



Three-Part Telephone & E-mail Seminar:

“Immigration For The Spirit, Body, And Soul: Entertainers/Artists/Athletes, Chefs/Cooks, Religious Workers”

Speakers: with Gregory Siskind, Rodney Barker, Jacqueline Baronian,
Jonathan Ginsburg, Nancy-Jo Merritt, Jay C. Ruby and Frieda Wong

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Disclaimer: participation in this seminar does not create an attorney-client relationship with the speakers.

Seminar Outline

Each call features an hour of analysis, strategy and practice tips by Gregory Siskind, Rodney Barker, Jacqueline Baronian, Jonathan Ginsburg, Nancy-Jo Merritt, Jay C. Ruby and Frieda Wong followed by 30 minutes of questions and answers from participants.

FIRST Phone Session on August 27: Entertainers, Artists and Athletes

1. The Non-Immigrant Categories

- O-1 Individuals of Extraordinary Ability: • Meeting the evidence tests to show one is "extraordinary" • Dealing with peer group consultations • Special standards for motion picture and television productions • Dual intent issues
- P Visas for Performing Athletes and Entertainers: • When to file a P-1 case instead of an O-1 • Special rules for circus performers • Dual intent and consultation issues • P-2 visas for performers using exchange programs • P-3 visas for culturally unique performer
- Q-1 visas for Cultural Exchange Visitors
- Other potential NIV categories for artists and entertainers

1. Immigrant Visas

- EB-1 Extraordinary Ability in the Arts and Athletics
- EB-2 National Interest Cases
- EB-2 Schedule A, Group II Cases for Exceptional Ability Applicants
- Other potential IV categories for artists and entertainers

SECOND Phone Session on September 15: Hospitality Workers

1. Non-Immigrant Options for Chefs, Cooks and other hospitality workers

- B-1 visas for domestic employees
- E-2 visas for owners, executives, managers and specialized employees of foreign-owned hotels and restaurants
- H-1B visas for management level chefs and hospitality management employees
- H-2B visas for temporary and seasonal employees
- J-1 trainees
- L-1 intracompany transfers
- O-1s for outstanding chefs and distinguished managers
- TN visas for hotel managers
- H-3 trainees

2. Green Card Options for Chefs, Cooks and other hospitality workers

- EB-1 Multinational Managers
- EB-1 Extraordinary Ability chefs and manager
- Labor Certifications for "foreign specialty" cooks and chef and hospitality management employees

THIRD Phone Session on October 9: Religious workers

1. R-1 Nonimmigrant Religious Workers:

- Key requirements • What is a religious denomination? • What types of religious workers qualify? • The 501(c)(3) requirement • Experience requirements • The application process • Dual intent issues • Pay requirements

2. EB-4 Immigrant Visas for Religious Workers:

- Key requirements • How does the EB-4 category differ from the R-1 visa? • Can volunteers qualify? • What types of religious workers qualify? • How can a church show it has the ability to pay? • The application process • Sunset provisions

3. Other possible strategies

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About the Speakers

Gregory Siskind is the founding partner of Siskind Susser and has been practicing immigration law since 1990. Since he started Siskind Susser in 1994, he has become one of the best-known immigration lawyers in the country. After graduating magna cum laude from Vanderbilt University, Gregory Siskind went on to receive his law degree from the University of Chicago. For the past several years, he has been an active member of the American Immigration Lawyers Association. He currently serves as chairman of the Physicians Committee. Greg is a member of the American Bar Association where he serves on the LPM Publishing Board as Chairman and on the Council of the Law Practice Management Section. He is also a member of the Tennessee Bar Association, the Nashville Bar Association and the Memphis Bar Association. And he serves on the Board of Directors of the Hebrew Immigrant Aid Society and on the executive board of the Jewish Family Service agency in Memphis, Tennessee. He recently was named one of the Top 40 executives under age 40 in Memphis, Tennessee by the Memphis Business Journal and as the best immigration lawyer in Nashville, Tennessee by Nashville Post Magazine. Greg regularly writes on the subject of immigration law. He has written several hundred articles on the subject and is also the author of the book *The J Visa Guidebook*, published by Lexis-Nexis, one of the nation's leading legal publishers. He is also a technology columnist for *Immigration Law Today* published by the American Immigration Lawyers Association.

Rodney Barker is a principal of Barker, Epstein & Loscocco with extensive experience in all aspects of US immigration law, including both administrative and court practice. He received his law degree from Trinity Hall, Cambridge University, England in 1958. Mr. Barker was admitted as solicitor of the Supreme Court of England and Wales in 1959 and as an attorney in the Commonwealth of Massachusetts in 1977. He is a member of the AILA committees for the non-immigrant religious visas and immigrant religious visas. In 1992, Mr. Barker was chair of the New England chapter of AILA. He is currently working with US representative Barney Frank (4th District, Massachusetts) to promote and draft legislation to provide 1000 permanent residence visas for displaced Tibetans, and legislation to extend the sunset on certain immigrant religious visas to 2008. Mr. Barker has authored numerous articles on religious workers and immigration. He is adjunct professor (US immigration law) at Suffolk University Law School in Boston, Massachusetts.

Jacqueline Baronian is a solo practitioner who has been practicing immigration law for over 11 years, specializing in complex family and business immigration cases. She is a past chair of the AILA NY Chapter and a former member of the AILA Board of Governors. She has substantial experience representing religious workers both before the USCIS and U.S. consulates. She currently serves on the AILA religious worker task force and regularly lectures for various immigration organizations.

Jonathan Ginsburg is a principal of Fettmann Tolchin & Majors PC, in Fairfax, VA. He received his law degree from Stanford University in 1976, and now practices immigration law full-time, specializing in business-related immigrant and nonimmigrant benefits. In 1991, Mr. Ginsburg served as counsel to the arts and entertainment coalition formed in response to problems threatened by IMMACT90, and eventually was a drafter of the O and P provisions contained in MTINA, provisions that remain in effect. Mr. Ginsburg drafted the performing arts comments to the regulations and remains actively involved in O and P issues. He has written or edited articles on the subject for AILA's *Immigration & Nationality Law Handbook* and other publications, served as a panelist or moderator in the O, P and extraordinary ability areas both for AILA and other organizations, and currently chairs AILA's State Department Liaison Committee.

Nancy-Jo Merritt focuses her practice in immigration law and has over two decades of experience representing domestic and international companies with issues concerning foreign national employees and business immigration matters. She provides strategic counseling to clients and assists employers in developing compliance programs. Ms. Merritt has successfully challenged the federal government's interpretation of immigration law in a number of matters. She won the first award of fees in the United States from an Immigration Judge under the Equal Access to Justice Act. Ms. Merritt's extensive immigration experience includes current knowledge of procedural developments at the Bureau of Citizenship and Immigration Services and the Bureau of Immigration and Customs Enforcement (both formerly within the INS) to help business clients comply with stringent federal verification responsibilities.

Jay C. Ruby has extensive experience in employment-based immigration matters. He has provided immigration counsel and services to U.S. and multi-national corporations in many industry sectors including computer/information technology, hospitality/resorts, offshore oil and gas, shipbuilding, ocean transportation, electric utility, health care, university/research institutions. Mr. Ruby has assisted individuals and corporations in procuring investment-based employment visas. He has particular expertise in representing manufacturing, hospitality and shipbuilding/construction clients seeking to obtain visas for multiple temporary/seasonal laborers. He serves on the American Immigration Lawyers Association's (AILA) Essential Worker (Laborers) Taskforce. Mr. Ruby has lectured on immigration topics before trade associations, industry groups and employers.

Frieda Wong was born in Hong Kong. She holds a B.A. degree in Accounting from the University of Wisconsin - Madison and a J.D. from Northeastern University School of Law. She was admitted to the California bar in 1999. Prior to joining Wolfsdorf Associates as an associate in 1999, she was an intern at a leading immigration firm in Boston. Ms. Wong practices immigration and nationality law exclusively. She is fluent in Cantonese.