



Three-Part Telephone & E-mail Seminar:

PERM For Experts

Speakers: Shannon Barnes, Beth Cohn-Mintz, Alex Dgebuadze, Sharon Mehlman, Michael Piston, Monica Sherman, J. Tony Smith, and Rohit Turkhud

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SEMINAR OUTLINE

FIRST Phone Session on January 17 - Coping with Alternate Job Requirements

- DOL vs. USCIS: Balancing DOL's definition of "Substantial Equivalence" against USCIS's 2000 Yates Memorandum on EB-2 Equivalency
- Advanced Prevailing Wage Issues
 - Listing primary and alternate requirements on the ETA 9141 vs. NPWHD's indication that alternate requirements will not be considered in prevailing wage issuance
 - Is there a risk to the employer in the event the primary requirements yield a lower prevailing wage rate than would alternate requirements?
- Advanced Issues with drafting ETA 9089 and Recruitment with Alternate Requirements
 - Should Kellogg language be included?

SECOND Phone Session on February 14 - Strategy Development for Prevailing Wage, Unique Work Site, and Travel Issues

- Advanced Prevailing Wage Issues – Private wage surveys, Alternate wage surveys, Multiple work-site locations, Responding to RFI's, Options to challenge determinations
- Alternative Work Site Issues - Telecommuters, Roving employees (national and regional), Multiple set locations
- Travel Requirements - What constitutes a travel requirement? How do travel requirements impact wage leveling? How should travel requirements be listed in recruitment and on the ETA 9089?

THIRD Phone Session on March 7 - Audits and Supervised Recruitment

- Current Trends in Audits and Supervised Recruitment
- Overview of Supervised Recruitment and Managing Client Expectations
- Obstacles in SR process – Complications with Ad Sources, Mandated e-Communications and Procedural Changes implemented by DOL, Successor in Interest issues, Impact of Promotions
- Coping with Denials: Filing Motion/Appeals, New PERM applications, and Related Risk Factors
- Consequences of Withdrawal

ABOUT THE SPEAKERS

[Shannon N. Barnes](#) (Discussion Leader) is an Associate with Fragomen's San Diego office. Shannon is one of the lead attorneys responsible for managing a variety of employment based immigration matters for a portfolio of corporate clients, with special focus on PERM labor certification. Shannon's experience within the labor certification context has involved strategic case development pursuant to the basic process and special handling regulatory provisions. Shannon's post-filing expertise has extended to various successful motions and appeals with both DOL and BALCA. Additionally, Shannon has authored and co-authored a number of articles regarding PERM practice and she has served as a contributing editor to a well-known practice guide, [AILA's Guide to PERM Labor Certification: Strategies, Samples, and Guidance for Achieving Success](#) (Dec. 2011).

[Beth Cohn-Mintz](#) is an associate in Morgan Lewis's Labor and Employment Practice. Ms. Cohn-Mintz focuses her practice on business immigration law, which includes representing multinational and Fortune 500 companies, as well as individual clients, in all aspects of immigration law, including nonimmigrant and immigrant matters regarding individuals of extraordinary and exceptional ability, multinational executives and managers, and other professionals. Ms. Cohn-Mintz has assisted numerous pro



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bono clients with asylum applications and has also served as a mentor to other volunteer attorneys and their clients in the asylum process. She has also worked extensively with women in abusive relationships and served on the board of directors of a large women's shelter in San Francisco. Prior to joining Morgan Lewis, Ms. Cohn-Mintz worked for a prominent immigration law firm in San Francisco, where she advised multinational companies regarding all immigrant visa matters. Prior to that, she worked for a Palo Alto-based immigration law firm, where she assisted major research institutions, startup and high technology companies, as well as individuals and families. Additionally, Ms. Cohn-Mintz worked for the San Francisco office of U.S. Citizenship and Immigration Services, conducting interviews and investigating individuals requesting asylum in the U.S. Ms. Cohn-Mintz earned her J.D. from Stanford Law School in 1995 and her B.A. in political science from the University of California, Los Angeles in 1988. Ms. Cohn-Mintz is admitted to practice in California.

[Alex Dgebuadze](#) is a founding partner of Sostrin Immigration Lawyers, LLP. Before launching Sostrin Immigration Lawyers, LLP, he established and oversaw labor certification programs at several boutique immigration law firms and a major commercial litigation firm. Mr. Dgebuadze utilizes a comprehensive approach to temporary and permanent visas and has earned an outstanding reputation for his work with U.S. employers and individuals. He counsels corporate clients on international transfer strategies for key managerial and technical personnel, and he continues to focus on developing and implementing effective PERM labor certification programs as well as immigration solutions for corporate restructuring and personnel changes. Mr. Dgebuadze's expertise extends to H-1B "cap" planning, LCA compliance, I-9 compliance, and USCIS and DOL challenges, audits and investigations. He also assists employers and individuals with permanent visas for extraordinary and outstanding ability individuals, "special handling" labor certifications, and permanent residence portability. Given the growing complexity of business immigration law issues, Mr. Dgebuadze is frequently sought for advice and representation on difficult challenges and appeals for USCIS and DOL cases.

[Sharon Mehlman](#) is an AV rated attorney, whose practice includes a broad range of business immigration matters for corporate entities. Her practice focuses on corporate immigration matters for the high-tech, biotech, computer gaming, multimedia and telecommunications industries including recruitment and retention of foreign nationals, implementation of strategies for the overall immigration process, and I-9 audits and training. Sharon became interested in employment based immigration while working in a brain research institute prior to becoming an attorney. She enjoys the challenge of practicing in an area of the law that is constantly changing. She is also committed to working with the government to make the overall immigration process easier and more efficient for all users, and to making immigration attorneys better advocates for their clients. She has been a very active member of the liaison committees for the national immigration bar for many years. In that capacity, she has met frequently with USCIS executives and staff to discuss legal and procedural issues, the state of the current immigration system, and to make suggestions for improvement. Sharon also works with immigration attorneys nationwide on best practice issues. She is a frequent lecturer, locally and nationally, on employment based immigration topics including USCIS and Service Center issues, H petitions, PERM labor certifications and I-9 issues.

[Monica Sherman](#) is an Associate Attorney with Fragomen's San Diego office, where she assists a portfolio of corporate clients with the filing of PERM applications, employment based nonimmigrant and immigrant visa petitions, adjustment of status applications, and outstanding researcher and extraordinary ability petitions. Monica's PERM expertise focuses on Audit and Supervised Recruitment matters. She has assisted with the development of inter-office and firm-wide training and has been invited to speak at the San Diego Country Bar Association, Immigration Law Section on these issues. Prior to joining Fragomen, Monica was an Associate Attorney at a San Diego immigration law practice, where she handled a wide range of immigration matters including cancellation of removal, asylum, appeals to the Board of Immigration Appeals and Ninth Circuit Court of Appeals, nonimmigrant and immigrant visa petitions, and naturalization applications.

[Michael Piston](#) is the senior partner in Piston & Carpenter PC in Troy, Michigan. He has practiced immigration law exclusively for over 20 years, and has spoken at numerous American Immigration Lawyers Association (AILA) and ILW.COM conferences and workshops as well as writing articles for AILA Annual Conferences Handbooks and ILW PERM Handbooks. With four attorneys practicing exclusively in the field of immigration and nationality law, the Piston Group provides its clients with focused and in-depth representation in business immigration matters. The firm was founded in 1985 by Michael E. Piston, since that time, the firm has processed over 5,000 applications for U.S. permanent residence based upon employment and over 10,000 immigrant employment visas.



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[J. Tony Smith](#) is a co-founder of Tafapolsky and Smith and the Managing Partner of the firm's Los Angeles office. Mr. Smith's practice focuses on the representation of multinational and start-up companies in employment-based nonimmigrant and immigrant matters before the USCIS, Department of Labor and Department of State. Most of his time is spent providing strategic counseling to multinational employers regarding employment-based immigration process, policy and compliance issues, including mergers and acquisitions, reductions in force, corporate restructuring, outsourcing and other corporate changes. Mr. Smith also counsels immigration clients regarding employer sanction and government audit matters, drawing on his broad in complex commercial litigation and appellate experience before federal and state courts. Mr. Smith draws on more than 20 years experience representing multinational businesses, financial institutions and technology companies. Prior to forming Tafapolsky and Smith, Mr. Smith was an attorney at Mansueto and Sakai LLP in Los Angeles, where he represented clients in business immigration and commercial litigation matters. Before relocating to California, Mr. Smith practiced with the main office of Chicago-based Keck, Mahin and Cate from 1988 to 1992.

[Rohit Turkhud](#) is a partner at Nallaseth & Turkhud, PLLC specializing in the practice of the US Immigration and Nationality Laws since 1985. He is a graduate from the University of Pennsylvania's Law School, the Government Law College in Mumbai, India, and the Sydenham College, Mumbai, India. In addition to enjoying the benefits of a law partnership, Rohit worked for over 7 years in senior executive positions at IT companies and headed their legal and international recruiting divisions. He has authored a frequent immigration law column for India Today's North American edition. He is a member of the New York State Bar; the New York County Lawyer's Association; and the American Immigration Lawyers Association (AILA). Currently, he serves on AILA, New York Chapter's Department of Labor Liaison, and the Corporate Practice Committees. On alternate Thursdays, Rohit hosts a prime time live immigration show on a cable network channel.



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