



# THE PERM BOOK 3<sup>rd</sup> Edition

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, Rami Fakhoury, Jane Goldblum, Paul Hejinian, Linda Kim, 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, Matt Morse, 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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## EDITOR

**Joel Stewart** practices exclusively in the area of immigration law. He specialized in Romance and Slavic Linguistics before receiving a J.D. from the University of Connecticut School of Law, and is fluent in Portuguese, Spanish, French, and Russian. He is Past President of the South Florida Chapter of the American Immigration Lawyers Association (AILA) and is a nationally recognized authority on employment-based immigration matters as well as a popular speaker at immigration seminars for national and local bar associations throughout the United States. Mr. Stewart is the editor of The Perm Book, the definitive authority on the subject of PERM processing of labor certifications, and has been writing the BALCA Case Summaries since 1987.

## CONTRIBUTORS

**Christian Allen** is a managing attorney and co-founder of Ellis Porter with over fifteen years of experience practicing immigration law. Prior to forming Ellis Porter, Mr. Allen managed a successful immigration practice specializing in corporate immigration law, and also directed the immigration department for one of the largest law firms in Michigan. He is a member of the American Immigration Lawyers Association ("AILA") and has served as the Department of Labor Liaison for the



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Michigan AILA Chapter. He also previously served several years as the Michigan AILA Chapter Treasurer. He is a member of the State Bar of Michigan International Law Committee and the Oakland County Bar Association Immigration Law Committee. Mr. Allen is also an Adjunct Professor at Oakland University, where he teaches Immigration Law for the Legal Assistant Program. He has been named to The Best Lawyers in America list since 2006, in recognition of his expertise in immigration law."

**Jonathan Amdur** is an immigration lawyer in Houston, Texas, and can be reached at [jamdur@amdurlaw.com](mailto:jamdur@amdurlaw.com). He wishes to both acknowledge and thank Susan Anderson for her immeasurable contribution, without which this paper would not have been written.

**Davis C. Bae** is the founder and managing attorney of The Bae Law Group. Mr. Bae's practice focuses on comprehensive immigration planning for multinational and fast growth corporations. He has established corporate immigration policies, consulted on mergers and acquisitions, and developed recruiting plans for companies throughout the United States. In addition, Mr. Bae actively promotes employer interests through advocacy efforts before the Department of Homeland Security, the Department of Labor, and Congress. Mr. Bae regularly speaks to professional associations and companies on a variety of immigration issues including corporate changes, human resources, legal advocacy, foreign recruitment, and employee retention. He has published numerous articles addressing a variety of business immigration topics. Mr. Bae is also an active member of the American Immigration Lawyers Association. His achievements have been recognized by government agencies, lawyers associations and business organizations. Mr. Bae was born in Busan, South Korea and immigrated to the United States in 1971.

**Robert E. Banta** practicing law with two of the largest law firms in the United States. Founder of Banta Immigration Law firm combine the highest standards of performance and service.

**Susan L. Brady** is an associate attorney with Tindall & Foster, PC in Houston, TX. Ms. Brady received a Bachelor's degree in Spanish and History from Loyola University in New Orleans, a Master's degree in Latin American Studies (with focus on Brazilian history) from the University of Florida in Gainesville, Florida, and a law degree from the University of Houston in 2005. She is fluent in Spanish and Portuguese and proficient in French. While a law student, Ms. Brady was a Senior Article Editor for the Houston Journal of International Law and she published "Female Troubles": The Plight of Foreign Household Workers Pursuing Lawful Permanent Residency through Employment-Based Immigration. She is an active member of the American Immigration Lawyers Association and is a frequent speaker at immigration conferences. Her practice is concentrated in the areas of employment- and family-based immigration.

**Barbara Brandes**

**Lorna Rogers Burgess** is a member of the Employment Law department. Since 1984, she has concentrated her practice on immigration and nationality law. She is active in the national organization of the American Immigration Lawyers Association and was the founder and first chair of the Utah Chapter. Ms. Burgess has been a member of the faculty at the Annual Conferences of the American Immigration Lawyers Association since 1988, where she has spoken on the issues of Bars to Admissibility in 1996 Immigration Act, Employment Based Immigration, Labor Certification and Employer's Sanction under the Immigration Reform Control Act of 1986.

**J. Ira Burkemper** is an associate attorney with the global immigration law firm, Fragomen, DelRey, Bernsen & Loewy, LLP resident in its Irvine, CA office. He is a graduate of Tufts University (B.A., 1985); Thunderbird, The Garvin School of International Management (M.I.M., 1987) and University of Southern California (J.D., 1994). Mr. Burkemper was admitted to



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the California State Bar in 1994 and the U.S. District Court, Central District of California and the U.S. Court of Appeals, Ninth Circuit in 1995. Mr. Burkemper is also a member of the Orange County Bar Association and the American Immigration Lawyers Association. He is fluent in German.

**Ramon Carrion** is a sole practitioner with offices in Clearwater and Sarasota, Florida. He is a graduate of Rutgers Law School. He has been certified as a specialist in Immigration and Nationality Law by the Florida Bar. He is a frequent speaker on immigration issues before community and professional audiences.

**Blake Chisam** practices exclusively in the area of Immigration and Nationality Law. Mr. Chisam advises clients with respect to immigration-related employment, civil rights, and health care law matters, including related white-collar criminal and regulatory compliance matters. He litigates immigration-related matters before judicial and administrative tribunals, and he prepares applications for labor certification, immigrant petitions and nonimmigrant visa petitions.

**Susan J. Cohen** is founder and chairman of Mintz Levin's immigration section and a member of Mintz Levin's Boston office. Susan is actively involved in AILA and has chaired and co-chaired a wide range of national AILA committees. Susan serves as Vice Chair of the immigration subcommittee of the ABA's section of International Law and Practice and publishes the ABA's electronic immigration and nationality committee newsletter. Susan serves as the ABA's liaison to the Department of Labor on immigration-related issues. She is a past chair of the immigration committee of the International Section of the Boston Bar Association. Susan is a frequent panelist at AILA, ABA, and other immigration-related conferences and contributor to AILA, ABA, and other immigration-related publications. She also was involved in contributing to the USCIS regulations implementing the Immigration Act of 1990, to the Department of Labor regulations implementing changes to the H-1B visa category as a result of the American Competitiveness and Workforce Improvement Act of 1998, and to the Department of Labor PERM labor certification regulations issued in 2004.

**Jeffrey Devore** practices immigration and nationality law with Devore & Devore, P.A. He received his BS in Computer Science from Bowling Green State University and his JD from Thomas M. Cooley Law School. Mr. Devore is Board Certified Immigration and Nationality law by The Florida Bar. He is AV Rated by Martindale-Hubbell. He has been recognized as an expert in immigration law by the Florida Courts, has litigated against DOS, DOJ and DHS and has written and lectured extensively. He was recognized by the South Florida Business Journal as one of the Best of the Bar, as one of Florida Trend's Legal Elite, and is a recipient of the Immigration Law Award of the Legal Aid Society of Palm Beach County in recognition of outstanding Pro Bono service. Mr. Devore was named a Florida Super Lawyer in the field of Immigration and Nationality Law. Mr. Devore is a past President of AILA's South Florida Chapter (2004-2005). He is a past chair (2001-2002) of The Florida Bar's Immigration and Nationality Law Certification Committee and serves as Vice President of the Legal Aid Society of Palm Beach County. Mr. Devore can be contacted by telephone at (561) 478-5353 or via e-mail at [jdevore@visabank.com](mailto:jdevore@visabank.com).

**Victoria Donoghue Esq.** is of Counsel to the law firm of Nachman & Associates, with offices in New York City and New Jersey. She practices exclusively in the area of Immigration and Naturalization Law, specializing in employment-based immigration in higher education. She has lectured and taught on immigration for colleges, universities, and CLE providers, as well as authored several articles. She is currently on the faculty of the Immigration Law program at CUNY's (City University of New York) School of Professional Studies. Prior to private practice, Ms. Donoghue was the Assistant Director of Human Resources at the Research Foundation of the City University of New York, a 5000 employee nonprofit corporation that administers the \$300 million in research grants that flow through the City University system each year. In that capacity



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she oversaw the Foundation's immigration program, supervising the processing of nonimmigrant visas and serving as a resource both to the Foundation's foreign national employees and to outside counsel in petitions for permanent residence. Ms. Donoghue received her J.D. from St. John's University School of Law in 1992, after having received a Masters of Science in Industrial and Labor Relations from Cornell University in 1989.

**Gary Endelman** practices immigration law at BP America, Inc. The opinions expressed in this column are purely personal and do not represent the views or beliefs of BP America, Inc. in any way.

## **Rami Fakhoury**

**Jane Goldblum** is listed in Best (Immigration) Lawyers in America for 2004, 2005, 2007, and 2008 and in Pennsylvania Super (Immigration) Lawyers for 2005, 2006, 2007, and 2008 (see [www.bestlawyers.com](http://www.bestlawyers.com) and [www.superlawyers.com](http://www.superlawyers.com)). Jane is also Co-Editor-in-Chief of AILA's leading textbook on PERM: David Stanton Manual on Labor Certification: Successful Strategies for Practice Under PERM, 4th Edition (AILA, expected publication date: Summer, 2008). This manual will contain Jane's article "Special Recruitment Labor Certification for Foreign Faculty and Others Engaged in Classroom Teaching" and "Chart to Verify Alien's & Derivatives' Admissibility BEFORE Taking a Case". Jane also authored a 2008 article for ILW entitled "Prevailing Wage Primer: Don't Start a PERM Case Without It". In November 2007, at the Commonwealth of Pennsylvania's invitation, Jane accompanied Pennsylvania's Secretary of Commerce to China. Jane spoke in Beijing and Shanghai both on Immigrant Investor visas as well as Intra-company Transferee visas.

**Paul Hejinian** is a Partner at Fragomen, Del Rey, Bernsen & Loewy and manages the firm's office in San Francisco. Mr. Hejinian attended Harvard University (A.B., 1987), Georgetown University (J.D., 1993), and McGill University (visiting student, Faculty of Law, 1993). He is admitted to the bar in California, Massachusetts, New Jersey, and New York. Mr. Hejinian has practiced immigration law at Fragomen since 1994, working for the firm in New York, Mexico City, and Boston before moving to San Francisco in 2006. A frequent lecturer on immigration law and policy, he is a member of the American Immigration Lawyers Association (Northern California chapter).

## **Linda Kim**

**Howard Kushner** is a partner in the law firm of Kushner And Kushner, P.C. with offices in Charlotte, North Carolina. A graduate of Cornell University (1961) and Georgetown University Law Center (1964), Mr. Kushner has been practicing Immigration Law since 1964. He is a Founding Member and past Chapter Chair of the Upstate New York Chapter of the American Immigration Lawyers Association and in October 1999, Mr. Kushner was the recipient of its first Distinguished Immigration Practitioner Award. Mr. Kushner has authored articles on immigration, lectured to the Immigration Bar, American Bar Association, and Canadian Bar Association and acted as a Consultant to the Canadian Consulate (New York) and the Canadian Department of Foreign Affairs and International Trade in its Consular Awareness Program. The author wishes to acknowledge the assistance of Laya R. Kushner Esq.

**Christina LaBrie** is an associate in the legal practice group at Fragomen, Del Rey, Bernsen & Loewy, LLP. Prior to joining Fragomen, Christina practiced immigration law with several law firms in New York. Her experience covers the universe of immigration practice, from asylum and deportation cases to complex business immigration matters. Christina received a B.A. in Political Science with high honors from the University of California at Santa Barbara in 1996. In 2000, she obtained her J.D. degree from NYU School of Law. Christina has served as Secretary of the New York City Bar Association's Immigration Committee and is a member of the American Immigration Lawyers Association (AILA). She has published numerous articles



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with various immigration-related publications and organizations.

**David Lazaar** is a paralegal with Wildes & Weinberg, PC, in New York City, a position he has held for nearly 20 years. Mr. Lazaar specializes in labor certification processing and its impact on nonimmigrant visa immigration status. Prior to his current position, he worked with the New York State Department of Labor for ten years, where he specialized in Labor Certification processing. He has lectured at the Manhattan Paralegal Association and served on the faculty of the Practicing Law Institute where he authored an article on labor certifications. He holds a bachelor's degree from The City College of New York.

**Katherine Lopez Ley** is a senior associate attorney with The Bae Law Group. Her practice focuses on labor certifications and related immigrant petitions, but encompasses both employment-based and family-based lawful permanent residence as well as K visas and naturalization applications. Ms. Lopez Ley is a graduate of The College of Idaho (previously Albertson College of Idaho) and received her J.D. from the University Of Washington School Of Law. She is a member of the America Immigration Lawyers Association.

#### **Edwin Litwin**

**Benjamin M. Lowe** he practices Immigration Law; Business Immigration; Employment Immigration. He graduated in Florida Coastal School of Law, J.D., 2004, Washington & Lee University, B.A., 1977 and admitted in Florida at 2006. He is a member of American Immigration Lawyers Association; Christian Legal Society.

#### **Joan Matheu**

**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).

**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 organizes



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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.

**Nancy Jo Merritt** a Director in the Phoenix office of Fennemore Craig, P.C., has more than two decades of practice in the field of immigration law. Her practice is broad-based and includes the representation of domestic and international companies regarding visa and work authorization issues for foreign national employees. She also assists employers with federal compliance issues in the contexts of mergers and acquisitions and government audits. Ms. Merritt has been successful in challenging the federal government's interpretation of immigration law in a number of matters and once received the first award of fees in the United States from an Immigration Judge under the Equal Access to Justice Act. Ms. Merritt is the author of *Understanding Immigration Law: How to Enter, Work and Live in the United States*. She publishes frequently and serves as a Senior Editor of *The Immigration and Nationality Law Handbook*, published annually. She also lectures frequently on US immigration law, most frequently on issues relating to employers.

## **Matt Morse**

**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 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 Lawyer. 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



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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.

**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".

**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 Who of Business Lawyers. Ms. Rose earned her J.D. degree in 1986 from the University of Hawaii. She has a Master's 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 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 civil 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,





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**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, Rami Fakhoury, Jane Goldblum, Paul Hejinian, Linda Kim, 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, Matt Morse, 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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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.

**Jay Solomon** is a founding member of IMMLAW, the National Consortium of preeminent immigration law firms with affiliated 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 *Priority 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.

**Kiran Vairale-Mumtaz**



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**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 (Russian and Swedish) from Surrey University, UK.

**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 its 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.

**Sofia Zneimer** practices in the area of business immigration and litigation and has represented multi-national corporations, 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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