



Bernhard Mueller

Shareholder Columbia

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Ogletree
Deakins

Bernhard Mueller is a member of the International Practice Group of Ogletree Deakins and has more than 14 years of experience in handling employment and immigration law matters for multinational corporations. A native of Germany, Bernhard focuses his international employment practice on Europe, Canada, Latin America and Africa, where he has handled matters involving global workforce mobility, European data privacy / data protection compliance issues, global sales incentive pay plans, employment and expatriate assignment contracts, employer policies and handbooks, immigration law compliance and government enforcement matters, and immigration options for international assignments and technical assistance projects. He represents clients across the United States and internationally in a broad range of industries, including manufacturing, aerospace, information technology, biotech / biopharma, utilities, oil & gas, construction, telecommunication, and professional services.

Bernhard has been selected for inclusion in [Chambers USA](#) as a top immigration attorney every year since 2007, and he has been named as a [North Carolina Super Lawyer's Outstanding Young Lawyers - Rising Stars in 2009 and 2011](#).^{*} He is a frequent lecturer on business immigration law and global mobility topics before trade associations, industry groups and professional organizations. He has authored various newsletters and articles on these subjects.

^{*}Disclaimer:

Please follow the link provided for information on the standards for admission to this group, organization, or publication. This group, organization, or publication does not have a financial interest in promoting any particular lawyer. There is no fee charged for membership in this group, organization, or publication.

Admitted to Practice

- South Carolina
- North Carolina

Education

- J.D., *cum laude*, University of South Carolina School of Law, 2001
- MIBS, *cum laude*, (Master in International Business Studies) University of South Carolina Darla Moore School of Business, 2001
- B.A., *summa cum laude*, University of South Carolina, 1995

Honors and Awards

Order of the Coif

Order of the Wig and
Robe

Phi Beta Kappa
Super Lawyers Rising
Star

Chambers USA (2013)

Practice and Industry Groups

- Airline and Railway
- Employment Law
- Immigration
- International

Experience

As a full-time member of Ogletree Deakins' International Practice Group, Bernhard is part of a growing team of international attorneys based in four countries with unique experience handling employment-law and immigration-law matters worldwide. The International Practice Group consists of lawyers with in-house experience working for multinationals, lawyers experienced in cross-disciplinary matters such as white collar crime, M&A, immigration and tax, lawyers with educational and language experience in a multitude of foreign countries including China, Cuba, Brazil, New Zealand, Poland, Romania, Austria, Ireland; and German, Japanese, Chinese and Korean lawyers experienced working in the United States.

International Employment Law & Global Mobility:

Bernhard advises multinational companies on a broad range of international legal issues, including global workforce mobility, compliance with foreign employment laws, data protection / data privacy laws, and other ancillary legal issues arising out of global employment practices. He represents companies throughout the world in developing global mobility policies and obtaining necessary employment visas to transfer key employees among various countries. Some of the representative projects have included:

- Prepared comprehensive legal assessments of a client's proposed electronic communications and IT policy for implementation in the United States, Canada, and several countries in Europe, South America, and Asia, then assisted the client with drafting a policy that can be rolled-out and enforced in those countries.
- Advised IT company on the development of a global sales incentive pay policy and assisted the client with the drafting of the policy (and subsequent amendments) in order to make it enforceable in various North American, South American, Asian, and European countries.
- Assessed immigration options for U.S.-based multinational sending key managers and technicians to Canada, and various European, Latin American and Asian countries, drafted the required expat agreements and foreign assignment documents, and assisted the company with developing a uniform global mobility policy and practice.

- Advised U.S. defense contractor on the applicability of the NATO Status-of-Forces Agreement to its employees in Germany and to what extent those employees could be become entitled to the protections provided by German employment laws.
- Assisted U.S.-headquartered client with developing an appropriate IT strategy for performance management and cross-border sharing of personnel data to comply with the European and German data privacy law requirements.
- Advised client on drafting a flexible worktime policy to be implemented in the United States, Canada, United Kingdom, Switzerland, Germany, Singapore, China, and Japan.
- Provided general guidance on local employment law, labor law, and immigration law considerations for U.S.-based utility company with infrastructure development contracts in South Africa and Tanzania.
- Guided U.S. litigants through the application of The Hague Convention on the Taking of Evidence, and The Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.
- Obtained required work and residence permits for key employees on temporary foreign assignments to Canada, Brazil, Argentina, Chile, Peru, Colombia, Panama, Honduras, Nicaragua, El Salvador, Mexico, the United Kingdom, France, Germany, Spain, Italy, Switzerland, Denmark, Romania, Hong Kong, China, Japan, Taiwan, South Korea, Singapore, the Philippines, Malaysia, India, South Africa, Tanzania, Israel, UAE, the Bahamas, and Bermuda.
- Advised company on developing and filing an affirmative action plan under South Africa's Employment Equity Act.

U.S. Immigration Law & Compliance:

Bernhard provides comprehensive business immigration advice to U.S. employers wishing to hire foreign nationals, advising companies on the appropriate employment work visas, work authorization, and issues related to permanent resident applications. He assists a broad range of companies, from small family-run business to Fortune 50 companies, in various industry sectors on the U.S. temporary work visa (e.g., H-1B, L-1, TN, E-1, E-2, E-3, O-1, and B-1 visas) and permanent residence sponsorship options. In addition, he assists U.S. companies in preparing employment eligibility compliance programs and related corporate policies, such as improved compliance with I-9 verification requirements and federal or state E-Verify rules. He represents companies in government enforcement actions and in litigation arising out of immigration law compliance matters, such as I-9 investigations, allegations of discrimination in the I-9 verification process (including pattern-or-practice claims), and regulatory enforcement cases initiated by the Labor Department's Wage & Hour Division in connection with an employer's compliance obligations in the H-1B visa sponsorship context. Bernhard is known for finding creative, efficient and simple solutions for clients' employment and immigration law compliance concerns.

- Secures temporary work visas and permanent resident status for foreign managers, engineers, and key manufacturing personnel at all North American locations of a European-based multinational automotive and aerospace components manufacturer.
- Handles all United States and global immigration issues for a major U.S. airline.

- Planned and developed the incorporation and immigration strategy for a Costa Rican IT company expanding into the United States.
- Assists Danish-based biotech company to plan U.S. immigration strategy and obtain temporary employment visas and permanent residence status for its foreign managers and scientists transferred from its global entities to operations located throughout North America.
- Developed immigration compliance strategy/policy for multiple Fortune 500 companies and federal contractors, including comprehensive new hire protocols, internal audits and correction procedures, training of hiring personnel, federal contractor E-Verify obligations, and continued compliance monitoring.
- Represented clients in numerous single-site and multi-site I-9 enforcement audits conducted by the U.S. Immigration & Customs Enforcement (ICE) agency and by the U.S. Department of Justice Office of Special Counsel.
- Represented companies in immigration-related discrimination lawsuits arising from the I-9 verification process, and in litigation of wage payment complaints brought by H-1B workers.
- Counseled national retailer on developing a comprehensive I-9 compliance plan and represented the company in a multi-state ICE compliance audit.
- Represented large construction company in an ICE I-9 compliance investigation, avoiding potential criminal charges for alleged knowing employment of unauthorized workers. Represented the same company in a subsequent federal contractor debarment action arising out the ICE investigation, resulting in a reversal of the debarment and reinstatement of the company as a federal contractor.

Professional Activities and Speeches

Professional Activities:

- South Carolina Bar
- North Carolina Bar Association
- North Carolina State Bar
- Wake County Bar Association
- American Immigration Lawyers Association
- ABA International Law Section

Speeches:

- IUNO and NMN Management Consulting for HR Executives - "Effectively Structuring Global Mobility Assignments: Strategies for Reducing Risk and Hidden Costs" - Copenhagen - February, 2015
- Society of Corporate Compliance and Ethics 13th Annual Compliance & Ethics Institute Seminar - "U.S. Immigration Law Compliance - Understanding and Minimizing Liability Risks" - Chicago - September, 2014
- Ogletree Deakins Workplace Strategies Seminar - "Investigating Employee Misconduct Outside of

the U.S.: Different Rules and Risks" - Las Vegas - May, 2014

- Certificate in Employee Relations Law Series - "Business Immigration: Immigrant and Nonimmigrant Visa Categories, I-9 Recordkeeping Requirements, and Recent Developments in Business Immigration Issues" - Columbia - October, 2013
- Ogletree Deakins Workplace Strategies Seminar - "The Big Easy Fundraiser For the Federal Government: Immigration Law Compliance" - New Orleans - May, 2013
- Raleigh-Wake HRMA Strategic HR Summit - "Red Flags and Tips for Global Employers" - Raleigh - February, 2013
- 2012 NC SHRM State Conference - "Immigration Documentation, Enforcement and Compliance" - Wilmington - September, 2012
- Ogletree Deakins Workplace Strategies Seminar - "The Ongoing Focus on Immigration Enforcement" - Phoenix - May, 2012
- Ogletree Deakins Workplace Strategies Seminar - "ICE Continues Its Assault Against Unprepared Employers" - Chicago - May, 2011
- Ogletree Deakins Workplace Strategies Seminar - "I-9 Mistakes Become a Jackpot for the Government – Don't Add to the Pool" - Las Vegas - May, 2010

Our Insights

- NLRB General Counsel Issues Aggressive Immigration Initiative—Employers Now Face Extraordinary Penalties
03/09/2015
- New Requirements for Companies Hiring Foreign Workers Under Canada's International Mobility Program
02/21/2015

Media

Media Quotes

- April, 2013 - Law360 - "5 Tips for Employers On A Smooth Transition To The New I-9"
- October, 2010 - The San Diego Union-Tribune - "Immigration Audits are Increasing Against Employers"
- October, 2009 - WRAL.com - "Obama's Policy on Illegal Immigration Worries Some Companies"

Published Works

- February 25, 2015 - "Global Warning on Investigations" - "Workforce"
- April 30, 2013 - "Revised Form I-9 Effective March 8, 2013"
- March 07, 2013 - "Revised Form I-9 Effective March 8, 2013"