



Three-Part Telephone & E-mail Seminar:

PERM For Experts

Speakers: Devang Shah, Leslie T. DiTrani, Aron Finkelstein, Aggie Hoffman, Daniel C. Horne, Allen Orr and Steve Springer

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Seminar Outline

FIRST Phone Session on January 20: Pre-filing Essentials

- Introduction of the National Prevailing Wage Determination, ETA Form 9141.
- Advanced Issues in preparing an ETA 9089 for PERM and I-140 approval
 - Foreign degree equivalences for EB2 and EB3.
 - Alien's influence and control over the job opportunity.
 - Use of qualifying experience gained with the sponsoring employer or as a contractor.
 - Preparing business necessity letters in anticipation of an audit.
 - Foreign Language Requirements
 - Combination of Occupations
 - Combinations of Education, Experience and Training
 - Alternative Requirements
 - Ensuring that the company has the ability to pay.

SECOND Phone Session on February 4: Ensuring a Successful Recruitment Campaign

- Tips for advertising and other recruitment requirements for professional occupations.
- Ensuring the employer's compliance for the review of resumes, interviews and preparation of recruitment reports.
- Avoid sanctions; understanding the attorney's role in recruitment process. What is and is not permissible.
- Filing PERM applications in economically challenging times.
 - Layoffs in the company industry pre PERM filing and/or post PERM filing.
 - Effect of Employer's Bankruptcy.
 - Is supervised recruitment in our future?

THIRD Phone Session on March 4: Post Filing Issues

- Responding to an Audit.
 - Preparation of recruitment reports at the pre-filing stage necessary to withstand an audit.
 - Use of Expert opinions
 - Business Necessity Letters.
 - Layoff Reports
- Strategies to re-file a PERM petition.
 - Errors vs. Mistakes.
 - When and how should you file a request for reconsideration ?
 - Withdrawing a petition. When is it permitted and strategies for appropriate timing of withdrawals.
 - Refiling and Second PERM applications.
- Recent PERM BALCA case summaries.



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ABOUT THE SPEAKERS

Devang M. Shah (Discussion Leader) is the Managing Partner of our immigration practice. He is actively involved in the American Immigration Lawyers Association ("AILA"). He has been serving as a mentor in the areas of Labor Certification and H-1B visas for over seven years. In this capacity he provides assistance and advice to AILA member attorneys on simple or complex matters. Mr. Shah also served as the Immigration Chair of the Montgomery County Bar Association where he was presented with the Chair of the Year award for 2002-03 and for 2003-04. Mr. Shah is also a frequent lecturer for immigration issues for various organizations and corporations. Devang M. Shah obtained his Master of Law Degree from Georgetown University Law School and a Juris Doctor cum laude from The American University Washington College of Law. He obtained his undergraduate degree in Economics from The University of Michigan. Upon completion of his education he was honored to be selected and serve as the Law Clerk to the Honorable Michael D. Mason in the Sixth Judicial Circuit of Maryland. Mr. Shah is a member of the Bar in the State of Maryland and the District of Columbia.

Leslie T. DiTrani is the founding partner of the Law Office of Leslie Tuttle DiTrani based in Cambridge, MA.

Aron Finkelstein is the Managing Attorney at the Murthy Law Firm. He earned his Bachelor of Arts degree in Political Science from the University of Maryland and completed his law degree at the University of Baltimore. Mr. Finkelstein began working in the field of immigration law while clerking at a downtown Baltimore law firm in 1995. He is an active member in the American Immigration Lawyers Association (AILA). He has served on many of AILA's committees, including as Co-Liaison to the State of Maryland Department of Labor, the Federal Department of Labor Committee for Region II, the AILA Congressional Committee, as Vice Chair for the Education Committee, Chair of the AILA DC Chapter Department of Labor Committee, and as a member of the AILA DC Chapter Executive Committee. Mr. Finkelstein helped establish Murthy's Corporate Teleconference series and regularly participates on the panel to clarify employment immigration matters critical to companies. He advises clients via telephonic and in-person consultations, serves as a mentor, and is responsible for the daily management of the law firm. Mr. Finkelstein has been awarded the high to very high rating for legal ability and very high for General Ethical Standards from Martindale-Hubbell. This prestigious award represents a level of ability acknowledged by his peers and signifies his professional ethics and conduct in caring for clients of the Murthy Law Firm. He is an Adjunct Professor of Law at the University of Baltimore School of Law, teaching the Employment-Based Immigration Law course. Mr. Finkelstein is a member of the Maryland State Bar, the United States District Courts for the District of Maryland, the District of Columbia, and the Supreme Court of the United States.

Aggie Hoffman has been serving the business community in solving visa and other immigration issues. One hundred percent (100%) of her practice is devoted to the complex field of immigration and nationality law. Certified as a specialist in immigration law, she has been recognized as possessing special expertise. The experience of Ms. Hoffman is wide and diverse. Her clients include multi-national corporations, as well as individuals. The facets of her practice range from the initial nonimmigrant (temporary) visas, immigrant visas (green card), PERM labor certifications, political asylum, naturalization, and appellate work before the Board of Immigration Appeals (BIA), and the Ninth Circuit Court of Appeals. Ms. Hoffman has also successfully litigated against the Citizenship and Immigration Service (CIS, formerly INS) and the U.S. Department of Labor on immigration issues. Notable and precedent decisions include: *Lauretta v. Herman*, (CV 97-4479 WJR (C.D. Cal. Aug. 6, 1997) and *Yeghiazaryan v. Gonzalez*, --- F.3d ----, 2005 WL 3409709 (C.A.9).

Daniel Horne is Senior Associate at Jackson & Hertogs. Formerly a partner with the San Francisco immigration firm of Berry, Appleman & Leiden LLP, and later with the firm Kuver Horne LLP, Daniel now holds over a decade of experience assisting corporations and individuals with immigration and nationality matters. He has received the Martindale-Hubbell® directory's highest rating ("AV"), and is listed within its Bar Register of Pre-Eminent Lawyers. Daniel is a monthly columnist for Bender's Immigration Bulletin, a LexisNexis® periodical providing news and analysis to immigration lawyers nationwide. His law review article proposing changes to the U.S. Visa Waiver Program appeared in the Stanford Law and Policy Review's Spring 2005 issue. Daniel also volunteers his time to mentor AILA immigration attorneys on business immigration issues, and to attorneys providing pro bono assistance to asylum seekers through the Lawyers Committee for Civil Rights.

Allen Orr is Associate attorney at Baker and McKenzie.

Steve Springer is an immigration attorney with David Ware and Associates. He earned his law degree in 1986, and represents clients in immigration matters throughout the U.S. After working for several years as a litigator, he earned a graduate degree in cultural studies, served as a Peace Corps volunteer in Poland, for nearly a decade managed immigration services for several major research universities, and managed his own immigration law practice. He has held a variety of NAFSA (International Educators Association) and serves on the American Immigration Lawyers Association (AILA) Students and Scholars Committee. He is a frequent speaker at the meetings of professional associations including NAFSA, AILA, the College and University Personnel Association, and the National Association of College and University Attorneys.