



Three-Part Telephone Seminar:

PERM For Experts

Speakers: James Pack (Discussion Leader), Michael Boshniak, Barbara Brandes, Kelly Cobb, Jason Gerrol, Sherry Neal, and others to be announced.

CDs Available

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We are the leading immigration law publisher. Our free *Immigration Daily* reaches an audience of over 35,000 subscribers. Our immigration portal web site is the largest on the Internet with over 50,000 pages of information. We assist your practice via our periodicals, seminars, and Yellow Pages. *Disclaimer: participation in this seminar does not create an attorney-client relationship with the speakers.*

SEMINAR OUTLINE

FIRST Phone Session on April 24, 2014 - Formulating the Job Description and Requirements; The Elusive Usable Prevailing Wage Determination

- Alternate requirements and "substantial equivalence"
- When is Kellogg language required?
- DOL and USCIS views on Delitizer
- EB-2 - EB-3 degree equivalency
- Job requirements - can they be gained through "a reasonable period of on-the-job training"?
- Tailoring and Audit Triggers
- Alternate requirements and Prevailing Wage Determinations
- Responding to RFIs
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- "Managerial" wage determinations
- Use of private Wage Surveys

SECOND Phone Session on May 15, 2014 - Current Trends in Recruitment Requirements, Non-traditional workers, and Layoffs and Applicant Review

- Required language in newspaper ads vs. other postings - starting recruitment prior to receipt of a wage determination
- Standards for employee referral programs
- Acceptable newspapers and other recruitment
- Non-traditional workers: what constitutes "travel"? how to recruit for multiple work-sites, roving employees, telecommuters, etc.
- Layoff-related definitions: what constitutes a "related occupation"? who must be "notified"? what actions will satisfy the "consideration" rule?
- In the case of a layoff, how quickly can the company start new recruitment? How quickly should the company start new recruitment?
- Which applicants should be interviewed? What constitutes a "lawful, job related reason" for disqualification?

THIRD Phone Session on June 12, 2014 - Post-Filing Issues: Audits, Supervised Recruitment, and Overcoming a Denial

- Current audit trends and "new" DOL interpretations: Internal DOL audit "flags"; Business Necessity; attestations regarding payment of fees; Recruitment Reports; acceptable evidence of advertising
- Documenting the employee's specific qualifications for the position on the ETA9089 - licenses, skills, training, etc.
- Challenges relating to Supervised Recruitment
- Requests for Reconsideration strategies and concerns
- Multiple pending applications for the same employee
- Preservation of ability to extend H-1B status beyond 6 year maximum
- Recent BALCA decisions and timeframe for decision on appeal
- Filing new applications

ABOUT THE SPEAKERS

James Pack (Discussion Leader) provides immigration counsel to large, medium, and small companies in a wide range of industries, including developing wireless technologies, animated feature film production, video game development, and pharmaceuticals. As a member of the Orange County Bar Association's Pro Bono Committee, James helped develop and presented informational sessions about immigration laws and rights to low income persons throughout Orange County. He is a frequent presenter on immigration topics for various organizations.



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Michael Boshniak represents large companies and multinational firms. In addition, he has represented individual clients, startup companies and small and mid-size companies on U.S. immigration matters. Michael partners with corporate clients to provide strategic counsel on all matters involving U.S. immigration and nationality law, as well as policy and compliance, to manage large immigration programs. He guides corporate clients on immigration aspects of mergers, acquisitions, divestitures, outsourcing and corporate restructuring, as well as I-9 employer sanctions matters. While in law school, Michael served as an Oralist for the Philip C. Jessup and Benjamin N. Cardozo Moot Court competitions. Before joining Fragomen, he was appointed to the U.S. Attorney General's Honor Program and served as a Trial Attorney for the former Immigration & Naturalization Service in the Los Angeles District.

Barbara Brandes

Kelly Cobb is a Partner at Fragomen's Houston office, where she represents clients across a variety of industries, including the international energy sector, manufacturing, information technology, finance and shipping. She guides corporations in the development and implementation of strategic immigration policies and advises U.S. and international clients on immigration issues related to corporate restructuring including mergers and acquisitions, joint ventures and start-ups. Kelly has a broad range of experience in all areas of employment immigration, including nonimmigrant and immigrant visas, labor certifications, and family-based cases and citizenship. Kelly has in-depth experience working within Houston's international energy sector, primarily focusing on large volume corporate immigration, including management of both U.S. immigration and global migration. She has more than 15 years experience counseling clients in U.S. Outer Continental Shelf compliance, particularly focusing on assisting international corporations in vessel exemptions, specialist work authorizations and crew member exemptions.

Jason Gerrol is now an Associate with Fragomen's office in Boston, Massachusetts having gained experience as an Associate with the law firm of Littler Mendelson, P.C., as a solo-practitioner, and with the Phoenix, Arizona office of Fragomen. Jason works with a range of clients across a variety of industries, including premier high-technology corporations, distinguished universities and businesses of all sizes, as well as individual foreign nationals and their families. Jason has been invited to speak before employers and human resources professionals on numerous immigration topics, including nonimmigrant and immigrant visa options for foreign nationals, the immigration consequences of corporate mergers and acquisitions, in addition to E-Verify best practices, I-9 employment verification, immigration-related discrimination, and related issues arising under the Immigration Reform and Control Act (IRCA).

Sherry L. Neal has been a partner since 2004 and an Immigration Attorney with Hammond Law Group since 1995. She handles all types of immigration cases, advising corporations and individuals on immigration law issues. She holds several leadership positions including Chair of the Ohio Chapter of the American Immigration Lawyers Association (AILA), member of the Board of Governors of AILA, and a member of the Healthcare Committee of AILA. She has written many articles on immigration law that have appeared in local, national and international books and magazines. She is a frequent speaker at conferences for legal bar associations, trade organizations and employment groups.



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