



2018 AILA PERM CONFERENCE AND WEBCAST

PERM: Flexible Approaches in a Rigid System

Over a decade has passed since PERM was introduced, yet practitioners still fear the unforgiving nature of this lengthy and cumbersome system. Through information-sharing within the immigration law community, however, attorneys have discovered that, far from being an unyielding, impenetrable fortress, there are many ways to draft a PERM application, and these widely varied techniques have generated favorable results. In this one-day conference and webcast, our expert panelists will draw from their years of collective experience to give an overview of the current state-of-play, advise on best practices, and provide guidance aimed at helping attorneys master the PERM process.

Viewing Options On Friday, December 7, 2018, faculty members will present a full day of live sessions. These sessions can be attended in-person at the AILA National Office (space is limited), or via webcast from the convenience of home or the office. Either way, the program is live and interactive! All participants will be given a link to the conference recording, so any sessions missed (particularly helpful for our West Coast participants given the time difference) or in need of review can be revisited back at the office.

DECEMBER 7, 2018
AILA NATIONAL OFFICE & WEBCAST
1331 G STREET NW
WASHINGTON, DC 20005

Day Coordinator: Lynn Marie Lee, Springfield, VA

10:00 am–10:05 am **WELCOME AND GREETINGS**
Ceridwen Johanna Koski, Conference Program Chair, Denver, CO

10:05 am–11:05 am **A CONVERSATION WITH DOL**
The U.S. Department of Labor's (DOL's) Office of Foreign Labor Certification (OFLC) oversees the labor certification application PERM process. The panelists will discuss the latest trends and developments within OFLC.

- Administrative Updates
- Trending PERM Issues
- What Does the Future Hold?

Faculty:

*Sarah K. Peterson, AILA Board of Governors/DOL Liaison Committee Chair,
Conference Program Committee, Minneapolis, MN*

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

Vincent W. Lau, AILA DOL Liaison Committee Vice Chair, Conference Program Committee, Boston, MA

*William Thompson, Administrator, Office of Division of Foreign Labor Certification, DOL, Washington, DC

*Albert "Al" Herrera, Deputy Administrator, Office of Foreign Labor Certification, DOL, Washington, DC

*William "Bill" Rabung, Director, Division of Operations, Office of Foreign Labor Certification, ETA, DOL, Washington, DC

11:10 am–12:10 pm

TOP THINGS I WISH I KNEW WHEN I STARTED: HINDSIGHT IS 90/89

A good attorney anticipates problems in advance and addresses them before they become an issue. Considering the technical demands of PERM practice, sometimes it is easy to get caught in the moment and forget to look towards the future. The panelists will address some of the common pitfalls that can blindside practitioners. Learn from the "mistakes" of experts, and get closer to 20/20, or, rather 90/89, vision.

- Verifying Past Credentials, Present Position, and Future Changes
- Avoiding the "Bars" to Filing: Ownership, Family Relationship, Funding/Payment
- Ensuring Sufficient Ability-to-Pay
- Confirming Actual Place of Employment
- Maneuvering the Logistics, Including Registering with DOL

Faculty:

Ester Greenfield (DL), Seattle, WA

Tiffany Martinez, AILA NMD Steering Committee Vice Chair, San Francisco, CA

Susan M. MacLean, Chicago, IL

Troy D. Palmer, New York, NY

12:10 pm–12:25 pm

LUNCH (INCLUDED WITH REGISTRATION)

12:25 pm–1:25 pm

CAN ONE SIZE FIT ALL? BATCHING RECRUITMENT

Whether you are advising a client on how they can batch recruitment for the first time, or your large corporate client is seasoned at using this approach to PERM, the panelists will discuss how to successfully implement "group PERM."

- Client Communication: Setting-Up Group Cases
- Drafting Requirements and Job Descriptions, Identification of Sponsored Workers
- Recruitment Methods for Grouped Cases
- Timing: Recruitment Rounds, Prevailing Wage, and Slotting Workers
- Back-End Batching
- The Impact of Reductions in Force (RIFs) on Batched Cases

Faculty:

Janora L. Hawkins (DL), Atlanta, GA

Dustin J. O'Quinn, Seattle, WA

Amy L. Peck, Omaha, NE

1:30 pm–2:30 pm

DOES ANYONE STILL WORK AT THE OFFICE ANYMORE? FILING PERMS FOR A MOBILE WORKFORCE

In 2005, when the PERM regulations were adopted, fewer than half of homes in the United States had Internet access, the vast majority of people worked in an

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office setting, and roving workers were primarily sales and consulting occupations. Today, the workforce is infinitely more flexible, fluid, and mobile. More than 80 percent of homes now have internet access, flexible working and living arrangements are the norm, and travel or relocation is increasingly common across a variety of occupations. The panelists will discuss the state of PERM practice in the age of the mobile workforce, analyzing and interpreting current regulations and recent Board of Alien Labor Certification Appeals (BALCA) decisions with legal acumen and a healthy dose of common sense.

- Defining Relocation, Travel, Roving, Living Requirements, and Benefits
- Telecommuting and Other Mobility Benefits
- Does the Farmer Memorandum Still Carry Any Weight?
- Key BALCA Decisions Related to Mobile Workers
- How to Avoid Overstating and Understating Mobility Requirements
- Formulating the Mobile Worker Requirements: Travel Frequency, Location, and Duration Conditions
- Reasonable Commuting Distances: Where Do You Draw the Line?

Faculty:

Timothy G. Payne (DL), Conference Program Committee, Chicago, IL

Jonelle Ocloo, Columbia, MD

Vanessa Olivar, Washington, DC

2:30 pm–2:45 pm

NETWORKING BREAK

2:45 pm–3:45 pm

THE REGULATORY CONFINES OF WHAT IS CONSIDERED NORMAL FOR AN OCCUPATION: SVP/OOH/O*NET/SOC

*Specific Vocational Preparation (SVP) is a critical, though likely the least understood, component of the PERM process. The panelists will explain the interplay between SVP and job zone, and how O*NET classification plays into the prevailing wage process.*

- SVP/Job Zone in the PERM Regulations
- What Is “Normal” Under SVP or Job Zones?
- The Difference Between SVP Years and SVP Level
- What If the National Prevailing Wage Center Assigns an O*NET Classification That Does Not Make Sense?
- 2018 Update on Standard Occupational Classification (SOC), Occupational Outlook Handbook (OOH)
- Levelling Under the 2009 Wage Guidance

Faculty:

Catherine L. Haight (DL), Conference Program Committee, Los Angeles, CA

William A. Stock, AILA Past President/Investment Committee Chair, Philadelphia, PA

Sarah K. Peterson, AILA Board of Governors/DOL Liaison Committee Chair, Conference Program Committee, Minneapolis, MN

Sujata P. Ajmera, Austin, TX

3:50 pm–4:50 pm

BALCA: USING CURRENT DECISIONS AS A GPS FOR BEST PRACTICES

Analyzing recent BALCA decisions can be very useful in providing a roadmap for PERM drafting and recruitment. The panelists will discuss emerging issues at BALCA and provide practice tips regarding BALCA appeals.

- Motions to Remand, Expedite, and Request En Banc Review
- When Alternative Requirements Must Be Included in Recruitment

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- Vetting of U.S. Workers
- Roving Employees vs. Travel
- Other Recent BALCA Decisions of Note

Faculty:

Deborah J. Notkin (DL), AILA Past President, Conference Program Committee, New York, NY

Kevin W. Miner, AILA Board of Governors, Atlanta, GA

**Paul R. Almanza, Associate Chief Judge, Board of Alien Labor Certification Appeals, DOL, Washington, DC*

4:50 pm–5:00 pm

NETWORKING BREAK

5:00 pm–6:00 pm

WHAT DOES THE FUTURE HOLD? I-140/H-1B SYNCHING

Now more than ever, data and information-sharing among government agencies requires attorneys to be accurate, detail-oriented, and consistent for all immigration filings. Our panel of experts will provide practical examples and sound strategies for keeping information consistent for cases spanning several years and ordinary career advancement.

- Does Filing an ETA 9089 Trigger Immigrant Intent?
- PERM Can Be Forward-Looking: Viewing the PERM as a “Job Offer,” and Why That Is So Important
- If You Have a Prevailing Wage Determination for a PERM, Are You Required to Use It for H-1B Extensions?
- Trends in Degree Equivalencies and Drafting PERM Applications
- Occupation Codes: PERM/I-140 and H-1B
- Thinking Ahead to the I-485 J

Faculty:

Maggie M. Murphy (DL), Austin, TX

Eleanor Pelta, AILA Past President, Washington, DC

Bennett Savitz, AILA USCIS HQ (Benefits Policy) Liaison Committee Chair, Boston, MA

Jeffrey M. Zimskind, Allentown, PA

CONFERENCE PROGRAM COMMITTEE

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JJ Area, AILA Education Programs Manager, Washington, DC

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