

# BAKER DONELSON

## BEARMAN, CALDWELL & BERKOWITZ, PC

### Robert C. Divine



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Robert C. Divine

Robert C. Divine, leader of the Firm's Immigration practice group and a shareholder who works from the Firm's Washington, D.C., and Chattanooga offices, concentrates his practice in business immigration and litigation. He has extensive experience serving clients throughout the world in the arrangement of all types of business-based temporary and permanent immigration status, including specialty occupations (H-1B, TN, E-3), individual and blanket international transferee programs (L-1), traders and investors (E-1/E-2, EB-5), medical workers, religious workers, labor certification, national interest waivers and extraordinary ability aliens.

Mr. Divine has represented and assisted employers and other parties in some of the largest immigration enforcement investigations and prosecutions as well as private RICO actions. He provides strategic advice and training for employers in their immigration compliance efforts. Mr. Divine also has litigated significant business matters, including contract, commercial, product liability, antitrust, ERISA benefits and business torts (including RICO, misrepresentation, Consumer Protection Act).

By presidential appointment, Mr. Divine served in Washington, D.C., from July 2004 until November 2006 as Chief Counsel of United States Citizenship and Immigration Services (USCIS), the world's largest immigration services agency within the U.S. Department of Homeland Security. From July 2005 until July 2006, he served as Acting Director and then Acting Deputy Director of USCIS, spearheading the USCIS Transformation Program, testifying in Congress about the E-Verify system, enhancing operational security, and increasing transparency of rules and procedures. In early 2004 he served as an expert retained to assist the U.S. Commission on International Religious Freedom in its congressionally mandated study on the expedited removal process. He has testified as an expert on immigration law for courts in the United States and abroad.

Mr. Divine represents many business developers in creating, managing and using "Regional Centers" that can create indirect jobs toward the 10 new U.S. jobs whose creation can give rise to EB-5 permanent residence for investment in the developers' projects. He was elected Vice President of the national industry association of "EB-5" Regional Centers, [Association to Invest in USA \(IIUSA\)](#). He represents developers similarly using other parties' Regional Centers. He coordinates this work with attorneys supporting securities law compliance in offerings to investors, with economists identifying "targeted employment areas" and projecting indirect job creation, with licensed securities brokers coordinating offerings, and with attorneys obtaining U.S. Government (OFAC) licenses to serve investors from restricted countries (Iran). He also represents individual investors in obtaining conditional permanent residence and in removing conditions from permanent residence.



Since 1994, Mr. Divine has authored *Immigration Practice* (Juris Publishing, 2010 – 11 ed.), a well-regarded 1,700 page practical treatise on all aspects of U.S. immigration law, which is republished each year to incorporate the constant changes in the field.

Mr. Divine is a frequent speaker on U.S. and international immigration rules, policies and procedures, and regularly appears before employers, investors, individuals, policy makers, other immigration lawyers and foreign governments. He also authors numerous [alerts on immigration-related topics](#) and maintains the Firm's [Immigration Blog](#).

## Publications

### Books

- *Immigration Practice* (Juris Publishing, 2010 – 11 ed.), a 1,700 page practical treatise on all aspects of U.S. immigration law

### Articles

- "[How a D.C. EB-5 Visa Venture Helped Bring About Regional Center Project Approval](#)," usadvisors.org (March 2011)
- "Introducing An Ad Hoc National Identity System," *Law360* (March 17, 2011)
- "HR Managers Must Now Certify Export Compliance," *Law360* (January 20, 2011)
- "Spouses Should Derive More H-1B Time Along With The Green Card Process," in *The Physician Immigration Book* (ILW 2011)
- "Employment Updates: H-1B Fees and PERM Disqualifications," 85 No. 45 *Interpreter Releases* 3061 (November 17, 2008)
- "USCIS Clarifies Complex Rules of EB Adjustment Eligibility," *Interpreter Releases*, Vol. 85, No. 30 (August 4, 2008)
- "The Games People Play with H-1B and H-2B Visa Numerical Limits," *Interpreter Releases*, Vol. 85, No. 9 (February 25, 2008)
- "10 Immigration Tips for Business Counsel," *Business Law Today* (August 1998)
- "Religion in Immigration Law," *Immigration Briefings* (Federal Publications, July 1998)
- "1990 Immigration Law: New Visas, Changed System," *Tennessee Bar Journal* (March/April 1991)
- "The New Immigration Law: Problems for Employers, Amnesty for Many," *North Carolina Bar Association Bar Notes* (June/July 1987)

## Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Listed in *The Best Lawyers in America®* in Immigration Law since 1995
- Named to *Business Tennessee* magazine's "150 Best Lawyers" in the area of immigration law (2009, 2010)
- American Immigration Lawyers Association – Chair, Liaison Committee to U.S. Department of State
- "Big Brother" since 1978; past or present board member of Big Brothers Association, Boys Clubs, New Life Homes for [delinquent] Boys, Chattanooga Resource Foundation (ecumenical), Robert and Catherine Maclellan Foundation

## Admissions

- Tennessee, 1988
- North Carolina (Inactive)

## Education

- Vanderbilt University School of Law, J.D., 1985
- University of North Carolina, B.A., 1982
- The McCallie School, 1978

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