

5 Mistakes Immigration Attorneys Should Avoid

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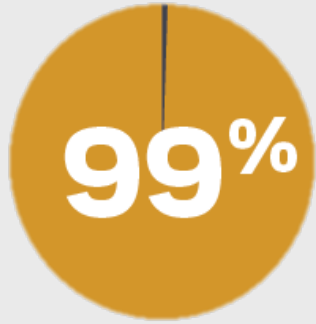
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Quick highlight

- September 24th and October 8th - mark seismic shift in immigration
- 24th was introduction of October bulletin (latest this admin)
- 8th was publication of DOL IFR on prevailing wages - significant short and long-term consequences; and publication of DHS rule on H-1Bs which takes effect on December 7, 2020
- New session on these/other updates Wed at 1pm CST



Our Value Proposition



**Over 99% Success
Rate**

Brown continues to succeed at over a 99% success rate every year



Maintain excellent relationship with

USCIS/DOS

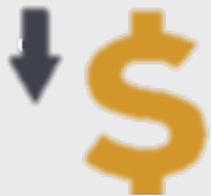
Focus exclusively on **Immigration**

Serve all U.S. time zones in a
central location



10 Attorneys, 27 staff – largest stand-alone boutique business immigration law firm in Midwest

Approach each case with a **bespoke strategy**



Provide a highly skilled legal team at a

lower cost by Midshoring



Utilize the **latest tech**
available to support you



Common Complaints we Hear

- Common issues people have with attorneys
 - doesn't communicate well/gives me one sentence answers/"can't he just say it in English";
 - not responsive enough;
 - is abrasive;
 - don't feel I'm getting the full picture/lack updates;
 - too expensive;
 - too many typos;
 - I didn't know it was possible...
- All real and important concerns, today we'll focus on the stuff you don't know unless you look/pay attention



Mistake #1 - Miss a time deadline

- Fail to timely file a case or pay attention to a filing deadline can be deadly
- Much of what we do is based on time - PERMs expire, H-1Bs expire, LCAs need to match request dates, ads must be current at time of filing PERM and wage rate is unexpired (with one exception)
- Missing a deadline may require you start all over, close out appeal options, or ultimately result in the denial of your case
- **Solution** - using a tickler system for case reminders, spreadsheets for case planning, weekly team meetings to advance cases, always be moving your cases forward



Mistake #2 - Failed Ad Campaign for PERM

- PERM filing - is a four-month process and likely 8-10 month commitment - mistakes cost time/money, priority date, and you still need to file the PERM again
- Common mistakes
 - requirements that are too stringent for employee;
 - failing to add travel requirements;
 - failing to mention telecommute or remote work option;
 - advertising in the wrong medium;
 - trying to create a catchall ad for every position;
- **Solution:** follow DOL's PERM FAQs related to proper advertising, clearly ensure EE meets job requirements



Mistake #3 - Failure to Consider USCIS Requirements

- Filing for any benefit requires the Petitioner prove the case
- While standards have shifted dramatically - our job is to see the shift and make the transition
- USCIS cares about - Wage level I, Specialty Occupation criteria, related degrees, ability to pay, third party placement, who the end employer is
- **Solution:** Identify difficult issues at outset and plan to minimize; if no time prep for possible RFE; ensure client knows what to expect with filing option provided



Mistake #4 - Disclosing Wages/Sensitive Data

- Wages are disclosed unwittingly every day by immigration attorneys without direct consent
- Attorneys routinely file LCAs, Prevailing Wage requests and PERMs - PERMs are still public information (LCAs are likely to be public again) - sometimes it is in the H-1 filing copy (personal/corporate)
- I-140s and other case filings require financial information - corporate information should be confidential
- **Solution** - use of wage ranges (100% non-union jobs); use of “confidential” markings, and separately saving documents/flagging them
 - Basic rule - less is more (only disclose what is necessary)



Mistake #5 - Failure to Protect Status

- Many competing interests these days - and significant pressure from administration on the system
- Cannot afford to make a mistake, and even if you don't make a mistake, know that significant consequences can follow
- Common mistakes can lead to RFEs and NOIDs - now is time to button down applications and not take things lightly (and ensure employer maintains compliance)
- Solution: when possible have a back up status or fall back position, minimize issues before they come up, adjust your filing approach to know that this is a possibility





Questions?

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