

## Critical Issues On The Agenda

9:00 a.m. - 9:30 a.m.

### I. Immigration Overview

— *Lenni B. Benson*

- A. Non-Immigrant Visas, Immigrant Visas And Citizenship
- B. The Legal Authorities And Government Agencies
- C. Processing And Adjudications

9:30 a.m. - 10:45 a.m.

### II. Business, Training And Employment Visas

— *Lenni B. Benson, Alice B. Stock, Program Chair and Allan Wernick*

- A. B-1 Visas – Is It Business Or Employment?
- B. F-1/J-1 Visas – Maintenance Of Status And Employment Options
- C. The SEVIS System
- D. H-1B Visas – Prevailing Wage Issues, The Specialty Occupation, Changing Employers And The Visa Cap
- E. E Visas – Treaty Traders And Treaty Investors
- F. L-1 Visas – Intracompany Transferees
- G. O-1 Visas – Extraordinary Ability Workers
- H. NAFTA And The TN Workers
- I. Work Authorization For Spouses

10:45 a.m. - 11:00 a.m.

### Break

11:00 a.m. - 11:45 a.m.

### III. Employer Obligations In Hiring: I-9 Compliance And The Anti-Discrimination Laws

— *Elise S. Berman and Alice B. Stock, Program Chair*

- A. I-9 Completion
- B. Discrimination Issues
- C. Job Applications, Pre-Employment Inquiries And Pre-Employment Testing
- D. Social Security Number Issues

11:45 a.m. - 12:30 p.m.

### IV. Avoiding Unfair Immigration-Related Employment Practices

— *Robin M. Stutman*

- A. The Law
- B. Compliance Tips And How To Avoid Problems
- C. The Complaint Process
- D. Penalties

12:30 p.m. - 1:30 p.m.

### Lunch (On Your Own)

1:30 p.m. - 2:15 p.m.

### V. Hot Topics: Recent Legal Developments

— *Elizabeth A. Alcorn, Daniel S. Braverman and Alice B. Stock, Program Chair*

- A. Recent Developments In Immigration And Workplace Law

2:15 p.m. - 2:55 p.m.

### VI. Cross-Border Travel: Canadian Immigration Law Issues

— *Sergio R. Karas*

- A. Visas And Employment Authorization Requirements
- B. Border Issues

2:55 p.m. - 3:10 p.m.

### Break

3:10 p.m. - 4:00 p.m.

### VII. Ethics Issues For In-House And Outside Counsel

— *Davin P. Cellura, Charles H. Kaplan and Sergio R. Karas*

- A. Ethical Issues In Handling Immigration And Employment Cases

4:00 p.m. - 4:30 p.m.

### VIII. Reducing Legal Risks In The Workplace

— *Charles H. Kaplan*

- A. Investigating Workplace Misconduct
- B. Disciplining Employees
- C. Termination Issues

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## The Benefits For You

Immigration has rapidly become one of the most complex areas of law. Recently, the Immigration and Naturalization Service was divided into three distinct agencies within the Department of Homeland Security. This new amalgamation of agencies has engendered its own problems. Immigration impacts every university, every company, every hospital and every institution. The foundation of our economy is based on immigration.

This seminar will provide a wonderful overview of immigration and an understanding of the issues that impact the business community and foreign nationals. We will delve into some of the dilemmas confronted by the Department of Homeland Security and provide instruction on what steps can be taken to improve immigration and employment processing.

### Seminar highlights:

- Business, training and employment visas
- Employer obligations in hiring: I-9 compliance and the anti-discrimination laws
- Hot topics: recent legal developments
- Cross-border travel: Canadian immigration law issues
- Ethics issues for in-house and outside counsel

## Written Materials/CD Audio Recordings

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## Continuing Education Credit

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The American Payroll Association may accept this course for recertification credit hours towards the FPC and CPP recertifications.

This course has been approved in accordance with the requirements of the New York Continuing Legal Education Board for a maximum of 7.0 credit hours, of which 6.0 credit hours may be applied toward the Areas of Professional Practice requirement and 1.0 credit hour may be applied toward the Ethics and Professionalism requirement. Each hour may be counted only as satisfying one category of credit; duplicate credit for the same hour of instruction is not permitted. This course qualifies for both established and newly admitted attorneys. Lorman Business Center, Inc. has a financial hardship guideline.

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This seminar meets the requirements of the Certifying Board for Legal Assistants of the National Association of Legal Assistants, for continuing legal assistant education credit required to maintain the CLA (Certified Legal Assistant) credential for 0.60 credits.

This program has been approved by the National Federation of Paralegal Associations for 6.00 hours of NFPA continuing education credit including 1.00 hour of ethics.

## Our Distinguished Faculty

**Alice B. Stock, Program Chair**, is a partner in the Labor and Employment Law Department and chair of the Immigration Practice of Thelen Reid & Priest LLP. She represents management in business immigration law, labor and employment law and employment litigation. She represents domestic and international companies, as well as individuals in obtaining non-immigrant and immigrant visas and citizenship for executives, managers, professionals, artists, athletes and other individuals with specific skills; and counsels and represents employers concerning I-9 compliance and investigations. Additionally, she counsels and litigates on matters arising under the ADA, ADEA, Title VII, ERISA, COBRA, WARN, FLSA, NLRA, LMRA, FMLA, state and local discrimination, wage and hour laws, and wrongful discharge. She also handles matters involving employment discrimination, sexual harassment, equal employment opportunity and affirmative action, as well as employment-at-will, wrongful discharge and workplace torts. Ms. Stock also has experience in labor relations, union organizing, collective bargaining, labor arbitrations, unfair labor practices, strikes and picketing, boycotts and labor injunctions. Ms. Stock is a graduate of Harvard Law School and earned her undergraduate degree at Yale University. She is a frequent author and speaker on immigration and employment law issues for, among others, the American Immigration Lawyers Association, the New York State Bar Association, the Associate of the Bar of the City of New York and the American Corporate Counsel Association.

**Elizabeth A. Alcorn**, a partner in the Labor and Employment Law Department of Thelen Reid & Priest LLP, represents employers throughout the United States in virtually all aspects of labor and employment law and employment litigation, including matters involving employment discrimination, employment contracts, wrongful discharge, workplace defamation and employee benefits. She counsels employers concerning union avoidance, representation and unfair labor practice proceedings, collective bargaining, grievances, secondary boycotts, strikes and picketing; and counsels management concerning labor and personnel issues in mergers and acquisitions, workforce reductions, mass layoff, plant closing and bankruptcy. Ms. Alcorn also advises employers on issues concerning human resources policies, including sexual harassment, occupational safety and health, and compliance with federal, state and local labor and employment laws and regulations. Ms. Alcorn earned her law degree at the University of Pennsylvania and received her undergraduate degree from Brown University.

**Charles H. Kaplan**, a partner in the Labor and Employment Law Department of Thelen Reid & Priest LLP, represents management throughout the United States and abroad in virtually all aspects of labor and employment law, employee benefits law and related litigation, including employment discrimination, sexual harassment, equal employment opportunity and affirmative action, employment-at-will, wrongful discharge, workplace torts, mediations and employment arbitration. Additionally, he also has extensive experience in labor relations, union organizing, collective bargaining, labor arbitrations, unfair labor practices, strikes and picketing, boycotts and labor injunctions. He also counsels employers on matters involving human resources administration, including personnel policies, employee handbooks, wage and hour laws, disability issues, family and medical leave, employee theft, drug testing, privacy issues and other workplace law matters. Mr. Kaplan earned both his law degree and master's degree in business at Harvard University. He received his undergraduate degree from Yale University. He was on the New York Lieutenant Governor's Task Force on Plant Closings and is a past president of the New York City Chapter of the Industrial Relations Research Association.

**Lenni B. Benson** is currently a professor of law at New York Law School. She also serves as the co-director of the NYLS Justice Action Center, an academic and research center that focuses on civil rights and social justice. She teaches three courses concerning U.S. immigration and nationality law, as well as federal civil procedure and administrative law. In 1999, the American Immigration Lawyers Association presented her with the Elmer Fried Award for Excellence in the teaching of immigration law. Prior to joining the faculty of New York Law School, she was a partner in the international law firm, Bryan Cave, where she represented individuals, corporations, entrepreneurs and asylum applicants in immigration matters. She has been a frequent lecturer on immigration issues at both academic and practice-related conferences. For several years, she served as the editor of *Immigration Law and Defense*, a treatise on immigration law. Ms. Benson has also authored over 17 practice-related articles. A recent article analyzed the administrative structural failures of the current legal immigration system. See "Breaking Bureaucratic Borders: A Necessary Step to Immigration Law Reform," *54 Administrative Law Review* 203 (2002). She was born in Superior, Arizona (giving us her *jus soli* U.S. citizenship), raised on a citrus farm and educated at Arizona State University, where she earned her B.S. degree, *cum laude*, in political science and her J.D. degree, *cum laude*. She is currently on the board of two national immigrant rights foundations and organizations.

**Elise S. Berman** is an associate in the Labor and Employment Law Department of Thelen Reid & Priest LLP. She handles a wide variety of immigration and labor and employment matters for domestic and international companies. Ms. Berman earned her B.A. degree from Clark University, her M.A. degree in linguistics from New York University and her J.D. degree from the Benjamin N. Cardozo School of Law. She is admitted to the bars of New York and the U.S. District Courts for the Southern and Eastern Districts of New York, and is a member of several professional associations, including the American Immigration Lawyers Association and the Labor and Employment Section of the American Bar Association.

**Daniel S. Braverman** is an associate in the Labor and Employment Law Department of Thelen Reid & Priest LLP. He represents private and public sector employers throughout the United States in virtually all aspects of labor and employment law. Mr. Braverman earned his B.A. degree from the State University of New York at Binghamton and his J.D. degree, *cum laude*, from Seton Hall University School of Law. He is admitted to the bars of New York and New Jersey; the U.S. District Courts for the Southern, Eastern, Western and Northern Districts of New York, the District of New Jersey and the District of Connecticut; and the U.S. Court of Appeals for the Second and Third Circuit. Mr. Braverman is also a member of several professional organizations.

*Faculty Continued...*

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## General Information

New York, NY • May 26, 2005

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## Our Distinguished Faculty, continued

**Davin P. Cellura** is an associate in the Labor and Employment Law Department of Thelen Reid & Priest LLP. He represents private and public sector employers throughout the United States in virtually all aspects of labor and employment law. Mr. Cellura earned his B.A. degree from Binghamton University, State University of New York and his J.D. degree from Seton Hall University, School of Law. He is a member of the New York Bar; the New Jersey Bar; the bars of the U.S. District Courts for the Southern, Eastern, Western and Northern Districts of New York, the District of New Jersey and the District of Connecticut; and several professional organizations.

**Sergio R. Karas** is a Canadian barrister and solicitor, and a certified specialist in Canadian citizenship and immigration law by the Law Society of Upper Canada. Mr. Karas is an honors graduate in political science from York University and obtained his law degree from Osgoode Hall Law School. He speaks fluent English, French and Spanish, and has a working knowledge of Italian, Portuguese and German. He is secretary of the Ontario Citizenship and Immigration Section of the Canadian Bar Association (CBA), and vice-chair of the Immigration and Nationality Committee, International Bar Association (IBA). He is listed in *Who is Who in Corporate Immigration Law* and in other publications as a leading immigration legal practitioner. Mr. Karas has been instrumental in effecting changes to Canadian immigration visa policies through his involvement in U.S.-Canada relations and border immigration and security issues. Mr. Karas' law firm, Karas & Associates, headquartered in Toronto, Canada, is dedicated to the successful settlement of qualified immigrants and to assisting corporations to implement successful migration strategies.

**Robin M. Stutman** is presently special litigation counsel in the Office of Special Counsel for Immigration-Related Unfair Employment Practices, Civil Rights Division of the U.S. Department of Justice. The Office of Special Counsel enforces the anti-discrimination provisions of the Immigration and Nationality Act. Ms. Stutman attended the State University of New York at Stony Brook, where she received her B.A. degree in political science. She then attended the University of California at Los Angeles School of Law, where she received her J.D. degree. Ms. Stutman is a member of the District of Columbia Bar and the California State Bar.

**Allan Wernick** is a widely published author whose book, *U.S. Immigration and Citizenship - Your Complete Guide, Revised 3rd Edition*, is the leading popular guide on the topic of immigration law. His weekly column, "Immigration Advice," appears every Thursday in the *New York Daily News*. His weekly column, "Immigration and Citizenship," is syndicated by King Features Syndicate. Mr. Wernick is a professor at Hostos Community College, CUNY, where he teaches courses in immigration law to students pursuing degrees in paralegal studies and public administration. He is also a visiting professor in Chicana/o Studies at UCLA. Mr. Wernick currently serves as chair of the Citizenship and Naturalization Project of the City of New York (CUNY). He has served on the national board of directors of the American Immigration Lawyers Association (AILA), as chair of the Immigration Committee of the Association of the Bar of the City of New York and as president of the New York Chapter of AILA.

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# Business Immigration Law

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New York, NY  
May 26, 2005

Alice B. Stock, Program Chair

Elizabeth A. Alcorn

Charles H. Kaplan

Elise S. Berman

Daniel S. Braverman

Davin P. Cellura

*Thelen Reid & Priest LLP*

Lenni B. Benson

*Professor, New York Law School*

Sergio R. Karas

*Karas & Associates*

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