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2024 AILA Fall CLE Conference and Webcast: PERM Track

Although the rules, policies, and regulations surrounding the PERM process remain the same, the U.S. Department of Labor (DOL) significantly updated the application in June 2023. As a result, PERM practitioners find themselves navigating a new array of uncertainties. The esteemed faculty of the AILA Fall Conference and Webcast PERM Track will provide the latest DOL updates, share recent PERM adjudication trends, and discuss how various aspects of the practice are impacted by the current economic and market conditions. Attending this advanced program will help attorneys and paralegals build upon their experience by listening to the strategic and practical advice of PERM experts, giving them added confidence as they traverse this new landscape.

The PERM track will be one of three tracks offered at the AILA Fall Conference and Webcast. A separate Removal/Family track as well as the AILA Technology and Innovation Summit track will be held simultaneously. In-person registrants will pre-select a track to attend onsite but will receive the recordings for all three tracks. Webcast attendees can move between tracks for live sessions and will also receive the recordings.

September 27, 2024
The Adolphus Hotel
Dallas, TX

Times listed on the program are Central Time (CT)
Note: All sessions and events are subject to change without notice.

Friday, September 27, 2024

- 7:30 am – 5:00 pm Registration and Exhibits
- 7:50 am – 8:00 am Welcome and Remarks
*Vincent W. Lau, AILA USCIS HQ (Benefits Policy) Liaison Committee
Vice Chair, Conference Program Committee Chair, Boston, MA*
- 8:00 am – 9:00 am PERM Hot Topics and DOL Updates: “Always on My Mind”
Immigration attorneys have now had over a year of experience working with the new Form ETA 9089. Panelists will address the most significant adjudication issues experienced thus far, and they will provide the latest updates on the current state of play.

(DL) = Discussion Leader
* = invited, not confirmed

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- Adjudications on FLAG-filed PERM applications
- Post-filing features
- Processing time updates and strategies
- Form and technical concerns

Faculty:

Bob White (DL), AILA DOL Liaison Committee Chair, Schaumburg, IL

*Sonal J. Mehta Verma, AILA DOL Liaison Committee Vice Chair,
Rockville, MD*

John Rotterman, PERM Director, Employment and Training

Administration, Office of Foreign Labor Certification, Chicago, IL

Brandt Carter, Deputy Director, Employment and Training

Administration, Office of Foreign Labor Certification, Atlanta, GA

9:00 am – 9:30 am Networking Break

9:30 am – 10:30 am Unpacking Recent BALCA Trends: “The Price of Regret”
As Board of Alien Labor Certification Appeals (BALCA) guru Harry Sheinfeld notes, most denials can be avoided by following his first nine rules: “Proofread your PERM application carefully!” But don’t forget Rule 10: “Make sure the position requirements are mirrored in the foreign worker’s credentials.” Beyond these crucial pieces of advice, panelists will examine some recent trends in BALCA adjudications and offer key takeaways.

- How precise does the geographic location of employment need to be?
- What is the employer’s burden when rejecting applicants? Is resume review alone sufficient?
- Can incomplete audit documentation be supplemented or overcome? When is missing information immaterial?

Faculty:

Sarah Bileti (DL), Conference Program Committee, Denver, CO

*Sarah Iyer, AILA Verification & Documentation Liaison Committee,
Chicago, IL*

**Erik C.J. Anderson, Reston, VA*

10:30 am – 11:00 am Networking Break

11:00 am – 12:00 pm Initial Consultation Issues: “Know When to Hold ‘Em, Know When to Fold ‘Em”
Our panelists will discuss various issues that could create roadblocks for first-time filers and smaller companies throughout the PERM process. Learn from experienced practitioners how to spot these issues before commencement and hear various strategies for overcoming these roadblocks.

- Timing in relation to nonimmigrant visa expiration
- Audit triggers
- Financial issues: ability-to-pay and economic concerns
- Family and closely held relationships

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- Inadmissibility issues and Deferred Action for Childhood Arrivals (DACA)/Temporary Protected Status

Faculty:

Matthew Kolodziej (DL), AILA DOS Liaison Committee, Conference Program Committee, New York, NY

Robin D. O'Donoghue, AILA DOL Liaison Committee, Cambridge, MA

Carly B. Hetland, Milwaukee, WI

12:00 pm – 1:00 pm Lunch Break

1:00 pm – 2:00 pm Setting Up Employers with a Practical PERM Program: “Workin’ 9 to 5, What a Way to Make a Livin’”!

PERM is not intuitive, and employers are often confused about the program. Exemplary PERM attorneys carefully guide employers through the maze of the labor certification process. Panelists will explore the essential aspects of building a successful PERM program with employers, ensuring organizational requirements are met while also maintaining full regulatory compliance.

- Understanding employer needs
- Timelines and tracking
- Strategic recruitment
- Company's immigration policy considerations

Faculty:

Krystal M. Alanis (DL), Conference Program Committee, Houston, TX

Jennifer L. Carr, San Francisco, CA

Bennett Savitz, Boston, MA

2:00 pm – 2:30 pm Networking Break

2:30 pm – 3:30 pm Employee Qualification Quandary: “Why Not Me”

The PERM process begins with careful evaluation of the minimum requirements for the position. It also necessitates a close look at the qualifications of the foreign national employee to ensure they qualify for the proffered position. Our panelists will provide guidance on how to navigate the quandaries practitioners face when attorneys must balance the desire of the employer to retain the foreign national employee and compliance with the requirements to recruit in good faith.

- Degree evaluations, verifying work experience, and future changes (including potential promotions)
- Understanding what can count towards the minimum requirements, including internships, experience gained on the job, and work as a contractor
- Evaluating ownership, family relationships, and live-in requirements
- Corporate acquisitions and options for onboarding a “new employee” who is currently in the PERM process

Faculty:

Faye M. Kolly (DL), Conference Program Committee, Austin, TX

Cora-Ann V. Pestaina, AILA DOL Liaison Committee, Paramus, NJ

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**Joanna Pezet, Colorado Spring,*

3:30 pm – 4:00 pm Networking Break

4:00 pm – 5:00 pm Navigating Equal Pay Transparency, Anti-Discrimination Laws, and Layoffs in PERM: “I Walk the Line”

Join our expert panelists for an in-depth exploration of the intricacies in PERM labor certification compliance within today's evolving legal landscape. Panelists will examine different strategies for navigating the challenges presented by state and local Equal Pay Transparency (EPT) laws, recent U.S. Department of Justice (DOJ) Immigrant and Employee Rights Section (IER) settlements on recruitment practices, and assuring compliance in an era of increasing layoffs. Our experts will provide insights, pragmatic advice, and best practices to ensure PERM applications are compliant with the latest developments.

- What are EPT laws, where do they matter, and how do they influence PERM job postings?
- How can attorneys avoid anti-discrimination pitfalls with PERM-specific recruitment practices?
- The effect of layoffs in the PERM process
- Strategies to ensure PERM recruitment complies with federal and state regulations

Faculty:

**Tiffany Martinez (DL), San Francisco, CA*

Marketa Lindt, AILA Past President/Verification & Documentation Liaison Committee, Chicago, IL

**Dan Maranci, Boston, MA*

5:00 pm Conference Concludes

5:30 pm – 6:30 pm Fall Conference Happy Hour

Join us for networking and drinks following the conference.

Program Committee

Vincent W. Lau, AILA USCIS HQ (Benefits Policy) Liaison Committee Vice Chair, Conference Program Committee Chair, Boston, MA

Vic Goel, USCIS HQ (Benefits Policy) Liaison Committee, Reston, VA

Faye M. Kolly, AILA Diversity, Equity, and Inclusion Committee, Austin, TX

Matthew Kolodziej, AILA DOS Liaison Committee, New York, NY

Krystal M. Alanis, Houston, TX

Sarah Bileti, Denver, CO

Jerome G. Grzeca, Milwaukee, WI

Tiffany Martinez, San Francisco, CA

Jeff Joseph, AILA President-Elect, Denver, CO

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JJ Area, AILA Education Program Manager, Washington, D.C.

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