



Three-Part Telephone Seminar: I-9 & E-Verify for Experts

Speakers: Cynthia Lange (Discussion Leader), Dan Brown, Ira Burkemper, Larry Finder, Carl Hampe, Sarah Kelling, Kathy Lotspeich, Patrick Shen, and Jennifer Sultan.

Registration Deadline: January 20th, 2015

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SEMINAR OUTLINE

First Phone Session on Wednesday, November 26th from 2 p.m. to 3 p.m. (Eastern Time): Recent Developments with E-Verify's Monitoring and Compliance Branch

- What are the purpose and role of the E-Verify Monitoring and Compliance (M&C) Branch?
- What are some of the recent E-Verify M&C activities?
- What should you do if your client is contacted by M&C?
- What are desk reviews and is participation really voluntary?
- What takes place during an M&C site visit and how are they triggered?
- What standards does USCIS apply in determining whether to refer case for possible discriminatory pattern?
- What types of referrals has M&C been making recently when it suspects misuse, abuse, and/or fraud in the E-Verify Program?

Second Phone Session on Thursday, December 11th from 2 p.m. to 3 p.m. (Eastern Time): Hot Topics in OSC Investigations

- What are the rights does INA Section 274B protect?
- What actions does OSC consider to be "discriminatory"?
- How does OSC initiate an investigation?
- What rights to employers have?
- What are the common pitfalls employers must avoid?
- What are the common defenses employers can assert?

Third Phone Session on Thursday, January 22th from 2 p.m. to 3 p.m. (Eastern Time): ICE Enforcement and Criminal Prosecution - What Every Employer Needs to Know

- As ICE continues its random and targeted audits, how can employers expect to come under ICE Scrutiny?
- What can employers expect from an ICE visit and what strategies can be used to resolve matters with ICE?
- Will employers who sign up for E-Verify experience less disruption in an ICE audit?
- Will enrollment in E-Verify create any additional ICE exposure?
- Cooperating with the government - how far to go?
- Latest trends on ICE investigating employers for vendor or contingent labor compliance on company premises.

ABOUT THE SPEAKERS

Cynthia Lange (Discussion Leader), leads the firm's High Tech practice in the heart of Silicon Valley. As the Managing Partner of the firm's Northern California practice, she directs the strategic representation of companies ranging from large fortune 500 companies to small start-up companies in the firm's "e-group." She has worked with numerous companies to set up and manage worldwide immigration compliance programs. She also offers legal advice to individual investors (i.e. EB-5). Cynthia is a long time Adjunct Professor at Southwestern University School of Law where she has taught since 1988. She also frequently lectures on corporate immigration and, as a thought leader in the industry, she has written numerous articles on business immigration law matters. Cynthia is also the Managing Partner in charge of the firm's I-9 Service Center, which offers state of the art electronic I-9 tools and advisory services for proper I-9 and E-Verify completion. She is experienced in government investigations, audits and establishing compliance programs for companies. Cynthia has served as a member of Fragomen's Executive Committee. Cynthia joined Fragomen over 23 years ago, after beginning her career at the U.S. Department of Justice as an INS trial



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attorney.

Dan Brown is a Partner in in Fragomen's Washington, DC office, and is part of the firm's Government Strategies and Compliance Group. His experience includes counseling corporate clients on business immigration, compliance and enforcement matters, with a focus on I-9 and E-Verify issues. Prior to entering private practice, Daniel held a number of senior positions within the Department of Homeland Security (DHS). From May 2005 to August 2006, he served as Counselor to the Assistant Secretary and then Director of the Office of Policy and Planning at U.S. Immigration and Customs Enforcement (ICE), the component of DHS responsible for immigration and I-9 enforcement. Prior to that, he served in the DHS General Counsel's Office as the Deputy Associate General Counsel for Immigration, and was the most senior career legal official in the General Counsel's Office focused on immigration issues. Daniel began his career as a trial attorney with the former INS in New York City, and also held several positions in the INS General Counsel's Office.

Ira Burkemper is an associate at Fragomen's Santa Clara, CA office. He practices exclusively in the field of business immigration law, providing domestic and multinational entities with strategic counseling on all matters of U.S. immigration and nationality law, regulation, policy and compliance. His work on behalf of clients includes advising on the immigration consequences of mergers and acquisitions and other corporate restructurings, I-9 and H-1B/LCA compliance including audit representation, and overall immigration program management. Ira's industry experience includes medical device, arts & entertainment, manufacturing, high technology, chemical, automotive, industrial, e-business, financial services, and construction.

Larry Finder has extensive experience in government investigations, corporate compliance counseling, federal grand jury, trial practice, internal investigations and business crimes. He became US Attorney for the Southern District of Texas in February 1993. Recently, he was honored by the Federal Bar Association in recognition of his appointment by the United States Court of Appeals for the Fifth Circuit to investigate and prosecute a US Justice Department complaint filed against a sitting US district judge from New Orleans. He prosecuted the case before the Judicial Council of the Fifth Circuit in New Orleans, and the trial record was subsequently referred to the US House of Representatives for impeachment consideration. The House impeached the judge, followed by a trial in the US Senate. The judge was unanimously convicted and removed from office on 8 December 2010. Mr. Finder's reputation as one of the top attorneys in his field has been bolstered by his oft-cited studies on deferred prosecution agreements and nonprosecution agreements. He has also been recognized as one of the top FCPA lawyers working outside of Washington, DC by prestigious insider news organizations, including Main Justice. In 2011, he was selected as a Top Gun in the Ethisphere Institute's Attorneys Who Matter for his work at "the top of the ethics and compliance world." Mr. Finder is committed to public service outside of his law practice. He was recently selected to chair the Harris County Public Defender Board of Directors, and was also selected for a three-year appointment (from 2009 to 2014) to the Practitioners Advisory Group (PAG), a standing advisory group of the United States Sentencing Commission. He currently holds appointments on the board of managers for the Harris County Hospital District (he previously served from 1995-2003, and chaired from 1999-2003) and the Harris County Public Defender Board (Chairman). He has also served on the board of trustees for Crime Stoppers Houston (2007 to 2009), and on the board of trustees and executive committee for The Council on Alcohol and Drugs Houston (from 2004 to 2006).

Carl Hampe is a Partner in Fragomen's Washington, D.C. office, where he focuses on immigration compliance counseling and enforcement defense, legislative and regulatory representation on key immigration policy issues, federal court litigation of civil immigration disputes, and management of complex immigration cases—including alien investor visa programs, agency allegations of petitioner fraud, and serious allegations of inadmissibility. A veteran of major law firms, Carl regularly teams with lawyers specializing in white-collar investigations, civil litigation, corporate transactions, and global tax minimization to achieve client goals. Carl has been at the forefront of immigration reform and agency policy since 1983. He began his career as counsel to the Senate Subcommittee on Immigration and Refugee Affairs, and helped draft and negotiate both the Immigration Reform and Control Act of 1986 and the Immigration Act



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of 1990. In private practice, Carl worked to amend the 1996 Illegal Immigration Reform and Immigrant Responsibility Act to narrow the strict liability elements of the Special Counsel's statute, and to create electronic employment verification options for industries targeted for immigration enforcement. Carl has remained active in advocating for immigrant and employer rights as legislation and enforcement schemes have changed over the years. He also has extensive knowledge and experience related to preventing and responding to ICE enforcement actions.

Sarah Kelling joined Fragomen's Santa Clara office in 2006. Her practice focuses on advising clients on the series of complex transactions that expose companies to risk and liability in their compliance programs. In this capacity, Sarah manages Fragomen's I-9 Service Center, a group dedicated to providing electronic Form I-9 and E-Verify compliance services as well as advising clients to anticipate and adapt to changes in corporate compliance law. Prior to focusing on compliance matters, Sarah was responsible for immigrant and nonimmigrant visa petition processing for large multinational organizations.

Katherine Lotspeich is the Deputy Chief for the Enterprise Services Directorate's Verification Division at U.S. Citizenship and Immigration Services (USCIS) where she oversees the E-Verify and SAVE programs. Also at USCIS, she was a Senior Outreach Specialist for the Office of Citizenship and worked on the redesign of the citizenship test. Prior to joining USCIS, Ms. Lotspeich was a Research Associate at the Urban Institute's Immigration Studies Program where she researched immigrant integration policies. She was also at the Center on Budget and Policy Priorities conducting research on immigrants and public benefits. Other previous work experiences include managing an academic exchange program for Russian students, working for the United States Information Agency in Washington, DC and the American Councils for International Education in Russia. Ms. Lotspeich holds a B.A. in international relations from George Washington University and a M.A. in policy studies from Johns Hopkins University.

Patrick Shen is a partner in Fragomen's Government Strategies and Corporate Compliance Group. In this capacity, he works with U.S. and multinational clients to maintain compliant immigration programs. Prior to rejoining Fragomen, Patrick was appointed by the President and confirmed unanimously by the United States Senate as Special Counsel for Immigration-related Unfair Employment Practices in the U.S. Department of Justice's Civil Rights Division. He also served as Policy and Planning Director of U.S. Immigration and Customs Enforcement in the Department of Homeland Security, and Chief Immigration Counsel of the Senate Judiciary Committee. Earlier in his career, Patrick spent several years as an immigration litigator for the Justice Department, having served as Assistant District Counsel of the former Immigration and Naturalization Service (INS) and a trial lawyer in the United States Attorney's Office in Brooklyn, NY and the Justice Department in Washington, DC, representing INS and other agencies in federal courts. He also had a stint in private practice as Director of Government Relations for Fragomen prior to his presidential appointment. Patrick is an adjunct professor at American University's Washington College of Law, and is a volunteer emergency medical technician with his local fire department in Maryland. He was a sports reporter in Taiwan before returning to the United States to attend law school.

Jennifer Sultan is Acting Special Policy Counsel in the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) in the Civil Rights Division of the U.S. Department of Justice. During her time at OSC, Ms. Sultan has favorably resolved numerous charges of discrimination and has educated many workers, worker advocates and employers about their rights and responsibilities under the anti-discrimination provision of the INA. Ms. Sultan has worked on collaborative interagency initiatives, including serving as OSC's liaison with USCIS on E-Verify and I-9 matters. Prior to working at OSC, Ms. Sultan was a litigation associate in a New York law firm. Ms. Sultan is a member of the District of Columbia Bar Association and the New York State Bar Association.



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