



ice and Strategy with Angelo Paparelli and Steve Yale-

Wednesdays August 8, September 12 and October 3 at 1-2:30 pm Eastern, 10-11:30 am Pacific time

Overview of August 8 presentation:

- Strategic considerations when first taking on a potential H-1B case
 - A. Strategic considerations for a first-time H-1B
 - Does the person qualify for an H-1B: specialty occupations, educational and work equivalency evaluations, degree mismatch issues
 - Ghosts of immigration past: grounds of inadmissibility, maintenance of status, etc.
 - Dual representation issues: Must you represent both parties? If yes, how do you do so properly?
 - Can you represent just one party? Attorney's fees issues; who is paying which fee?
 - Liquidated damages vs. penalty issues
 - Beyond the H-1B : Why it is important to think about green card options in the initial H-1B consultation
 - B. Strategic considerations for existing H-1Bs changing jobs or employers
 - Many of the same issues as above
 - Different issues for existing H-1B: portability issues, INS policy guidance and DOL interim final rule, travel problems, I-9 issues, etc.
- Late-breaking developments: H-1B premium processing; recent H-1B criminal cases

Summary of September 12 presentation:

- Confirming that the H-1B employer meets the LCA attestation requirements (single employer, required wage, benefits, public access folder, posting, no-benching, recruitment and non-displacement)
- Dependency issues that affect the dependent and non-dependent employer
- Defining exempt H-1B workers
- Using the I-129 to trump the LCA: How to disclose terms/conditions of employment on H-1B petition so as to limit DOL's arsenal of enforcement tools.
- Late-breaking developments -- new statutes, new rules, new policy interpretations

Summary of October 3 presentation:

- Timing issues: working/traveling while an application is pending
- Itinerant workers: definition of place of employment/worksites; 30/60 day rule; recordkeeping burden/posting issues
- The impact of corporate reorganizations on H-1B status
- Changed circumstances: layoffs, change in job duties, leaves of absence, terminations

- H-1B portability issues
- Extending H-1B status beyond the normal six-year limit
- H-1Bs to green cards: the options
- Late-breaking developments -- new statutes, new rules, new policy interpretations

Selected H-1B resource materials and recent articles:

General:

- 2 Charles Gordon, Stanley Mailman & Stephen Yale-Loehr, *Immigration Law and Procedure* § 20.08
- Austin Fragomen & Steven Bell, *H-1B Handbook*
- Ira Kurzban, *Kurzban's Immigration Law Sourcebook* ch. 5 (7th ed.)
- Martin Lawler, *Professionals: A Matter of Degree* (3d ed.)(AILA)
- Maureen O'Sullivan, *H Nonimmigrants*, in 2 AILA, *Immigration and Nationality Handbook 2001-02*, at 45 (Randy P. Auerbach et al. eds., 2001)

Selected recent articles:

- Angelo Paparelli & Janet Lee, "A Moveable Feast": *An Analysis of New and Old Portability under AC21 § 105*, 6 *Bender's Immigr. Bull.* 126 (Feb. 1, 2001)
- Rozana Bacon & Leigh Kurtz, *An Overview of Specialty Occupation in the H-1B Context*, in 2 AILA, *Immigration and Nationality Handbook 2001-02*, at 65 (Randy P. Auerbach et al. eds., 2001)
- David Paruch, *H-1B Dependency: Historical Anachronism, Current Headache*, in 2 AILA, *Immigration and Nationality Handbook 2001-02*, at 72 (Randy P. Auerbach et al. eds., 2001)
- A. James Vazquez-Azpiri & Angelo Paparelli, *Awakening a Slumbering Giant: The Department of Labor's Interim Final Rule on H-1B Dependency*, 78 *Interpreter Releases* 685 (Apr. 23, 2001)
- Yoshiko Robertson, *Avoiding the Abyss: H-1B Strategies When Facing Reductions in Force*, in 2 AILA, *Immigration and Nationality Handbook 2001-02*, at 76 (Randy P. Auerbach et al. eds., 2001)
- Stanley Mailman & Stephen Yale-Loehr, *More on the Impact of Corporate Restructurings on H-1B Workers*, 6 *Bender's Immigr. Bull.* 381 (Apr. 15, 2001)

- Angelo Paparelli, Alan Tafapolsky, Ted Chiappari, Susan Cohen & Stephen Yale-Loehr, “*It Ain’t Over till It’s Over*”: *Immigration Strategies in Mergers, Acquisitions and Other Corporate Changes: Parts 1 and 2*, 5 Bender’s Immigr. Bull. 789, 849 (Oct. 1 and Oct. 15, 2000)
- Angelo A. Paparelli & Susan K. Wehrer, *Update On Mergers And Acquisitions: Congress Toys With The H-1B*, in 2 AILA, *Immigration and Nationality Handbook 2001-02*, at 1 (Randy P. Auerbach et al. eds., 2001)

Useful web sites:

- <http://www.ins.usdoj.gov>
- <http://www.ows.doleta.gov/foreign/dflc.asp#h1b>
- <http://www.dol.gov/dol/esa/public/programs/whd/h1b.htm>
- <http://www.aila.org/infonet>
- <http://www.ilw.com>
- <http://www.entertheusa.com/publications.htm>
- <http://www.twmlaw.com/resources/nonimmigrant/nonimmigrantcont.htm>

Other information about this seminar series:

The cost to participate in each teleconference is \$199, or \$499 if you sign up for all three. Each call will feature an hour of analysis, strategy and practice tips by Angelo and Steve, followed by 30 minutes of questions and answers from participants. In addition, several people can attend the seminar together by listening in on a speaker-phone.

About the teleconference leaders:

Angelo A. Paparelli (mailto:aap@entertheusa.com) has been practicing business-sponsored immigration law for over 20 years, and is the managing partner of Paparelli & Partners LLP in Irvine, California. He is a nationally recognized speaker, published author and leading expert on cutting-edge business-related immigration issues, including the immigration consequences of mergers, acquisitions, reorganizations and other business changes, consular visa practice, audits of employers' compliance with immigration and labor regulations, and employment-based work visas. Mr. Paparelli is certified as a Specialist in Immigration and Nationality Law by the State Bar of California, Board of Legal Specialization.

Steve Yale-Loehr (mailto:syl@twmlaw.com) is co-author of *Immigration Law and Procedure*, the leading immigration law treatise, published by Matthew Bender & Company, Inc. He also teaches immigration law and refugee law at Cornell Law School, and is of counsel at True, Walsh & Miller in Ithaca, NY, where he practices immigration law. He also co-writes a bi-monthly column on immigration law for the *New York Law Journal*, and chairs the American Immigration Lawyers Association (AILA)'s Investor Committee and the Business Immigration Advocacy Committee.