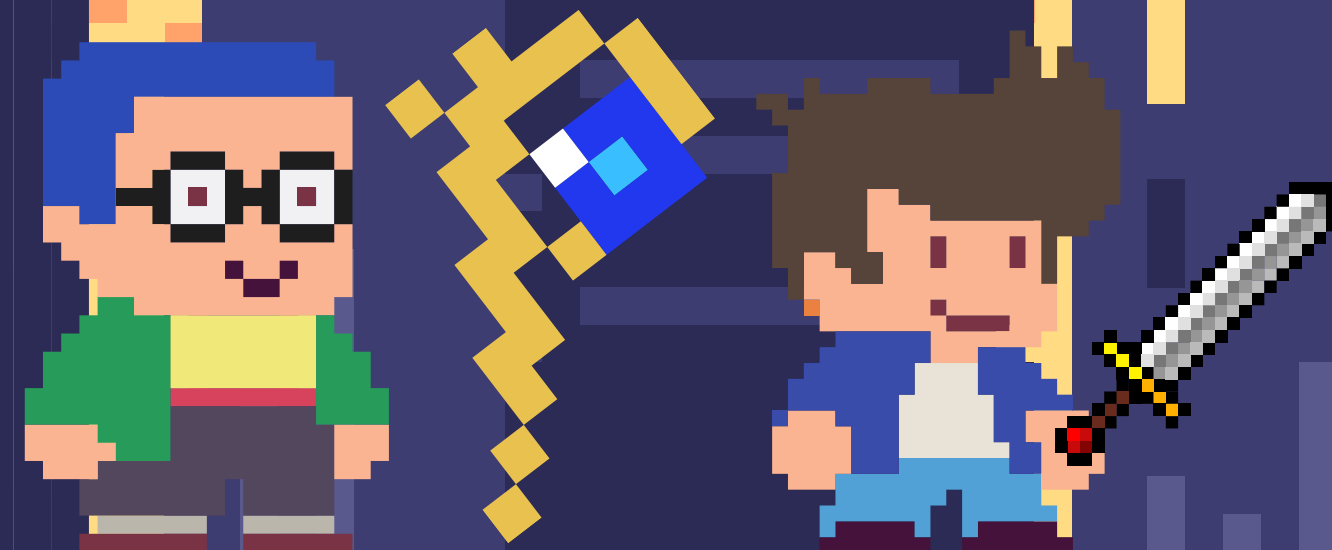


Jacob



SBR: Land of Pitfalls

JAMES: Coming into the U.S. for gaming purposes can be especially difficult to explain to an immigration official who may not be aware of such a thing as a "Super Smash Bros" competition. If they're not convinced you're coming for a lawful purpose, they may not let you in to the U.S.

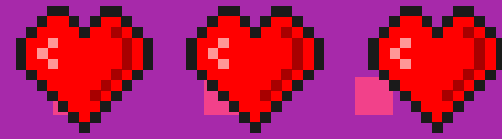
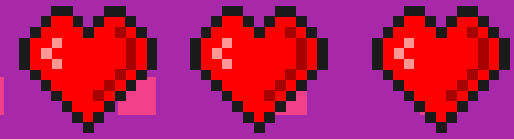


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James

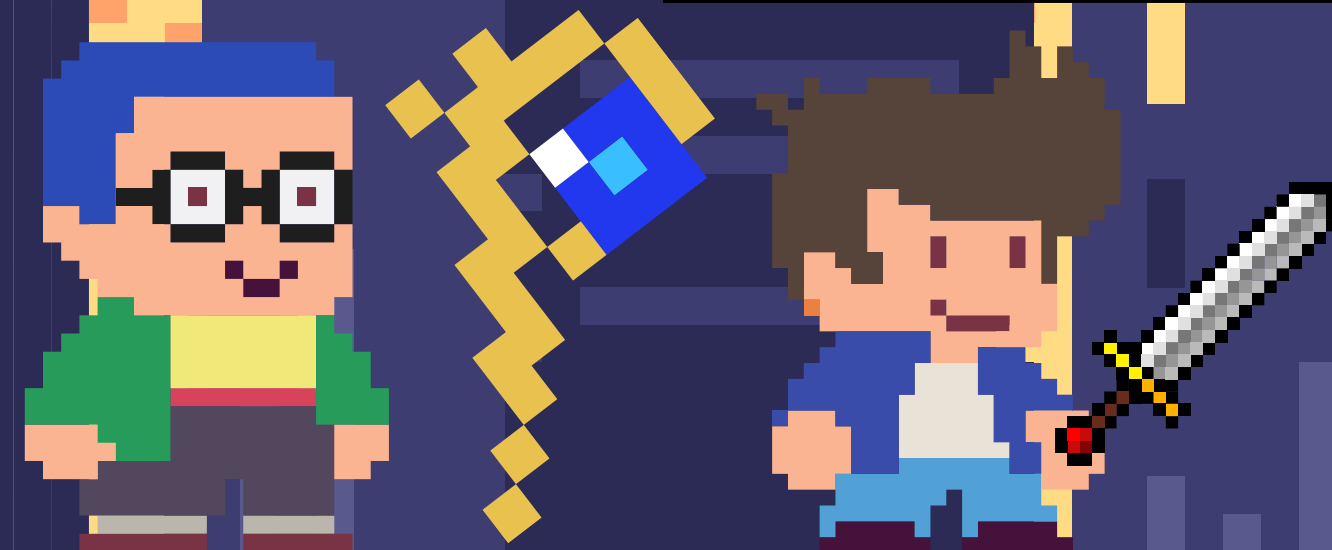
Jacob

SBR: Land of Pitfalls



PAXEASTIA: Wait a minute, are you saying you can be denied entry into the U.S. even if you got a visa?

- a. Yes, yes you can.
- b. No, if the U.S. already gave you a visa they HAVE to let you in.
- c. It depends.

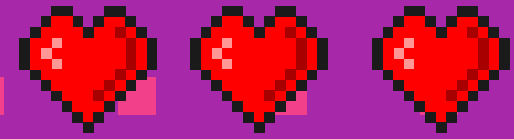


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James

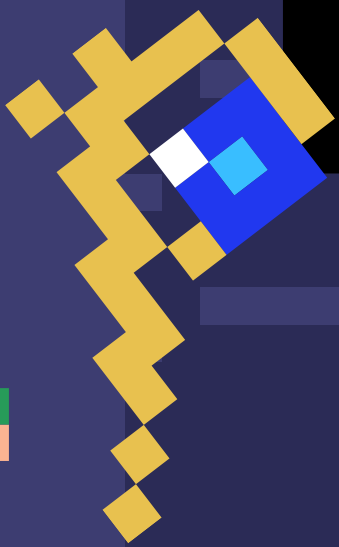
Jacob

SBR: Land of Pitfalls



PAXEASTIA: So what can you do if Customs and Border Protection stops you?

- a. Exercise your fifth amendment right against self incrimination.
- b. Refuse to respond and wait for your lawyer.
- c. Sign whatever they give you; they'll let you in after.
- d. None of the above.

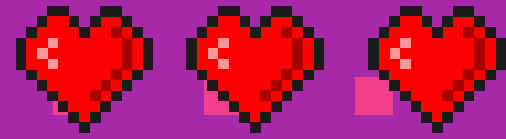
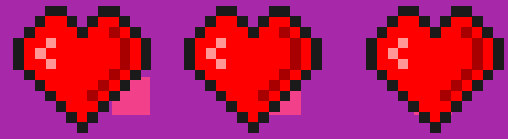


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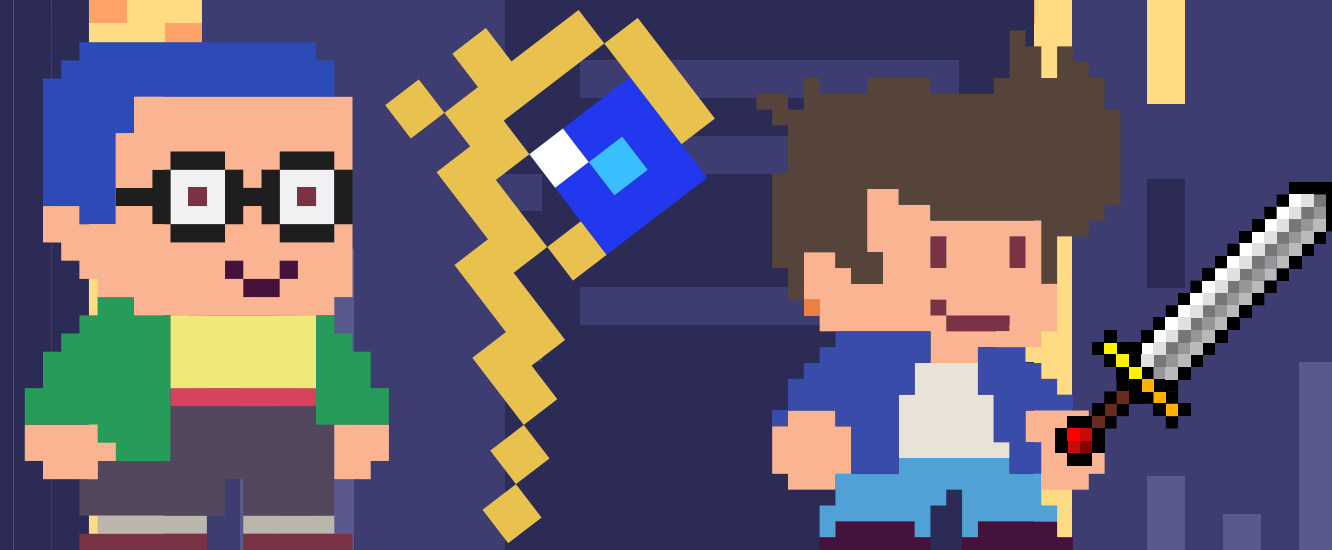
James

Jacob

SBR: Land of Pitfalls



JAMES: You don't have constitutional rights at this interview, and the CBP official has a lot of discretionary authority. Try to play nice, and stay calm. Don't be belligerent or refuse to answer questions in this scenario if you are entering as a nonimmigrant. And DON'T sign anything. Be patient.

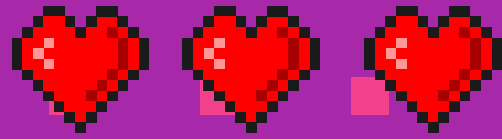
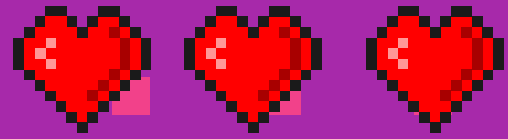


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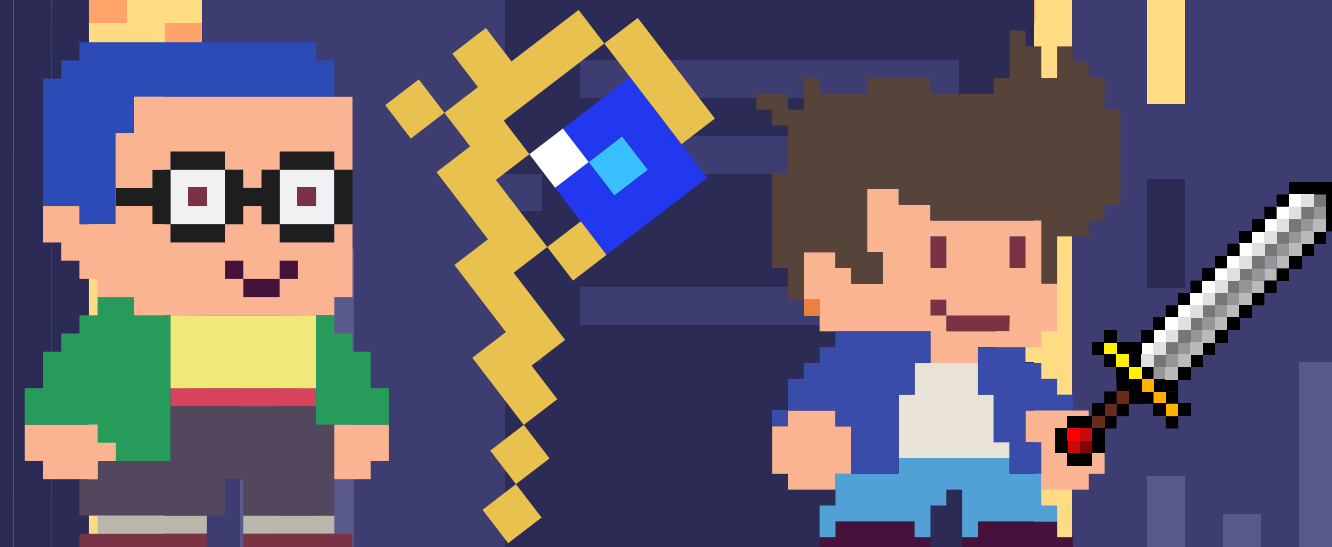
James

Jacob

SBR: Land of Pitfalls

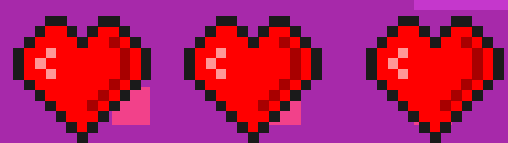


JACOB: You have a visa and a purpose for coming to the U.S. Hopefully, your visa and your purpose for coming match up. Try to explain as best you can how coming to compete in a Settlers of Catan competition is appropriate for your B1/B2 entry to the U.S. and that you're allowed to get paid prize winnings.

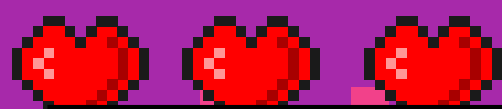


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James



Jacob

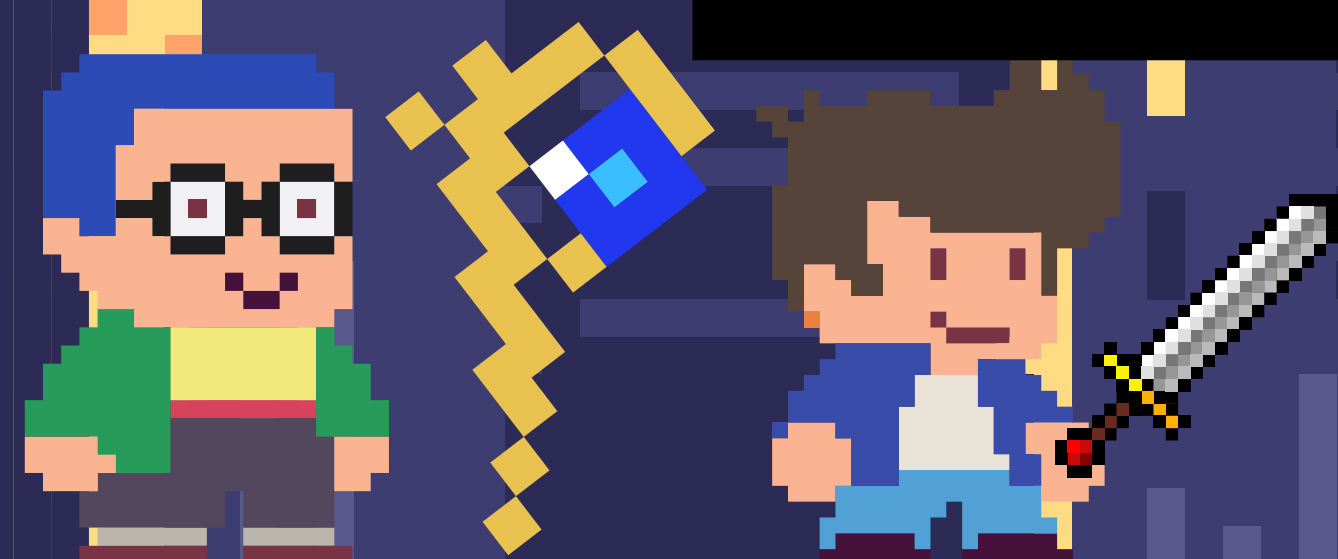


SBR: Land of Pitfalls

PAXEASTIA: Wow, it can be tough to get into the U.S. for gaming purposes. This should be easier.

JAMES: Agreed. As the gaming industry grows, it will create a culture shift that should make this easier.

JACOB: Quick let's move before a CBP official tries asking more questions.



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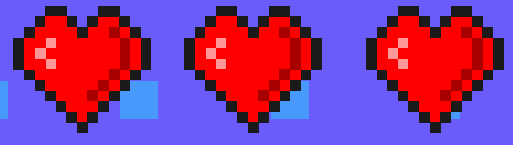
GRAB YOUR PASSPORT

Stage Complete!

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Finish Game

Jacob

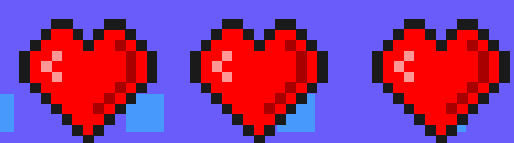


Level 3: Deep Dive



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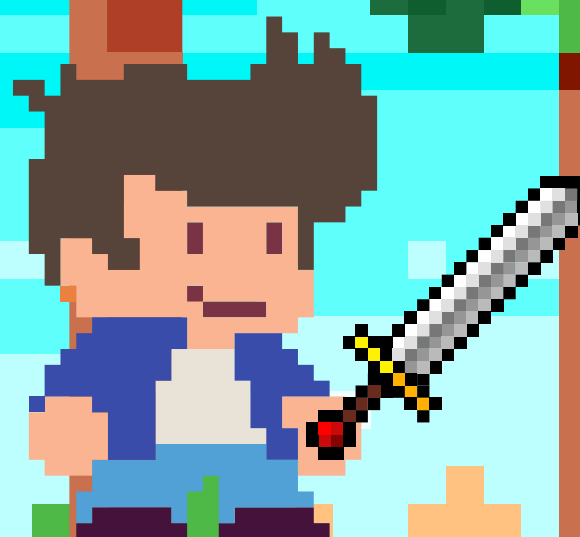
Jacob



Level 3: Deep Dive

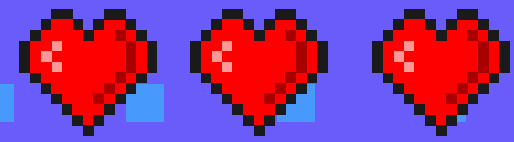
PAXEASTIA: Are those shark-infested waters?

JACOB: They sure are. Did you know you're more likely to die from a shark attack than a bear attack? That's why I never go into the ocean.



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Jacob



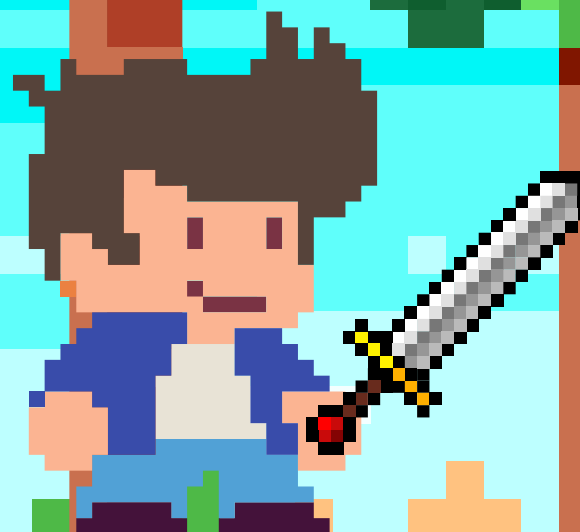
Level 3: Deep Dive

PAXEASTIA: But JACOB, you have to go into the ocean.

JACOB: Why?

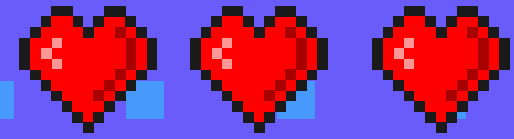
PAXEASTIA: That's where all the questions are?

JACOB: But the answers are all up here with me... All right, I'll dive in.



< - Back to Levels

Jacob



Level 3: Deep Dive

JACOB: Okay PAXEASTIA, now what?

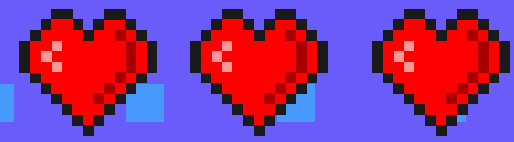
PAXEASTIA: Here's a good one. What visa would you recommend for someone coming to the U.S. to compete in some kind of gaming tournament?

- a. None, enter without documentation.
- b. P-1 Visa
- c. B1/B2 Visa
- d. None of the above



< - Back to Levels

Jacob



Level 3: Deep Dive

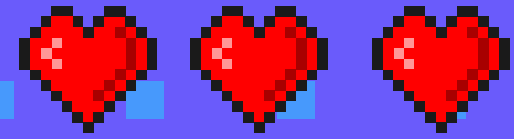
JACOB: I wouldn't recommend any of them, because in a presentation like this it's important to remember that legal information is not legal advice.

But if I had to pick, most people who need to come visit the U.S. for a short trip lasting less than 6 months should be fine to come in on a B-1 visa so long as they aren't receiving "income."



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Jacob



Level 3: Deep Dive

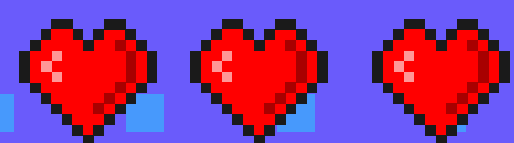
PAXEASTIA: But what if you are going to receive income, meaning you'll get paid with more than just prize money?

- a. None, enter without documentation.
- b. P-1 Visa
- c. B1/B2 Visa
- d. None of the above



< - Back to Levels

Jacob

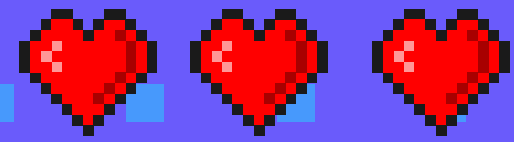


Level 3: Deep Dive

JACOB: In that case, we've seen some success with P visas in the gaming industry already. But we've also seen some failures. Remember that even if you get your P visa granted and placed in your passport, a CBP official could still deny you entry to the U.S. when you try to enter the country.

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Jacob



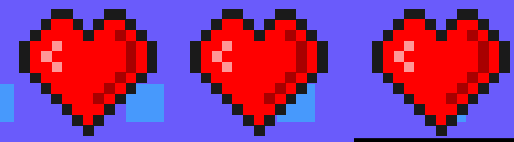
Level 3: Deep Dive

PAXEASTIA: So what do you do?

JACOB: Build the most compelling application possible and be prepared to explain yourself at the border. Take more than just your passport, visa, and approval notice, bring a copy of your application and sit down with your attorney beforehand.



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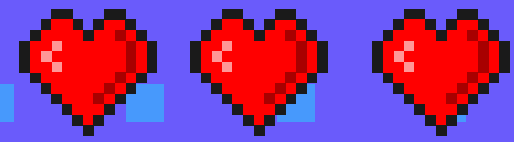


PAXEASTIA: What goes into a P-1 visa application?

- a. Evidence of a contract with a major U.S. sports league, team, or international sporting event
- b. Proof of international recognition
- c. Written statements from experts in the gaming industry
- d. Rankings evidence
- e. All of the above



Jacob



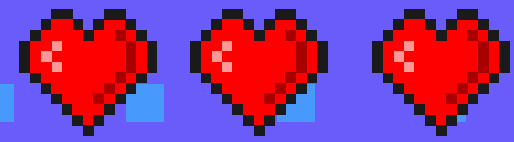
Level 3: Deep Dive

JACOB: Well, you definitely need a contract with a major U.S. sports league, team, or international sporting event, but you also need at least two other pieces of evidence that indicate international acclaim. The evidence can vary, but you listed some general categories.



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Jacob



Level 3: Deep Dive

PAXEASTIA: How do you apply for a P-1 visa?

a. Fill out and file Form I-129 with USCIS

b. Wait forever and 1 day OR

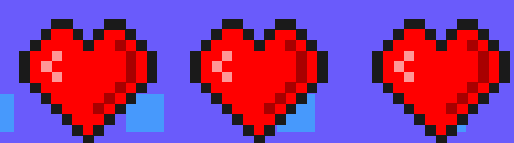
c. Pay a bunch of money to make it go faster

d. All of the above



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Jacob

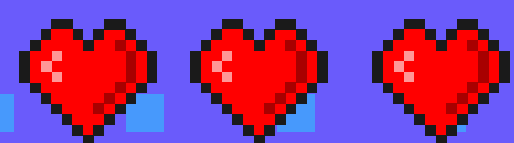


Level 3: Deep Dive

JACOB: On that question, most of the above. You fill out Form I-129, Petition for a Nonimmigrant Worker. Then you wait anywhere between 5 weeks and 4 months for a response. Sometimes though, things just get lost at USCIS, and you can end up waiting much, much, muuuuuch longer.

< - Back to Levels

Jacob



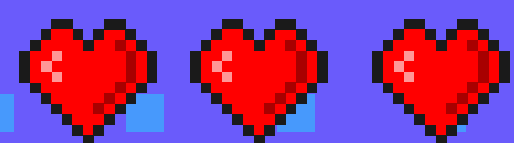
Level 3: Deep Dive

JACOB: Some people wait years for things like asylum, U visas, or even family-based visas. But with employment visas you can frequently try filing for “premium processing” which means you really can pay an extra \$2,500 to get a decision within 15 days. You won’t necessarily get an approval, but you’ll at least have an answer.



[← Back to Levels](#)

Jacob



Level 3: Deep Dive

PAXEASTIA: Who made up this immigration system? Almost everything about it sounds terrible!

JACOB: I know, right?

PAXEASTIA: Well, I don't see anymore questions here in the water.

JACOB: Great, let's go catch up with JAMES.

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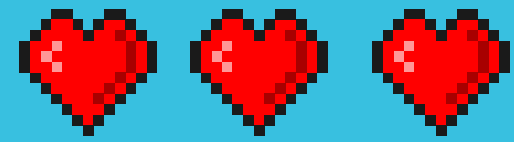
GRAB YOUR PASSPORT

Stage Complete!

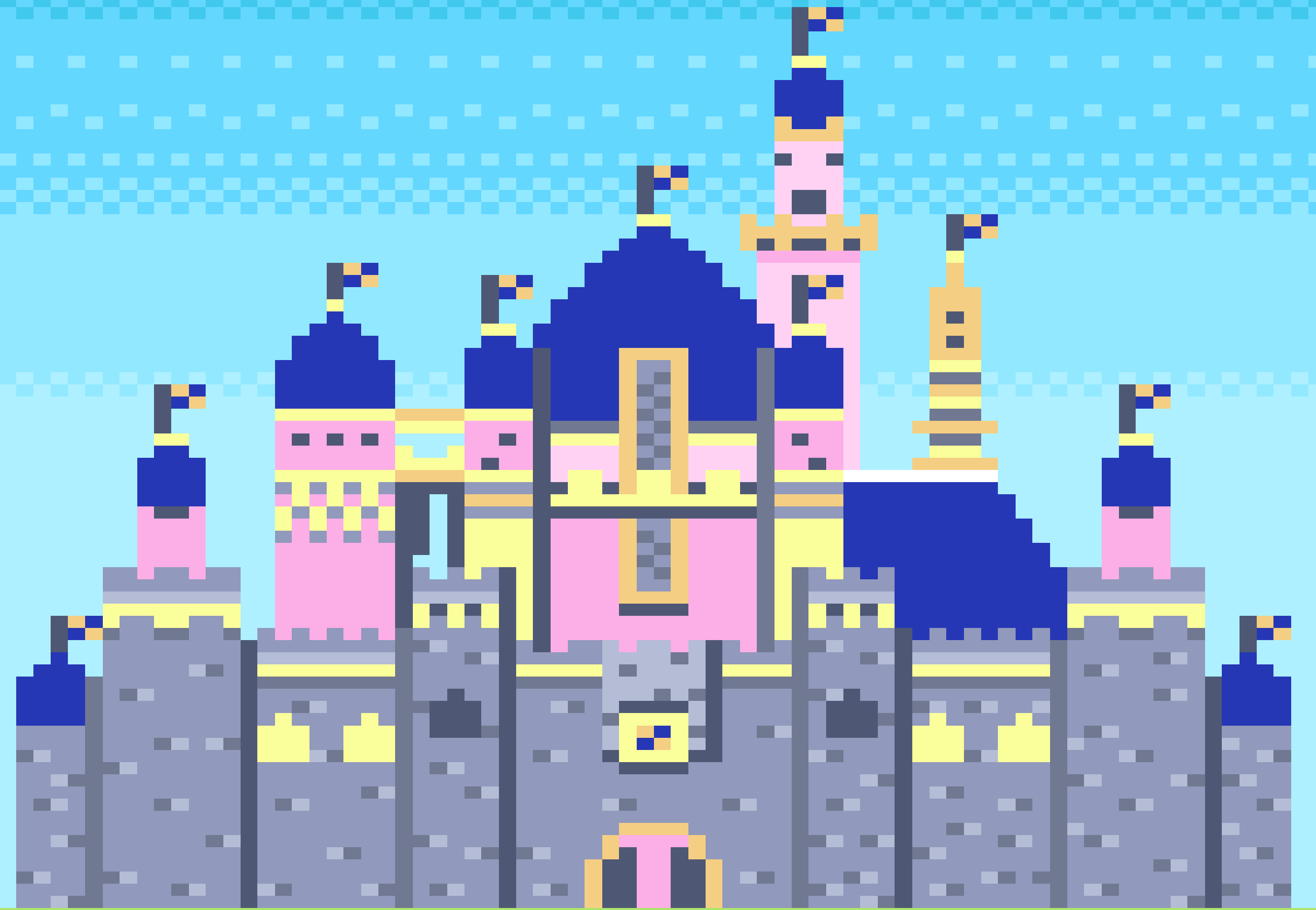
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Finish Game

James

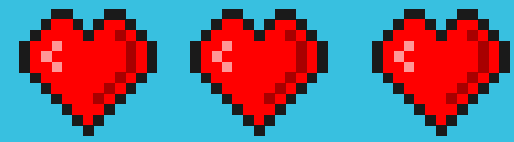


Level 4: The Final Quest-ion!



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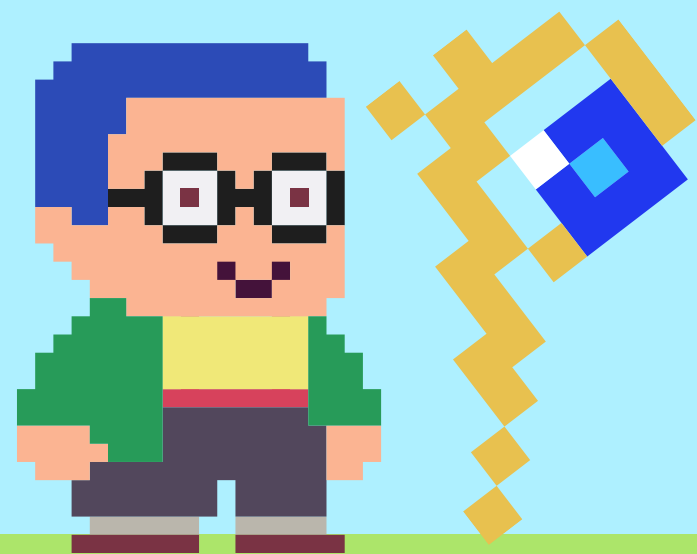
James



Level 4: The Final Quest-ion!

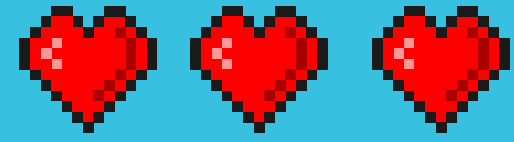
PAXEASTIA: JAMES, I see BLINDFOLD's castle. Hurry, you have to answer all of the questions that remain.

JAMES: But PAXEASTIA, that's simply not possible. New legal questions pop up all the time. The important thing is for clients to go to a trusted lawyer, and not the internet.



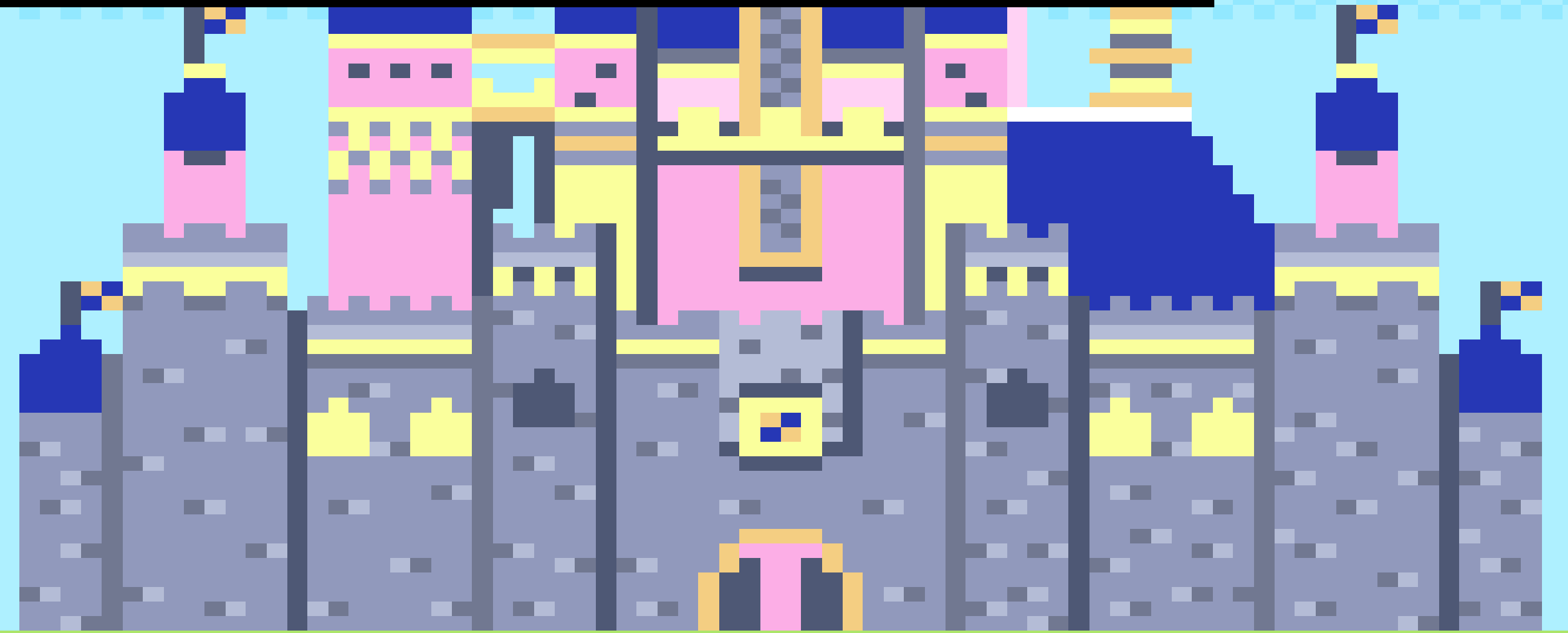
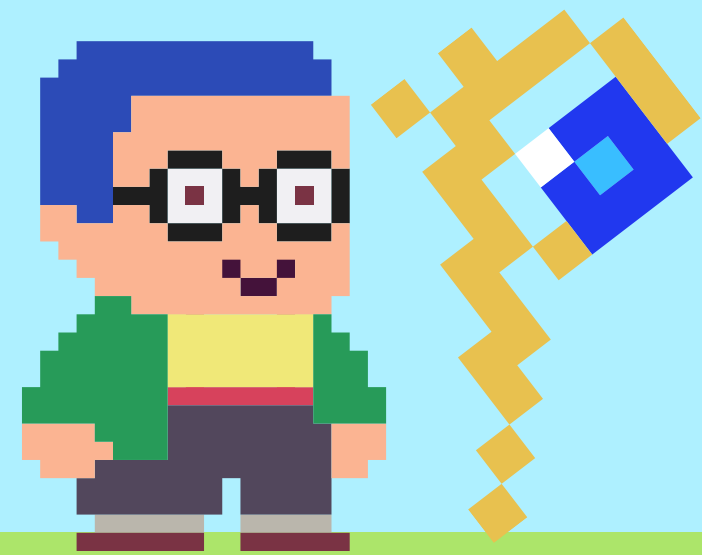
<- Back to Levels

James



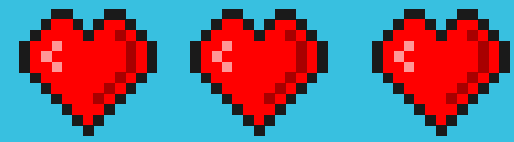
Level 4: The Final Quest-ion!

PAXEASTIA: Well, let's answer as many questions outside his castle as possible. There's a big one right there.



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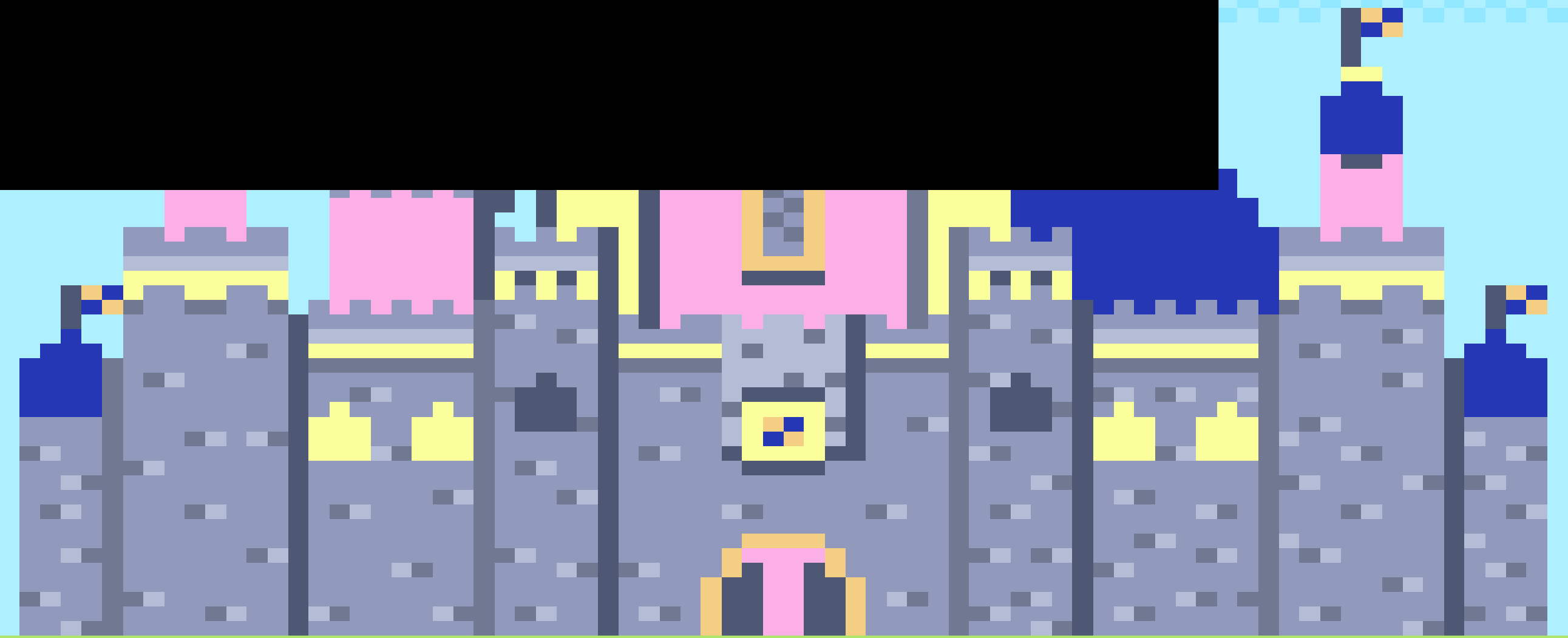
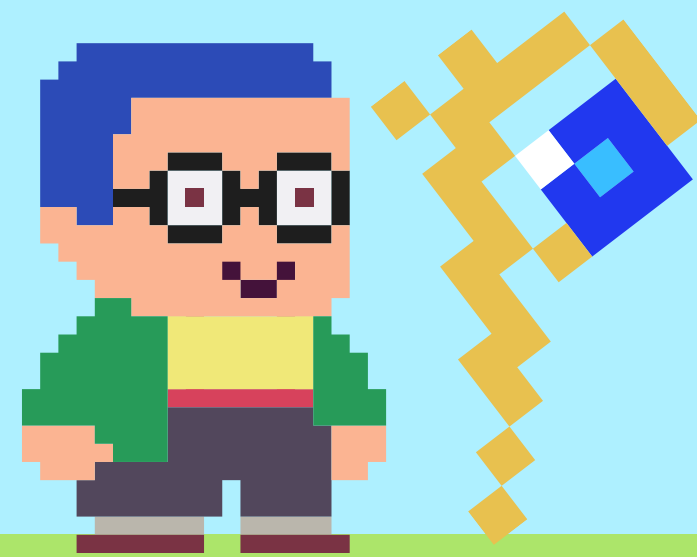
James



Level 4: The Final Quest-ion!

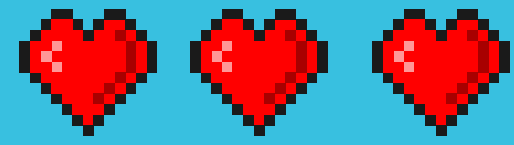
PAXEASTIA: Is immigration law the only thing people in the gaming industry need to worry about when it comes to U.S. law?

- a. Yes.
- b. No.
- c. It depends.



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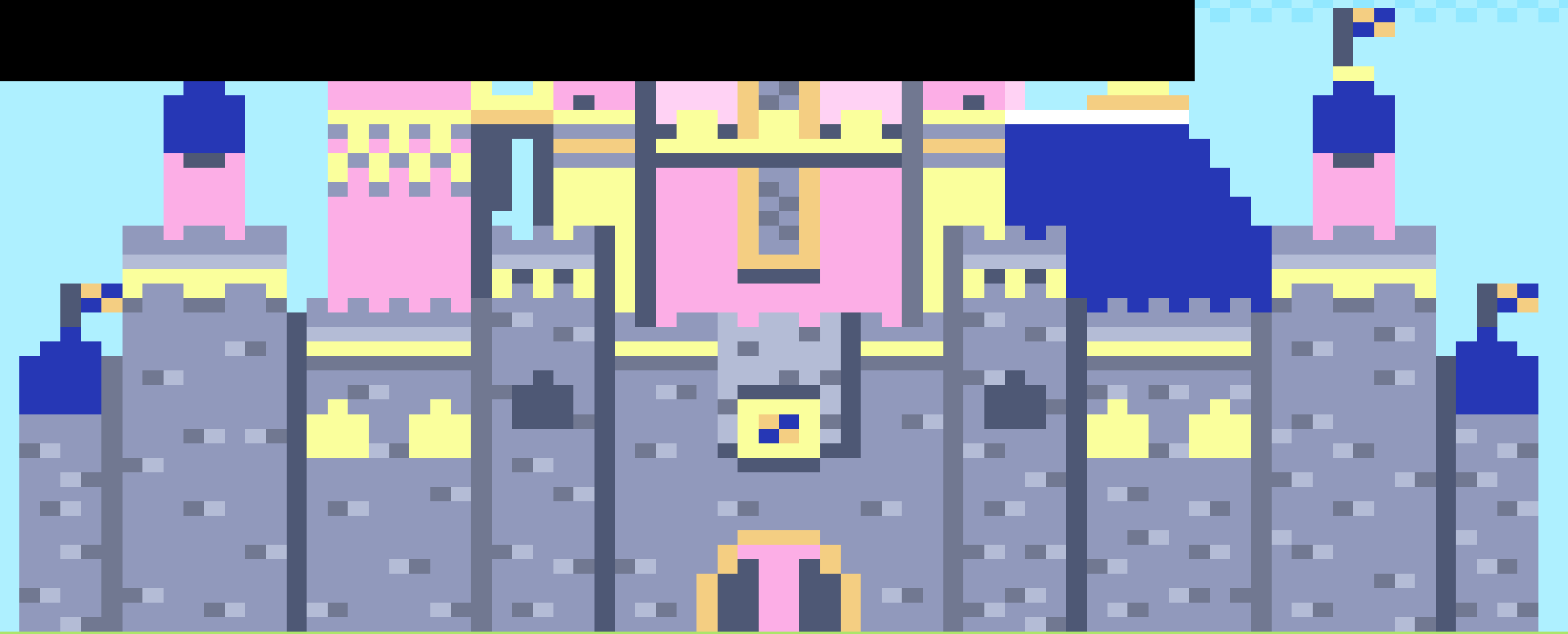
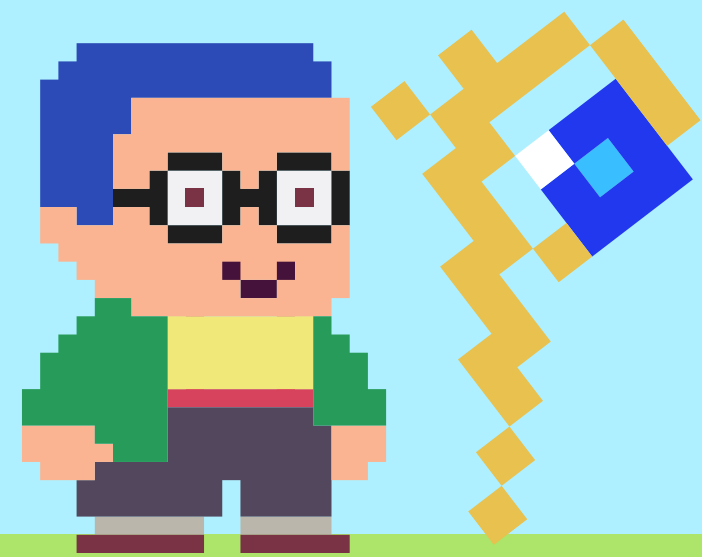
James



Level 4: The Final Quest-ion!

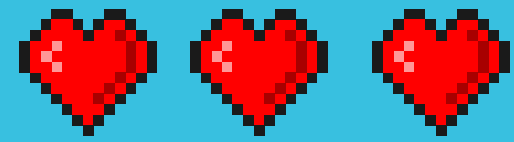
JAMES: No.

JACOB: I know I'm off screen right now, but...



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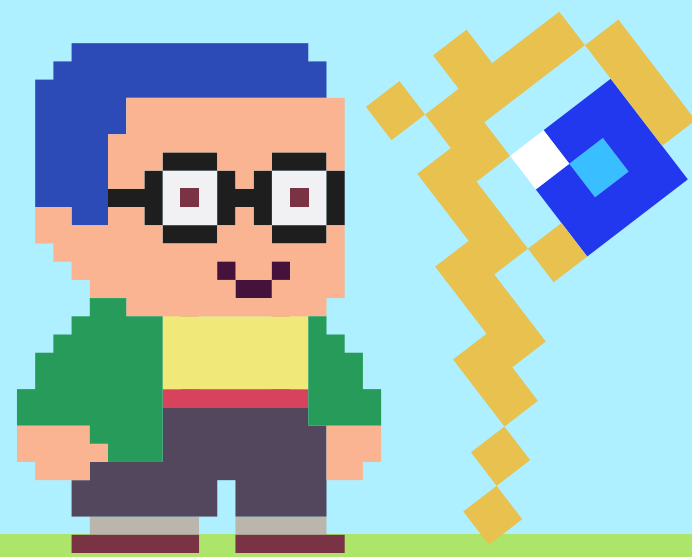
James



Level 4: The Final Quest-ion!

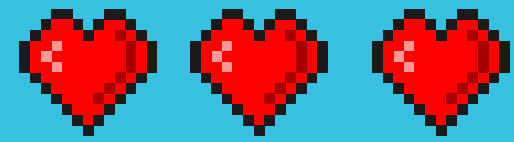
PAXEASTIA: I see. So when you represent clients, it can touch on a lot of different legal topics like employment, contracts, and intellectual property, etc.

JAMES: Yep, and it's important to have someone who knows the law and loves gaming as much as you do on your side.



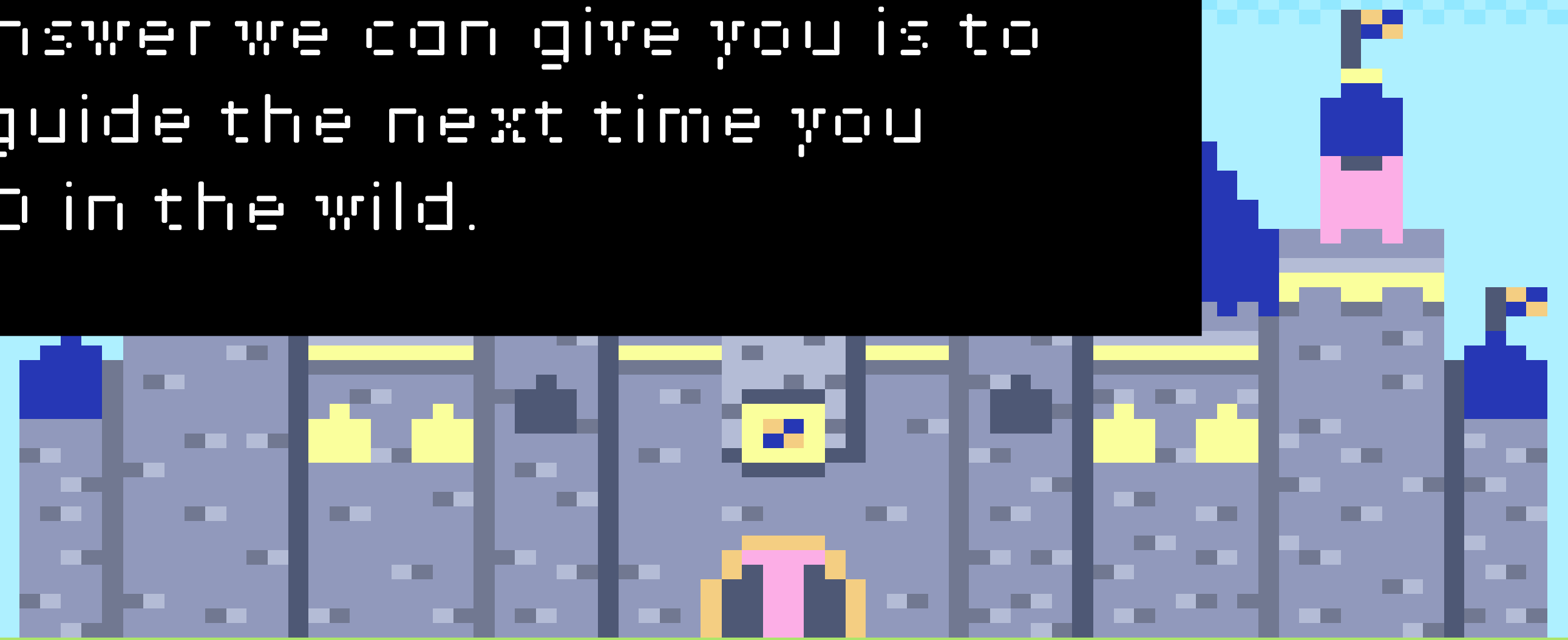
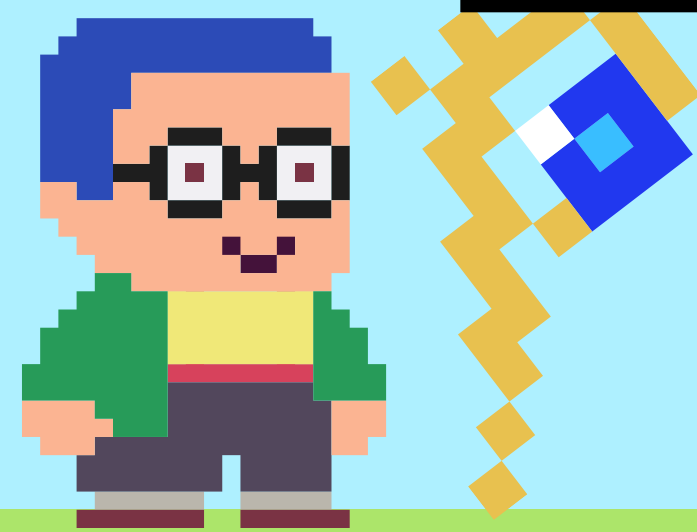
< - Back to Levels

James



Level 4: The Final Quest-ion!

JAMES: The gaming industry is still evolving, and we've already seen that the law doesn't keep up. Gaming industry lawyers apply legal principles that may not fit perfectly to your case, but are the best fit possible. This is why some legal questions don't have great answers. The best answer we can give you is to hire an attorney to guide the next time you encounter BLINDFOLD in the wild.



◀ - Back to Levels

PAXEASTIA: You did it!
You've defeated
BLINDFOLD!

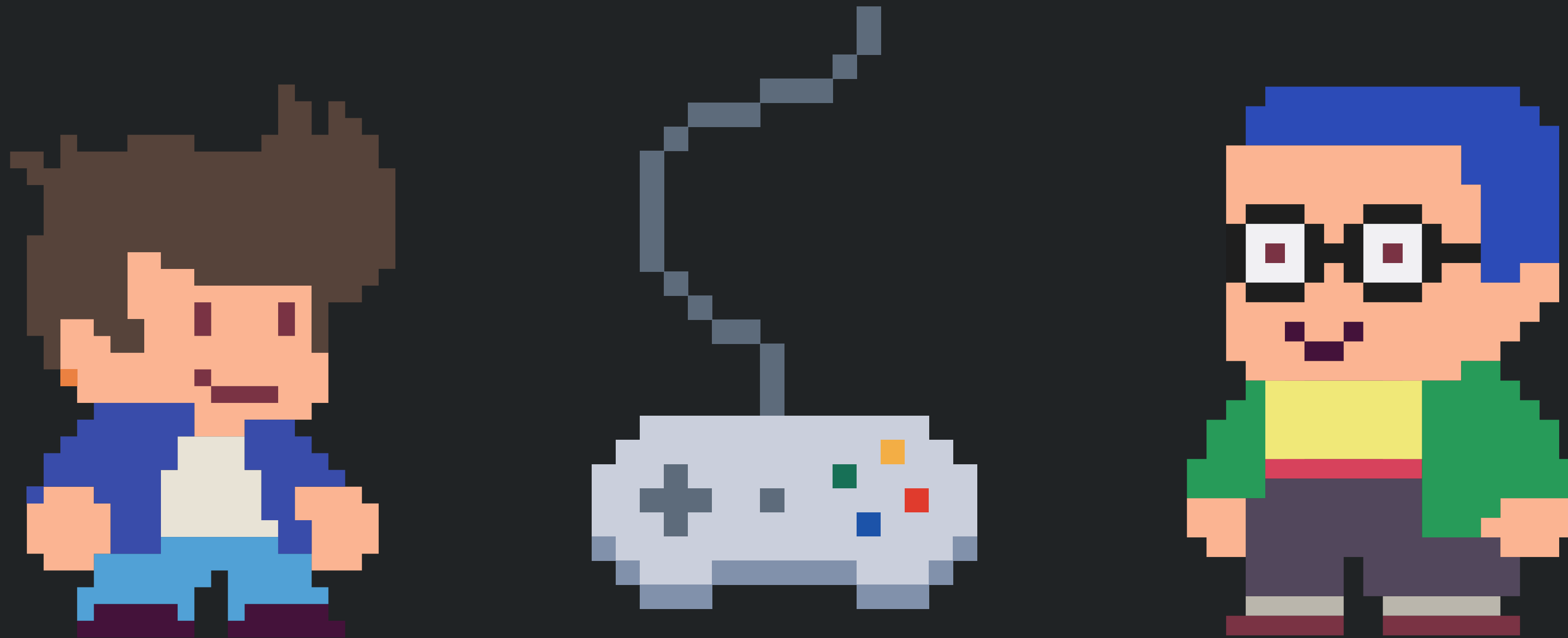
BLINDFOLD: No, it's not
possible. You can't have
answered ALL of the legal
questions!

It doesn't matter Team
Gavel, I'll always be out
there confusing clients
online. You'll never escape
me.

Not after what I've done
to JUSTICE. That's why they
call me BLINDFOLD.

Myahahahahahaha....!

U.S. IMMIGRATION LAW: PASSPORT EDITION



THANK YOU FOR PLAYING!


U.S. IMMIGRATION LAW: PASSPORT EDITION

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assets were licensed
via adobe stock.

Legal Information is
not legal advice.


QUESTIONS?



- ◉ Open panel time for any questions you may have.
 - ◉ Topics of interest that we didn't cover:
 - ◉ Immigrant visas and PERM process
 - ◉ H-1B visas
 - ◉ Business, Contracts, IP
- 

RESOURCES

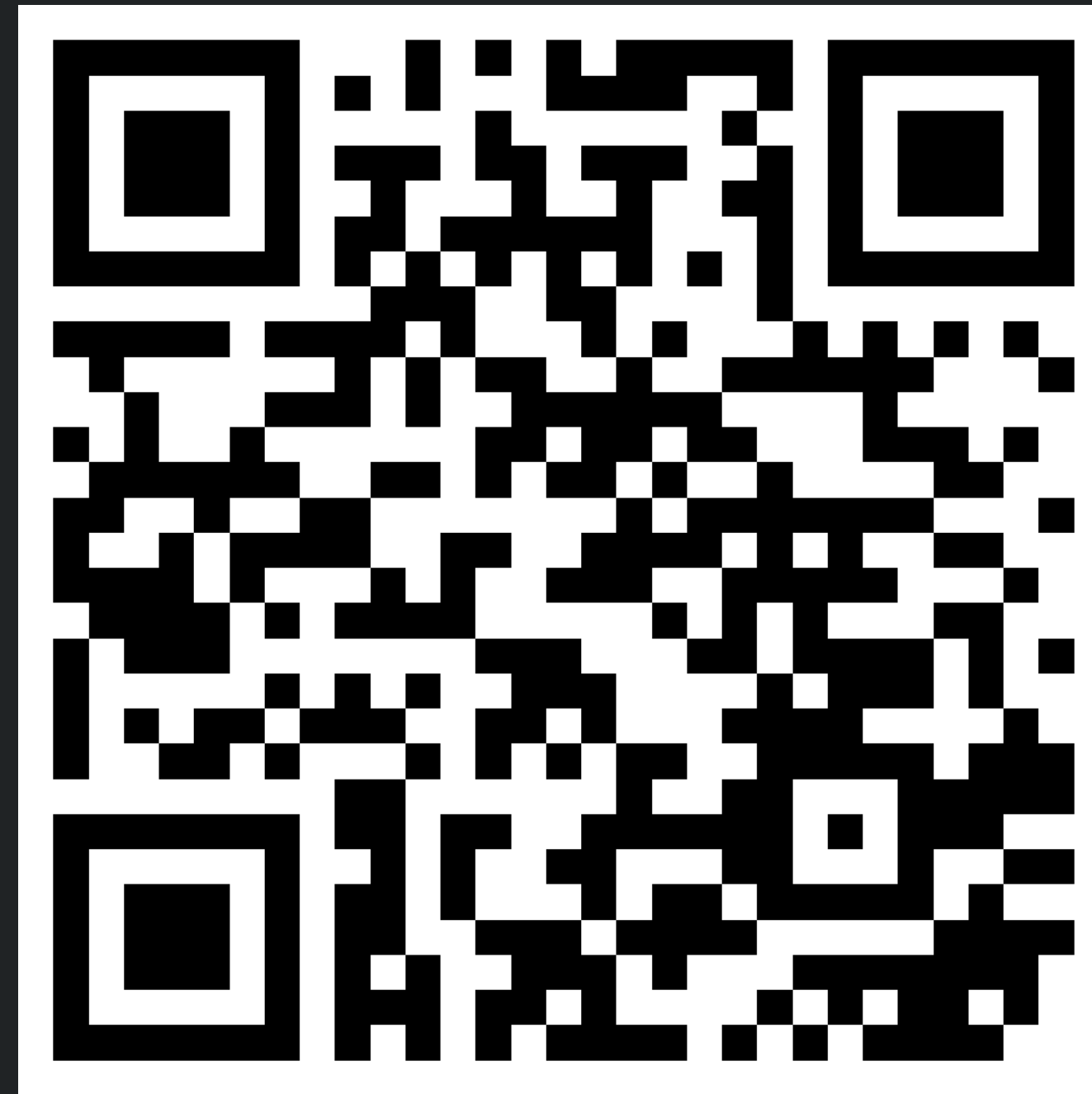


- ◉ Resources related to this presentation are available at our website at:
 - ◉ <https://tingen.law/resources/pax-east/>
- 



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presentation and related
resources at tingen.law



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