

OUTLINE OF TALK OF ALAN LEE, ATTORNEY AT LAW
ON 1/27/08 AT RUTGERS UNIVERSITY

I. H-1B discussion

- 1 Definition of specialized occupation
 - A The alien's qualifications
 - B The employer's qualifications
- 2 The cap issue
 - A The numbers available in 2008
 - B What filings are exempt from the cap?
 - C What to do if you miss the cap.
- 3 The filing process
 - A When the employer should file
 - B Use of private couriers
 - C The two day rule for April 1st
 - D What the employer should file
 - i The effect of missing forms
 - ii The effect of missing documents
 - iii The effect of missing signatures
 - E Why employers should not allow aliens to do H-1B applications by themselves
 - F Strategies of filing
 - G Common misperception of premium processing benefit
- 4 The Gap
 - A What is the gap?
 - B Why does it exist?
 - C Strategies for bridging the gap
- 5 Issues after your case is accepted but before October 1st
 - A Ability to travel
 - B Problems with the sponsoring employer.

II Employment based cases for permanent immigration

- 1 Processing times of U.S.C.I.S. and what they mean
- 2 The visa chart
- 3 Correlation between processing time and visa chart
- 4 PERM
 - A PERM, RIR, and TR labor certification applications explained
 - B Major requirement of labor certification application processing
 - C On-line vs. mail-in filing
 - D How long does PERM filing take to process?

- E Who pays for labor certification application?
 - F Filing for a professional and the extra steps required
 - G Mechanics of filing
 - H Common pitfalls
 - I The effect of the economy
 - J When to file
- 5 EB-12 (Outstanding Professor or Researcher)
- A EB-12 defined
 - B Qualifications for the category
 - i Non-temporary job offer
 - ii Three years experience
 - iii Organization with at least three full-time researchers and documented achievements in the field
 - iv Evidence to show outstanding qualifications of applicant
 - G Beyond the stated eligibility requirements
 - H Mechanics of filing
 - I When to file
- 6 NIW (National Interest Waiver)
- A NIW defined
 - B Qualifications for the category
 - i Advanced degree or exceptional
 - ii National interest
 - C Evolution to now of degree of difficulty
 - D Beyond the stated eligibility requirements
 - E Mechanics of filing
 - F When to file