

# TABLE OF CONTENTS

## *IMMIGRATION OPTIONS FOR ACADEMICS AND RESEARCHERS, 2ND ED.*

Foreword by Senator Patrick Leahy.....	ix
Preface by Scott M. Borene .....	xi
About the Editors .....	xiii
Subject Matter Index.....	383

### **What Immigration Lawyers Need to Know When Working with Academics**

<b>Professor Yes — Immigration Options for Professors and Researchers</b> .....	1
by Scott M. Borene	
<b>Seven Things College Counsel Must Know About Immigration Law</b> .....	11
Updated by Dan H. Berger, James DiStefano, Elizabeth Goss, Donna Kepley, Ilana Smith, and Rita Sostrin	
<b>Effective, Efficient Intakes</b> .....	27
by Megan Kludt and Corinna Lopez	
<b>Attracting the Best and the Brightest: A Critique of the Current U.S. Immigration System</b> .....	33
by Chris Gafner and Stephen Yale-Loehr	
<b>Representing Clients Who Perform Fundamental Research</b> .....	67
by Kathleen Grzegorek	

### **Nonimmigrant Visa Options for Professors and Researchers**

<b>J-1 Exchange Visitors for Academic and Research Activities</b> .....	73
by Kathy Steiner-Lang, edited by Robin Catmur	
<b>About INA §212(e)—A Surprisingly Complex Subject</b> .....	91
by Atessa Chehrazi	
<b>SEVIS and Nonimmigrant Status</b> .....	95
by David J. Fosnocht	
<b>The Role of the ECFMG® in U.S. Graduate Medical Education and J-1 Visa Sponsorship</b> .....	107
by Eleanor Fitzpatrick and Tracy Wallowicz	
<b>The Lesser of Two Evils: J-1 vs. H-1B for the Professor or Researcher</b> .....	123
by David A.M. Ware	
<b>Take It to the Limit! Advanced Issues in H-1B Processing for Academics and Researchers</b> .....	137
by Gabriella Manolache	

<b>How Do You Solve a Problem Like ACWIA? Prevailing Wage Conundrums for Academics and Researchers</b> .....	147
by Jennifer A. Minear, David E. Gluckman, and Jonathan L. Moore	
<b>The Cock Crows: Denial of Affiliation for H-1B Cap Exemptions</b> .....	161
by Robert D. Aronson	
<b>O-1: Going from Oy Vey to Okay!</b> .....	171
by Suzanne B. Seltzer	
<b>Alternative Nonimmigrant Visa Options for Academics and Researchers</b> .....	179
by Greg Siskind and Elissa J. Taub	
<b>Bordering on Insanity: Entry Issues for Foreign Academics</b> .....	189
by Madeline Fain Ellis and Leslie A. Holman, updated by and Danielle M. Rizzo	
<b>Guiding Students and Scholars Through the Treacherous World of Consular Processing</b> .....	199
by Joseph Best and Amanda Shipley	
<b>The Intersection of Export Compliance and Immigration Regulations at Research Universities and National Laboratories</b> .....	209
by Marjory Gooding and Daniel B. Smith	

### Permanent Residence Options

<b>EB-1-2 Outstanding Researcher Cases: Issues and Trends</b> .....	215
Updated by Dan H. Berger and Emily K. Ferron	
<b>Do Not Make a Fortress Out of the Dictionary: The USCIS Is Not an Outstanding Researcher</b> .....	227
by Naomi Schorr	
<b>The Kazarian Two-Step</b> .....	247
by Rita Sostrin	
<b>The National Interest Waiver Category Revisited</b> .....	257
by Jeff Goldman	
<b>Schedule A, Group II: Immigrant Visa Standards and Practice Tips</b> .....	261
by Rita Sostrin and Alexander Dgebuadze	
<b>Special Recruitment Procedures: New Developments</b> .....	271
by Alexander Dgebuadze and William P. McKinney	
<b>Labor Certification in the College and University Setting: A PERM Practice Advisory</b> .....	281
by Susan Ellison and Scott Cooper	
<b>Understanding the <i>Other</i> Category in the Employment-Based Second Preference: Exceptional Ability</b> .....	285
by Jeannette Mirabal	

<b>Brilliantly Simple or Simply Brilliant: Choosing Between Outstanding Professor and Special Handling</b> .....	293
by David A.M. Ware	
<b>Handling Immigration Matters for Higher Education Institutions</b> .....	297
by Steve Springer	
<b>Foreign College and University Teachers: Special Recruitment Is Meant for You!</b> .....	303
by Jane W. Goldblum and Maria Fritzingler	

### **Ethical and Related Legal Issues**

<b>Issues to Consider in Reviewing I-9 Procedures and Compliance: What You Don't Know Can Hurt You</b> .....	335
by Sharon Mehlman and Kimberley Best Robidoux	
<b>Ethical Considerations from the Employer's Perspective</b> .....	351
by Lisa E. Claypool and Hamel Vyas	
<b>Employment Law Basics for University Counsel</b> .....	361
by Amy L. Peck and Rachel S. Roy	
<b>Why, How, and When Should Immigration-Related Tax Issues Impact a Foreign National's Work for an Institution of Higher Education</b> .....	373
by Clayton E. Cartwright, Jr.	

### *Appendix*

<b>Practice Pointer and Case Study: Nonprofit Affiliation with an Institution of Higher Education to Establish H-1B Cap Exemption. What a Difference a Comma Makes, and What to Do When USCIS Gets It Wrong</b> .....	379
by Scott D. Pollock and Elizabeth Rompf Bruen	