



Three-Part Telephone & E-mail Seminar:

Consular Processing For Experts

Speakers: Rami Fakhoury, Gary Chodorow, Poorvi Chothani, Noah E. Klug, Claire Nilson, Stephen Pattison, Paul Ruby, and Rohit Turkhud

Available Online!

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Seminar Outline

FIRST Phone Session on May 31: Consular Compliance Issues for Business Immigration

- The Assumption of Fraud in Business Immigration and Consular Proceedings - Who's at Risk?
- The Shared Risks of Clients and Attorneys Dealing with USCIS/ICE/USDOL/USDOS.
- The Federal Task Force Approach to Compliance and the Importance of Self-Audits, Pro-active Petition Amendments, and Internally-Consistent Records and Statements.
- The Road to Revocation: The escalating process of FDNS-DS investigation (RFEs and site audits), Service Center I-129 denials, referrals for ICE Investigation, that lead to DOS Consular Investigation, Visa Revocation Requests of petitions previously approved for Company Executives, and potential federal prosecution.
- Discussion and Analysis of Case Examples.

SECOND Phone Session on June 21: Special Scrutiny Visa Categories and Targeted Enforcement of Business Immigration in Certain Industries

- Partial Suspension of B-1 Issuances for IT industry at Consulates in Indian.
- Suspension of issuance of L-1 visas pursuant to approved blanket petitions.
- Elevated L-1B standards. Selective application of Matter of GSTechnical Services
- Neufeld memo "control" application to L-1 owner/directors
- Special scrutiny and elevated standards imposed on H-1B recent graduates.
- Equivalency Issues related to Indian 3 year degrees
- Avoiding and overcoming 214(b) issues with foreign student entrepreneurs
- Other trends impacting IT and Service workers at various consular posts (visa renewal issues, excludability issues, SAO categories that delay issuance)
- Special Issues arising at Specific Consular Posts

THIRD Phone Session on July 5: Waivers and Review in Consular Processing

- Commonly applied grounds of Inadmissibility and Denial
- Escalating Requests for Consular Reconsideration and Review
- Grounds and Procedures for Request for Advisory Notice review by DOS Central Office, Foggy Bottom



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- Nonimmigrant Visa Waivers of Inadmissibility.
- 212(d)(3) Eligibility and equities requirements.
- Procedures for requesting a 212(d)(3) waiver and timelines for adjudications.
 - Appeal procedures if consular officers refuse to make favorable recommendation and winning strategies.
- Criteria considered in waiver request/approvals.
 - Matter of Hranka
 - Balancing test; weighing the equities against the negative factors. How this works in practice.
- Immigrant Visa Waivers of Inadmissibility
 - Form I-601 filed with consular officer for most grounds.
 - Consular officer must forward I-601 to DHS office overseas for adjudication.
- Alternative routes to entry
 - Humanitarian Parole
 - Visa Waiver at port-of-entry
 - 212(d)(4) waiver at land border port of entry.
- Strategies for Attorney intervention when there is a problem at entry.
- Consequences of visa revocation/expedited removal at port-of-entry

ABOUT THE SPEAKERS

[Rami Fakhoury](#) (Discussion Leader) is a member of Fakhoury Law Group, P.C. His practice focuses on business-based employment immigration, particularly in the Information Technology, Engineering industry, health care workers, investors, academics and individuals of exceptional ability. Mr. Fakhoury has extensive experience in the areas of Corporate Immigration, and has worked in private firms, as well as serving as In-House Counsel for Syntel Corporation, a Fortune 1000 company in the Information Technology industry. In particular, his practice focuses on H, L, E, and O visas, Labor Certifications, Advance Degree Professionals, Multinational Executives and Outstanding Researchers and Professors. Mr. Fakhoury has represented clients at U.S. Consulates abroad and is an international lecturer and fellow for the Center for International Legal Studies (CILS) and a Member of the Immigration section of the International Bar Association. Mr. Fakhoury has served as Panel Speaker at the American Bar – International Law Section. He has also presented and written articles on immigration issues. Mr. Fakhoury is a Member of the State Bar of Michigan, International Law Section; Information Technology Association of America (ITAA), Immigration Law Committee; American Immigration Lawyers Association (AILA); International Business Association, Immigration Law Committee; and Fellow, Center of International Legal Studies, Salzburg Austria.

[Gary Chodorow](#) is the chief representative in Beijing for Frederick W. Hong Law Offices. His law practice focuses on representing companies and individuals in U.S. immigration and nationality law matters. Mr. Chodorow has represented and counseled Fortune 500 companies, Nobel Prize winners, executives and business owners, high tech companies, investors, symphonies, artists, athletes, health care professionals, diplomats, families, and many others facing complex immigration matters. Mr. Chodorow often represents clients before the U.S. Embassy and Consulates in China as well as the U.S. Citizenship and Immigration Services (USCIS) offices here. He also has extensive experience representing clients in Immigration Court, federal courts, and before the U.S. Department of Labor. And he is knowledgeable about the security and export control issues that arise in immigration cases. Mr. Chodorow is frequently called on to provide expert commentary on immigration issues for the media. He has authored a number of articles and book chapters on immigration law. He also publishes LawAndBorder.com, "a Beijing blog about U.S. visas and



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immigration law."

[Poorvi Chothani](#) is the Founder and Managing Partner of LawQuest, a general business law firm in India. With more than 25 years of experience in litigation, corporate and commercial law coupled with her focused, recent experience in intellectual property law and global immigration laws, Poorvi has the ability to provide holistic legal counsel to LawQuest's clients. She has worked closely with large, local and international clients, including renowned, international consulting firms, Indian and American banks and investor relations companies, multi-jurisdictional business processing companies, pharmaceutical and health product organizations to name a few, helping them achieve their business goals in India and abroad. Additionally, Poorvi is often quoted in the Economic Times, India's leading business daily and on radio, CNBC-TV 18 and Zee Business News. She regularly speaks at events organized by leading national and international organizations. Poorvi is an Associate Editor of the Indian Law News a quarterly publication by the International Section of the ABA. She regularly publishes articles in prominent national and international law and business journals. Poorvi has been nominated once again, amongst the world's leading private practice lawyers in Who's Who Legal for 2010-2011.

[Noah E. Klug](#) is a U.S. attorney and an Australian solicitor, who manages the firm's U.S. immigration practice in Australia, including experienced U.S. immigration professionals in our Melbourne and Sydney offices. Noah and his team provide U.S. immigration advice and visa assistance to Australian and Asia Pacific companies ranging in size from small start-ups to large multinational Fortune 500 corporations, as well as private clients. Noah and his team also manage Australian immigration matters for a range of Australian corporate clients. In addition, Noah is a member of the Fragomen Consular Practice, a global practice group which specializes in legal issues specific to visa processing at U.S. Consulates and Embassies worldwide, with specific responsibility for the Asia Pacific region. Prior to joining Fragomen, Noah was employed as an Attorney-Advisor with the U.S. Department of Justice (DOJ), Executive Office for Immigration Review, having entered that position via the U.S. Attorney General's Honors Program. Before joining the DOJ, he was employed by a private immigration law firm in New York City, where he drafted numerous federal appellate briefs in various immigration matters in the U.S. Courts of Appeal.

[Claire Nilson](#) has been working in the field of US immigration law since 2002 and joined ASG in 2011. She is licensed as a lawyer in three jurisdictions, being a US Attorney (admitted to the New York Bar); a UK Solicitor (non-practising) and an Attorney, Trinidad & Tobago. Claire graduated from De Montfort University, England with a Bachelor of Law with German and spent part of her degree studying at the University of Mainz, Germany, where she became proficient in the language. Following a number of years practising in New York, Claire ran her own firm in Trinidad & Tobago before relocating to the UK in 2011. Claire is a member of the American Immigration Lawyers Association (AILA), the Law Society of England & Wales and the Law Association of Trinidad & Tobago and has frequently written and lectured on US immigration law issues.

[Stephen Pattison](#) is a Senior Counsel at Maggio + Kattar. Steve has more than three decades of experience in immigration law and consular affairs. Bringing a depth and breadth of experience honed in private practice and working for the U.S. Foreign Service, Steve serves as an invaluable resource to the firm's clients in consular processing and business immigration matters. Prior to joining Maggio + Kattar, Steve was in private practice in London, England following a twenty eight year career in the U.S. Foreign Service. He served in U.S. consular sections in a wide variety of countries, including Beirut, Lebanon; Colombo, Sri Lanka; Bangkok, Thailand; Bucharest, Romania; Brussels, Belgium; and Berlin, Germany; where he was Minister Counselor for Consular Affairs, the senior U.S. consular official in the country. In Washington D.C., Steve held positions with the Department of State that included working in the Bureau of Near Eastern Affairs and as the country officer for Jamaica and the Bahamas within the Bureau of Latin American and Caribbean Affairs, and as head of the Coordination Division in the Visa Office within the Bureau of Consular Affairs.

[Paul Ruby](#) is general counsel to ILW.COM, where he guides development of CLE seminars and the book catalog. He also served as editor for "The EB-5 Book." Prior to coming on board at ILW.COM, Paul was in private practice in Milwaukee, Wisconsin. He is a graduate of Marquette Law School and Brown University.



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