



# THE PERM BOOK II

Editor: Joel Stewart

Contributors: Christian Allen, Jonathan Amdur, Davis Bae, Robert E. Banta, Susan L. Brady, Barbara Brandes, Lorna Rogers Burgess, J. Ira Burkemper, Ramon Carrion, Blake Chisam, Susan J. Cohen, Jeffrey Devore, Victoria Donoghue, Gary Endelman, Jane Goldblum, Paul Hejinian, Howard Kushner, Christina La Brie, David Lazaar, Katherine Lopez Ley, Edwin Litwin, Benjamin M. Lowe, Joan Matheu, Margaret McCormick, Cyrus D. Mehta, Lori S. Melton, Nancy Jo-Meritt, Sherry Neal, David B. Pakula, Michael E. Piston, Edwin Rubin, Linda Rose, Lawrence Rudnick, Rebecca L. Sigmund, Jay Solomon, Timothy Spridgeon, Richard Tasoff, Rohit Turkhud, Alison Walters, Nathan A. Waxman, Mitchell L. Wexler, Leon Wildes, Sofia Zneimer

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**Margaret McCormick** has practiced exclusively in the field of U.S. immigration law, particularly business immigration since 1978. She was the national President of the American Immigration Lawyers Association (1997-98) and served as President of the American Immigration Law Foundation (1999-2003). Since 1986, she has been an adjunct professor of immigration law at Loyola University School of Law. She serves on the Board of Directors for the Federal Bar Association (Chicago Chapter) and the national American Refugee Committee. She has testified in the U.S. Senate on problems with processing and has appeared as an immigration law expert in U.S. court proceedings. She has served on immigration and citizenship councils for the city of Chicago and has chaired many immigration law committees and programs. Ms. McCormick is included in the Bar Register of Preeminent Lawyers with a rating of AV by the Martindale-Hubbell Law Directory, has been listed in Woodward/White's Best Lawyers in America since 1992, is a member of the Leading Lawyers Network Advisory Board and was recently named a Super Lawyer in Illinois. She is a graduate of De Paul University Law School and Loyola University in Chicago (Mundelein College).



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**Cyrus D. Mehta** is the founder and managing attorney of Cyrus D. Mehta & Associates, PLLC (CDMA). He represents corporations and individuals from around the world in a various immigration matters. Based on 16 years of experience in immigration law, he is able to comprehend all kinds of problems and provide effective, ethical and strategic solutions to his clients. Mr. Mehta continues to be included in Chambers USA 2007, International Who's Who of Corporate Immigration Lawyers 2007 and receive an AV rating from Martindale Hubbell. He is also a fellow of the Academy of Business Immigration Lawyers (ABIL), who have been recognized internationally in the field of business immigration, and are committed to the highest standards of professionalism. Mr. Mehta was the Secretary and member of the Executive Committee of the New York City Bar Association (2003-2007). He is also the former Chair (2000-2003) of the Committee on Immigration and Nationality Law of the same Association. He was also a Trustee of the Association's City Bar Justice Center, which organize attorneys' pro bono activities in New York City (2001-2007). He has recently been appointed to the Board of Directors of Volunteers of Legal Services, Inc. Between 2004 and 2006, Mr. Mehta was the Chairman of the American Immigration Law Foundation (AILF).

**Lori S. Melton** has practiced exclusively in the area of immigration law since 1998. Most recently, she was a senior associate with Littler Global before joining Fragomen's Phoenix, AZ office in 2008. Lori has extensive experience in business immigration as well as family-based immigration and asylum law. She has represented Fortune 500 clients from the software, retail, semiconductor, telecommunications, financial, hospitality, education, and healthcare industries. Ms. Melton is a frequent author and speaker on a variety of immigration law topics with a focus on the PERM process.

**David H. Nachman** was born in New York and is a lifetime resident of New Jersey. Following his admission to practice, Mr. Nachman was employed for three years with one of New Jersey's largest law firms in Newark, New Jersey, in Corporate/Business Law Department. Here, Mr. Nachman assisted with general corporate compliance and commercial litigation. Mr. Nachman is a member of the Bar of Bergen County, the State of New Jersey, the United States Court of International Trade, and the United States Court of Appeals for the Third Circuit. Mr. Nachman serves as Secretary of the New Jersey Chapter of the American Immigration Lawyer's Association ("AILA"), and serves as an active member and a mentor to national AILA members on various topics. Mr. Nachman serves as an Adjunct Professor of Paralegal Studies at Farleigh Dickinson University and at Bergen Community College where he has been teaching Immigration and Nationality Law in the Paralegal Studies Program for a decade. He has presented CLE Programs for organizations such as NJICLE, CELESQ, Sterling Educational Services, Lorman Educational Services and to employers throughout NJ and Nationwide in connection with a Federal Grant awarded to Nachman & Associates, P.C. (in FY 2008) by DOJ, Office of Special Counsel for Unfair Immigration-related Employment Practices ("OSC").

**Sherry Neal**, a partner since 2004, has been an immigration attorney with Hammond Law Group since 1995. She handles all types of immigration cases, advising corporations and individuals on immigration law issues. She holds several leadership positions including Chair of the Ohio Chapter of the American Immigration Lawyers Association (AILA), member of the Board of Governors of AILA, and a member of the Healthcare Committee of AILA. She has written many articles on immigration law that has appeared in local, national and international books and magazines. She is a frequent speaker at conferences for legal bar associations, trade organizations and employment groups.

**David B. Pakula** is a solo practitioner in Pembroke Pines, Florida. Mr. Pakula received a B.A. degree from Columbia University in 1982, a J.D. from Nova University Law School in 1987 and an LL.M. from University of Miami School of Law in 1988. He has wide-ranging experience in the fields of immigration law and litigation. Board certified in appellate practice by the Florida Bar since 1997, Mr. Pakula is a seasoned appellate practitioner, having handled over 200 state court, federal court and administrative appeals. In the area of immigration law, he has handled removal and asylum cases, BIA and AAO



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appeals, and federal court review of administrative immigration decisions in several U.S. District Courts and U.S. Courts of Appeal throughout the United States. Mr. Pakula has authored articles on immigration law and litigation for Interpreter Releases, The Florida Bar Journal and Florida Defender, a publication of the Florida Association of Criminal Defense Lawyers. He is "AV" rated by Martindale-Hubbell and is the winner of the 2002 Amicus Award of the Florida Defense Lawyers Association.

**Michael E. Piston** has been practicing exclusively in the field of U.S. immigration law since 1986. His firm specializes in the representation of foreign professionals and their employers, particularly in the software and engineering consulting fields. Under Section 205 of the Act. 64 Paradoxically, the loyal employee who only leaves his petitioning employer after becoming a permanent resident might be in a worse litigation posture than his porting peer in light of Section 212(a)(5)(A)(iv). 65 10 year window if one adjusts under Section 245(i) of the Act. is the senior partner in Piston & Carpenter P.C. in Troy, Michigan. He has spoken at numerous AILA and Immigration Lawyers Weekly conferences and workshops.

**Linda Rose** has practiced exclusively immigration and nationality law for twenty years and is licensed in the states of Hawaii and Tennessee. She is listed in Martindale-Hubbell's Bar Register of Preeminent Lawyers and The International Who's Who of Business Lawyers. Ms. Rose earned her J.D. degree in 1986 from the University of Hawaii. She has a Master degree in Public Health, adding to her expertise in the health care professions, and in Anthropology, which makes her more attuned to cultural issues. Ms. Rose is an active member of the American Immigration Lawyers Association (AILA). She holds a nationally-elected seat as a Director of the AILA Board of Governors. She also is a member AILA's PERM Implementation Group, a "think tank" analyzing the Department of Labor's electronic labor certification program. She has chaired the AILA Department of Labor Liaison Committee, which represents immigration attorneys and their clients before the U.S. Department of Labor. Ms. Rose is a member of IMMLAW, the national consortium of select immigration attorneys. In addition, Ms. Rose is an Adjunct Professor at the Vanderbilt University Law School where she teaches Immigration Law and Policy. She lectures regularly to employers and attorneys and has written many articles on immigration law, including Prevailing Wages, PERM Labor Certification, H-1B Labor Condition Applications, and National Interest Waivers.

**Lawrence Rudnick** is a partner in the law firm of Steel, Rudnick & Ruben whose practice is limited exclusively to immigration and nationality law. Mr. Rudnick has over 25 years of experience practicing law with over 20 years exclusively in the practice of immigration law. Mr. Rudnick's practice emphasizes business immigration law, especially the international transfer of executive, managerial, professional and specialized knowledge employees. The emphasis is on prompt and efficient service. Mr. Rudnick has written numerous articles related to business immigration issues. He is an annual speaker at the National Conference of the American Immigration Lawyers Association.

**Rebecca L. Sigmund** is a partner and manager of Powell Goldstein LLP's immigration team. She advises companies on immigration alternatives for prospective employees as well as matters relating to employment eligibility and verification of workers. Ms. Sigmund speaks and writes regularly on immigration law topics for a variety of professional, business and civic groups and served as a past president of the Georgia Chapter, the Board of Governors and various national committees of the AILA. Ms. Sigmund also has an active pro bono practice representing immigrant survivors of domestic violence, trafficking and other violent crimes. She was the recipient of the 2006 S. Phillip Heiner Award presented by the Atlanta Volunteer Lawyers Foundation for community pro bono services as well as the recipient of the 2006-07 Powell Goldstein, LLP pro bono award. Ranked as a Georgia immigration notable practitioner in the 2007 Chambers USA rankings (Band 2), Ms. Sigmund is listed as one of Georgia's Super Lawyers.



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**Jay Solomon** is a founding member of IMMLAW, the National Consortium of preeminent immigration law firms with affiliate offices in 16 gateway cities throughout the United States. He has practiced immigration law for more than twenty years and is a former President of the Atlanta Chapter of the American Immigration Lawyer's Association. He is a frequent speaker on immigration matters, both to the public, and to the bar. He is the author of numerous articles in the field including *Priorities and Preferences: Keeping Place in the Immigrant Visa Line*, Federal Publications, 1992; *Immigrant Investors: A New Category*, Prentice Hall Law and Business, 1990; *Labor Certification, Strategies and Procedures*, Immigration & Nationality Law Handbook, American Immigration Lawyers Association 1992. Mr. Solomon is a 1973 graduate of the University of Texas where he received the Juris Doctor degree with honors and was elected to the legal honorary societies Phi Alpha Delta and the Order of the Coif. Mr. Solomon has received the highest rating accorded by Martindale-Hubbell Law Directory (AV) and has been selected for inclusion in the "Bar Register of Preeminent Lawyers," in the area of Immigration Law, by Martindale-Hubbell.

**Timothy Spridgeon** a frequent speaker on labor certification issues is a State of Florida Board Certified Immigration and Nationality Lawyer practicing in Clearwater, Florida. He has over 25 years experience in Immigration Law with a strong emphasis in labor certification, served as the 1990 Chair of the AILA Central Florida Chapter and the 1999 State Chairman of the Florida Immigration and Nationality Law Board Certification Committee, and has served on the Central Florida liaison committee with the Florida SESA and the Atlanta Region of DOL since 1995. The author wishes to specially recognize Matthew Bender's *Immigration Law and Procedure*, by Gordon Mailman and Yale-Loehr, for case citations used in this article.

**Richard Tasoff** graduated from the University Of Southern California School Of Law; Richard has practiced immigration law for over 20 years and is certified as an Immigration Law Specialist by the State Bar of California Board of Legal Specialization. Richard has worked extensively with HR managers, corporate lawyers, and business owners on the transferring of personnel by multinational companies, obtaining professional working visas and gaining employment-based immigrant status. "I enjoy working with business and professionals but I equally enjoy helping newlyweds and families through the immigration process." Richard works for Tasoff & Tasoff, P.C. founded in 1949, by Lloyd A. Tasoff and one of the oldest immigration law firms in California. Richard and his brother, Ron Tasoff, continue the immigration practice. Both attorneys have been rated AV by Martindale-Hubbell, and have been chosen as Southern California Super Lawyers (R) for 2004, and 2005.

**Rohit Turkhud** is a partner at Nallaseth & Turkhud, PLLC specializing in the practice of the US Immigration and Nationality Laws since 1985. He is a graduate from the University of Pennsylvania's Law School, the Government Law College in Mumbai, India, and the Sydenham College, Mumbai, India. In addition to enjoying the benefits of a law partnership, Rohit worked for over 7 years in senior executive positions at IT companies and headed their legal and international recruiting divisions. He has authored a frequent immigration law column for India Today's North American edition. He is a member of the New York State Bar; the New York County Lawyer's Association; and AILA. Currently, he serves on AILA, New York Chapter's Department of Labor Liaison, and the Corporate Practice Committees. On alternate Thursdays, Rohit hosts a prime time live immigration show on a cable network channel.

**Alison Walters** is formerly a senior paralegal with the Law Offices of Carl Shusterman where she held the position for over seven years. Ms. Walters specializes in labor certification applications as well as all aspects of employment-based immigrant and non-immigrant visa processing. She has over 15 years experience in the field. Ms. Walters has been a frequent contributor to Mr. Shusterman's Immigration newsletter as well as a panelist at the 2006 AILA Conference. Ms. Walters holds a Certificate in Management from the Open University, UK and a BSc. (Hons) Linguistic and International Studies



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(Russian and Swedish) from Surrey University, UK.

**Edwin R. Rubin's** practice for the past 34 years has focused on immigration and nationality law with special emphasis on corporate and employment based immigration matters. He served as National President of the American Immigration Lawyer's Association (AILA) in 1990-91 and has been a member of AILA's Board of Governors since 1982. He served as AILA Chapter Chair in both Philadelphia and New Jersey. Mr. Rubin was Vice President of the New Jersey Immigration Policy Network, Inc, 2002-2006 and is currently a Trustee. He was Senior Editor of and Contributing Author to, "Immigration & Nationality Law," AILA, (two volumes annually), 1985-1990. He was appointed by the U.S. Secretary of Labor to serve as one of the sixteen members of the Federal Advisory Committee on the Immigration Nursing Relief Act of 1989. He is recipient of the of 1993 AILA's Edith Lowenstein Memorial Award for Excellence in Advancing the Administrative Practice of Immigration Law the 2001 AILA Mentor Award. He established the AILA Mentor program during his term as AILA President. He is listed in the "Martindale-Hubbell Bar Register of Preeminent Lawyers", "Best Lawyers in America", "An International Who's Who of Corporate Immigration Lawyers".

**Nathan A. Waxman** served as expert witness before the Board of Alien Certification Appeals and the Executive Office of Immigration Review on labor certification and employment-based immigration matters. He has served on numerous local and national AILA committees and has participated in the drafting and submission of comments to the Department of Labor and the former Immigration and Naturalization Service, in response to proposed rulemaking regarding key issues in employment-based immigration law. He has been the author of numerous articles on topics ranging from the National Interest Waiver through H-1 portability and cap issues to the representation of alternative health care practitioners. He has served on AILA's New Ideas Committee and is Adjunct Professor of Business Immigration at the School of Professional Studies, City University of New York.

**Mitchell L. Wexler** is a partner with global immigration law firm, Fragomen, Del Rey, Bernsen & Loewy, LLP, resident in Irvine, CA office. He is a graduate of Hofstra University (B.A., 1982), and Southwestern University School of Law (J.D., 1985). In addition to being an active member of the American Immigration Lawyers Association (AILA), he currently serves as a national mentor on Labor Certifications. Mr. Wexler is a past Chair of AILA's Southern California chapter. He is also a past Vice Chair and a Commissioner of the State Bar of California's Immigration and Nationality Law Advisory Committee and is a former Trustee for the American Immigration Law Foundation (AILF). Mr. Wexler is certified as a Specialist in Immigration and Nationality Law, certified by the State Bar of California, Board of Legal Specialization. He has written in excess of 200 published articles on United States immigration/visa related topics. He also presents and lectures extensively to seminar groups in the United States and abroad.

**Leon Wildes**, senior partner and founder of Wildes & Weinberg, PC, has practiced immigration law for almost 50 years. Mr. Wildes holds J.D. and LL.M. degrees from the New York University School of Law and serves for the past 29 years as an Adjunct Professor of Law at the Benjamin N. Cardozo School of Law in New York City, where he teaches immigration law. A past national president of the American Immigration Lawyers Association, he regularly publishes scholarly articles in the field and lectures widely to practitioners. He has testified before the U.S. Congress as an expert in immigration matters, and was awarded the Edith Lowenstein Memorial Award for Outstanding Contributions to the Field of Immigration Law. He is best known for his successful representation of former Beatle John Lennon and his artist wife, Yoko Ono, in deportation proceedings.

**Ludmila Zimovcak** is a Slovakian attorney who is currently working as a law clerk at Nachman & Associates, P.C. Ludmila was born in Slovakia (former Czechoslovakia) and is fluent in Slovak and Czech languages. She graduated from the Faculty



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of Law at the Comenius University, one of the most prestigious law schools in Slovakia, with a Master's of Law Degree and was awarded the Master of Laws Degree (LL.M) from Temple University Beasley School of Law.

[Sofia Zneimer](#) practices in the area of business immigration and litigation and has represented multi-national corporation individual investors, hospitals, non-profit organizations and business entities before the Department of Homeland Security, the Department of Labor, the Department of Justice, and the State Department. She also litigates before the Illinois courts and the Northern District of Illinois. Before joining Zneimer & Zneimer, P.C., she worked as an immigration attorney for a national law firm. Before this she was the Immigration Specialist of a Fortune 500 Company for several years where she managed the processing of all immigrant and non-immigrant employment-based visas, intra-company transfers, I-9 compliance, as well as the company's relationship with outside immigration counsel.

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