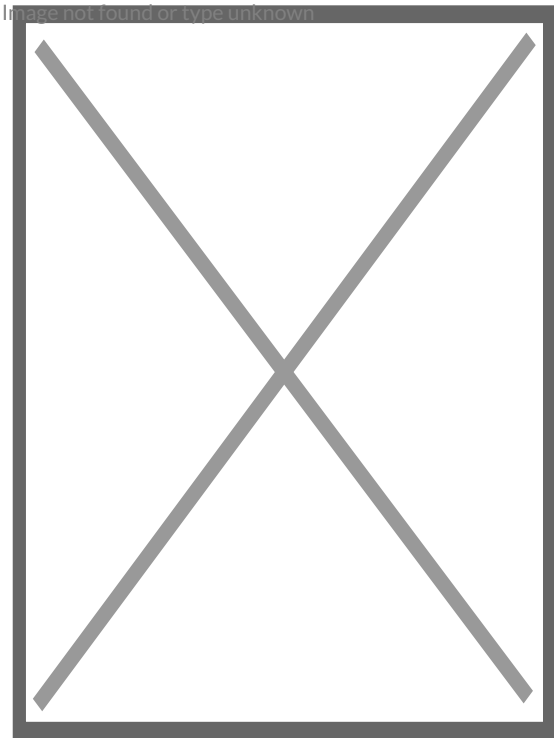


How to Attain and Keep the American Dream – What Immigrants Need to Know

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By Vandana Murty, Bouhan Falligant, LLC

Special to Business in Savannah

America has long been known as the land of opportunity.

So it is not surprising that when people move to this country, one of the opportunities they may be looking for is to open their own business.

Immigrants open businesses more often than their native-born counterparts. Immigrants constitute 15 percent of the general U.S. workforce, but they account for around a quarter of U.S. entrepreneurs, according to a recent article in the Harvard Business Review.

But opportunity does not always lead to success. Being born in another country can lead to a sharp learning curve when starting a U.S. business. To keep the American Dream, there are a few things immigrants should know about doing business in America.

When starting a business, one of the first considerations is incorporation. About two-thirds of immigrant businesses are started with personal or family savings according to U.S. Census Bureau data. Forming either an S corporation or limited liability company (LLC) can protect one's personal assets from any liabilities the business may incur.

S Corporations can issue stock and are generally taxed at a lower rate than LLCs. However, S Corporations cannot have non-U.S. citizens as shareholders, whereas LLCs can. Both can safeguard a business owner's home, car and personal savings. A corporate attorney can help you choose which is best for you.

Next, when immigrants are looking for a location for their new enterprise, they should be aware that they are entitled to legal representation when signing a lease. Landlords write leases that favor their interests, but an attorney can help you negotiate for inclusions that suit your business needs.

Some things to consider when negotiating a lease include the term of the lease, the cost of the lease, and costs for maintenance and upkeep. A shorter term may be better if you plan to expand or move, but a longer term may be better for a business such as a restaurant or bar whose success is more closely tied to location. A real estate attorney can help you determine a fair cost for the lease based on current market conditions as well as negotiate for a cap on any rent increases the landlord may want to charge in subsequent years. Additionally, an attorney can help you negotiate which maintenance and upkeep costs will be incurred by you or the landlord.

Finally, immigrants should be aware that the United States has more protections for employees than many other countries. An entrepreneur from another country may not be aware of considerations such as disability discrimination and sexual harassment. But to protect themselves before they start, they should research and develop an employee handbook that covers these and other employee protection issues.

An employee handbook should be tailored to your specific business. A basic employee handbook can benefit even the smallest companies by giving employees a clear idea of expectations. Federal law requires an employee handbook that covers policies on discrimination and harassment for companies with 15 or more employees.

At the most basic level, an employee handbook should include work hours, vacation policies, discipline and termination and a statement that employment is at will and can be terminated at any time by the employee or the employer. Employers may also want to include a vision statement that outlines the company's ideals and values so that it can

maintain its corporate culture as the company grows. An employment law attorney can help business owners decide what to include to tailor their employee handbooks to their companies.

The American Dream is still alive and with a little help, immigrant entrepreneurs can continue to be the fire that fuels our economy.

Vandana Murty is an associate attorney with Bouhan Falligant LLP whose practice focuses on malpractice and professional liability defense. She can be reached at 912-644-5731 or vmurty@bouhan.com.

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