



Three-Part Telephone & E-mail Seminar:

## **Illuminating the Dark Ages: Disturbing Trends and Pleasing Solutions in Employment Based Immigration**

*Speakers: Angelo Paparelli, Batya Schwartz Ehrens, Henry Chang, James King, Lincoln Stone, Nicole Kersey, Nathan Waxman*

**Available Online**

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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.*

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### **Seminar Outline**

#### **FIRST Phone Session on May 26: Helping Cap-Exempt and Perm-Exempt High Achievers**

Worldwide economic growth and outsourcing have redefined the most attractive destinations for the world's most desirable immigrants. However, these individuals also hold the keys to economic recovery and innovation in the US. In this session we will discuss strategies for "self-sponsored" employment-based immigrant petitions for talented achievers who have risen to the top in their field, health care professionals, and others who will enrich our nation of immigrants and stimulate the economy. We will also address the most recent trends in non immigrant employment-based visas for the best and brightest.

- EB-1: Extraordinary Ability and Outstanding Professors/Researchers
- EB-2: Schedule A Group II and National Interest Waiver
- Dealing with USCIS RFEs and the I-140 EB 1-1 RFE Template
- Nonimmigrant Visa Update
  - Tackling the Interim Policy on H1B-Cap Exemption for Affiliates of Institutions of Higher Education
  - Clarifying O-1 Agent and Itinerary Issues for Artists
- Update on Consular Trends in Visa Approvals, Refusals and Returns for USCIS Employment-Based Petition Revocations
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#### **SECOND Phone Session on June 23: I-9, E-Verify and Compliance**

Mandatory E-Verify in designated states and within specific sectors such as federal contractors has adversely affected employers around the country. At the same time, ICE has mounted an aggressive campaign to audit employers' I-9 paperwork compliance nationwide. In this session, we will discuss how lawyers can help clients and gain more business by communicating the changes in employer compliance, trends in I-9 audits, and updates on E-Verify.

- Supreme Court Update: Is the Arizona statute imposing sanctions on employers who hire undocumented workers preempted? (Chamber of Commerce of the United States v. Whiting)
- I-9 compliance and E-verify update
- Best practices in proactive compliance
- Developing and implementing Standard Operating Procedures for new Social Security no-match notices
- Scope of constructive knowledge and duty to investigate
- Interfacing with unions in I-9 voluntary audits and government investigations
- Mergers and acquisitions I-9 issues
- Minimizing risk in use of vendors and consultants
- Representing clients in I-9 audits
- The role of the immigration attorney and I-9 housekeeping for clients
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#### **THIRD Phone Session on July 7: Visa Strategies for Entrepreneurs and Investors**

Money makes the world go 'round, including on planet DHS. EB-5s and other investor visas offer unique options for individuals as a means of obtaining permanent (green card) or temporary (non immigrant visa) entry to the US. In this session, we will highlight some of the strategic concerns which foreign nationals and attorneys should understand as they explore investing in the US, either in an existing business, or as an entrepreneur starting a new business.

- Understanding the EB-5 program
- Problems and solutions for individual investors and regional centers
- The role of the immigration attorney as an advisor
- "H-E-L-L-O!" Problems and solutions using other nonimmigrant work categories as an EB-5 alternative



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### **ABOUT THE SPEAKERS**

**Angelo Paparelli** (Co Discussion Leader) is a partner of Seyfarth Shaw LLP. Mr. Paparelli, with a bicoastal practice in Southern California and New York City, is known for providing creative solutions to complex and straightforward immigration law problems, especially involving mergers and acquisitions, labor certifications and the H-1B visa category. His practice areas include legislative advocacy; employer compliance audits and investigations; U.S. and foreign work visas and permanent residence for executives, managers, scientists, scholars, investors, professionals, students and visitors; immigration messaging and speech-writing; corporate policy formulation; and immigration litigation before administrative agencies and the federal courts. He is frequently quoted in leading national publications on immigration law. He is also President of the Alliance of Business Immigration Lawyers, a 30-firm global consortium of leading immigration practitioners. Paparelli's blog and a comprehensive list of his many immigration law articles can be found at [www.entertheusa.com](http://www.entertheusa.com). He is an alumnus of the University of Michigan where he earned his B.A., and of Wayne State University Law School where he earned his J.D. Paparelli is admitted to the state bars of California, Michigan and New York.

**Batya Schwartz Ehrens** (Co Discussion Leader) is an immigration attorney with the Wolfsdorf Immigration Law Group practicing in New York City, specializing in employment-based immigration. She advises large and small corporations on visa strategies and immigration compliance. She also represents investors, executives, physicians, and artists seeking green cards and visas. Ms. Schwartz Ehrens has written articles and spoken before immigration attorneys as well as corporations on a wide range of specialized topics including employment-based immigration options, E-Verify, and I-9 Compliance. In 2009, she co-edited *The Immigration Compliance Book*, a reference book on all aspects of work site enforcement and E-Verify. Ms. Schwartz Ehrens is active in American Immigration Lawyers Association (AILA) as the New York Chapter New Members Division (NMD) co-chair, the AILA National NMD Steering Committee, and the New York Corporate Practice and Advocacy committees. She is also the New York Ambassador of the American Immigration Council and serves on the Board of Directors of the Hebrew Immigrant Aid Society. Ms. Schwartz Ehrens received a Bachelor's degree in International Relations from Emory University (1999), and both a Juris Doctorate (2003) and MBA (2004) from The American University. She is proficient in Spanish, Hebrew and Japanese.

**Henry Chang** is a partner in the firm's Immigration Law group. Mr. Chang obtained his Juris Doctor from Osgoode Hall Law School in 1990. He is a member of both the State Bar of California and the Law Society of Upper Canada. Mr. Chang is also licensed as a Foreign Legal Consultant by the Law Society of Upper Canada, which is a requirement for all Ontario lawyers who provide advice on the law of a foreign jurisdiction. A recognized authority in the field of United States and Canadian immigration law, Henry lectures extensively on the subject in both the United States and Canada. His articles have appeared in numerous nationally-and internationally-recognized publications. A partial list of recent publications and speaking engagements appears below. Henry also mentors other lawyers in the practice of immigration law in the United States and Canada.

**James King** is co-chair of Seyfarth Shaw's Immigration Practice Group and leads the Seyfarth Workforce Authorization Team (SWATeam). He represents U.S. and international firms in procuring temporary and permanent work permits and visas, both inbound and outbound, for their owners, investors, specialist personnel, and professional staff. Mr. King routinely counsels clients in matters related to I-9 compliance, E-Verify, and social security mismatch letters, and he assists clients in the development of comprehensive workforce authorization compliance programs.

**Lincoln Stone** is recognized by the State Bar of California Board of Legal Specialization as a Certified Specialist in Immigration and Nationality Law. Following studies in law at the University of Notre Dame and a federal court clerkship with U.S. Judge Robert A. Grant, Mr. Stone started his career in immigration law in 1987 with the U.S. Immigration and Naturalization Service. In the earliest of Mr. Stone's 20 years of private practice, his experience included immigration law as well as business transactions and litigation.

Mr. Stone contributes to the volunteer professional work of various groups. He has served as Chair of AILA's National Committee on Pro Bono Services, and as Chair of the Immigration and Nationality Law Advisory Commission of the State Bar of California Board of Legal Specialization. Both AILA and the Esperanza Immigrant Rights Project of Catholic Charities have recognized Mr. Stone with awards for his commitment to delivery of pro bono legal services to the indigent.

**Nicole Kersey** is an associate in the Atlanta office where she assists in the practice of all aspects of immigration and nationality law, including the processing of E, H-1B, H-2B, L, O, and TN nonimmigrant petitions. Ms. Kersey also assists clients in obtaining lawful permanent residence in the U.S. through applications for labor certification, petitions for outstanding researchers and aliens of extraordinary ability, and through international manager petitions. She has experience with applications for political asylum and family-based nonimmigrant and immigrant petitions. Ms. Kersey is a member of the Seyfarth Workforce Authorization Team (SWA Team) and has extensive training in the workforce authorization compliance area. She provides advice relating to I-9 compliance, corporate best practices during the hiring process, and emerging Federal, state, and local workforce authorization laws and regulations. Ms. Kersey is conversationally fluent in the Spanish language.

**Nathan Waxman** has practiced business and professional immigration law exclusively since the 1980s. He has written more than 20 peer-reviewed articles and book chapters on aspects of immigration law. Nathan has been a leader in National Interest Waiver (NIW) analysis and advocacy since the 1990s. He has written extensively on the National Interest Waiver since 1996, and wrote their commentary and critique on the New York State Department of Transportation (NYSDOT) precedent decision. He has successfully represented businesses ranging from Fortune 500 corporations to universities to nonprofit foundations, family-owned businesses, and self-employed musicians, artists, physicians and alternative medicine practitioners. He has lectured at AILA national conferences since the 1990s, with particular regard to NIW, H1B, and AC21. He has also lectured on US immigration topics at international conferences in Canada, India, The Netherlands, and Mexico.



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Audio of May 26       Audio of June 23       July 7      2.00pm to 3.00pm ET (11.00am to 12.00pm PT)

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