

Kelly M. Fortier

Partner
Sub-Practice Leader, Immigration

Overview

Kelly helps employers of all sizes meet their staffing needs by handling the immigration issues they face in hiring foreign nationals and moving employees around the globe.

Kelly handles compliance issues for corporations that transfer dozens of employees into and out of the United States each year, as well as small companies seeking to bring in a few key hires from abroad.

Kelly is highly valued by her clients for making the process of hiring foreign nationals easier and more predictable. She provides responsive and seamless service, coordinating, and managing the extensive immigration work for her clients' Human Resources and legal staffs, often using strategies like Blanket L petition filings, E-2 investor visas, and B-1 business visitor guidance to smooth the immigration process. She also provides her clients with guidance on immigration law compliance, including Form I-9, E-Verify, and Social Security Number issues.

Her work within the healthcare industry, especially with physician immigration filings, is unique. She has developed creative strategies for healthcare clients, including the use of concurrent cap-exempt H-1B employment to allow cap-subject physician groups to hire new H-1B employees. These approaches, combined with her experience in the area, allow her to deliver excellent results quickly and cost-effectively.

Kelly also handles cases that were previously denied by the government or mishandled by prior counsel. These "triage" cases require expedited handling and aggressive approaches to obtain approvals. By staying abreast of agency trends and formulating creative strategies, she has turned many of these cases around, allowing foreign-national employees to remain in the United States.

Kelly often speaks on Form I-9 and E-Verify compliance issues. She also provides low- cost training sessions with flat-fee options, Form I-9 audit services, and day-to-day counseling on these compliance matters.



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Industries

Agribusiness
Food & Beverage

Practices

Employment Policies, Practices &
Audits
Immigration
Labor & Employment Relations

In the general area of employment law, Kelly has experience handling employment discrimination complaints, including state and federal claims as well as employee non-compete agreements and employee privacy issues.

Experience

- Obtained approval for a PERM labor-certification application originally denied by the Department of Labor for what it considered a deficient PERM recruitment report. In winning the appeal before the Board of Alien Labor Certification (BALCA), she outlined why the recruitment report was sufficient and why the case was approvable as submitted.
- For a physicians group and hospital system, obtained Multiple Conrad 30 J-1 waiver approvals and H-1B status for physician specialists working in non-HPSA locations.
- For a packaging manufacturer, obtained L-1B approvals for a large group of machine operators assigned to affiliated U.S. plants to train U.S. workers on new equipment and manufacturing lines.
- For an IT provider, obtained multiple EB-2 PERM green card approvals based on a “dissimilar position” strategy, allowing use of employment experience gained with sponsoring employer.
- For a university, obtained EB-1 Outstanding Professor green card approval for young professor with limited teaching experience.
- For an energy transmission company, obtained EB-2 National Interest Waiver (NIW) green card approval for scientist developing products and processes to strengthen U.S. electric grid.
- For dairy products producer, obtained E-2 visa and L-1 petition approvals for managers and executives working intermittently in the U.S. for various company subsidiaries.
- In a pro bono case, obtained permanent residence (“green card”) approvals for mother and daughter based on Violence Against Women Act (VAWA).
- For a meat processor, provided customized employment authorization and Form I-9 training for Human Resources employees at multiple plant locations, developing a certification and testing program to ensure employee proficiency.

Honors & Recognitions

- “Lawyer of the Year” (Milwaukee area), Immigration Law, *The Best Lawyers in America*© 2017, 2021
- *The Best Lawyers in America*©, Immigration Law, 2015-present
- *The Midwest’s Best Lawyers*©, Immigration Law, 2021
- Leading Immigration Lawyer, *Chambers USA*, 2017, 2020
- Up & Coming, Labor & Employment: Immigration, *Chambers USA*, 2019
- Rising Stars, Immigration Category, *Law360*, 2017
- 40 Under 40, *Milwaukee Business Journal*, 2014
- Women in the Law, *Wisconsin Law Journal*, 2012
- “Leading Lawyers” list, Milwaukee’s *M Magazine*, 2012 and 2015

Professional Activities

- Member, American Bar Association
- Wisconsin Chapter Chair, American Immigration Lawyers Association, 2011-2012
- Board of Governors, American Immigration Lawyers Association, 2011-2012
- Member, FaB Wisconsin
- Yellow Belt Certified, Legal Lean Sigma

Education

- Loyola University Chicago School of Law, Juris Doctor (J.D.), *magna cum laude*, 2003; Executive Lead Articles Editor, *Loyola University Law Journal*
- University of Wisconsin-Madison, Bachelor of Arts (B.A.), 1998

Admissions

- Wisconsin
- United States District Court, Eastern District of Wisconsin

Community Involvement

- Trustee, Public Policy Forum
- Member, Professional Dimensions
- Member, TEMPO Milwaukee
- Member, Women's Affinity Alliance

Related News

PUBLICATION

October 8, 2020

New H-1B Regulations Tighten Requirements and Increase Prevailing Wages

NEWS

September 16, 2020

Michael Best Named Best Law Firm for Women by Working Mother

NEWS

August 20, 2020

Ninety-Two Michael Best Attorneys Earn Top Honors in The Best Lawyers in America 2021 List

EVENT

August 18, 2020

Immigration Considerations for Managing Foreign Employees During a Pandemic

PUBLICATION

June 24, 2020

President Suspends U.S. Entry of Certain Foreign Workers Through December 31, 2020

PUBLICATION

April 30, 2020

Version 10/21/2019 of Form I-9 Required Starting May 1, 2020

NEWS

April 23, 2020

Chambers USA Recognizes Nineteen Michael Best Partners in 2020 Rankings

PUBLICATION

March 23, 2020

Increased Flexibility in Form I-9 Completion During the COVID-19 Outbreak

PUBLICATION

March 17, 2020

COVID-19 Immigration Considerations for Employers

PUBLICATION

November 20, 2019

Second Round of Social Security “No-match” Letters Sent

PUBLICATION

October 3, 2019

ICE Begins Conducting Site Visits for STEM OPT Employees

NEWS

September 17, 2019

Michael Best Named a Top 100 Law Firm for Women by Women Inc. Magazine

PUBLICATION

July 24, 2019

Major Changes to EB-5 Investor Green Cards

NEWS

July 24, 2019

Wisconsin Law Journal

Diversity becomes a Best practice

NEWS

June 3, 2019

Journal Sentinel



Fortier quoted in Journal Sentinel article Wisconsin is losing people in their prime working years. Are more foreign workers the answer?

EVENT

May 21, 2019
31st Annual Labor & Employment Relations Law Seminar

NEWS

April 26, 2019
Chambers USA Recognizes Twenty-Four Michael Best Partners in 2019 Rankings

PUBLICATION

April 8, 2019
Social Security No-Match Letters Return

PUBLICATION

February 4, 2019
Time to Start Preparing H-1B “Cap” Petitions for Filing on April 1