



Three-Part Telephone & E-mail Seminar:

PERM For Experts

Speakers: Aron Finkelstein, Michelle Funk, Pamela Genise, Sheela Murthy, Adam Rosen, Devang M. Shah, Joel Stewart and Other Speakers To Be Announced

Available on CD

What is ILW.COM?

We are the leading immigration law publisher. Our free *Immigration Daily* reaches an audience of over 35,000 subscribers. Our immigration portal web site is the largest on the Internet with over 50,000 pages of information. We assist your practice via our periodicals, seminars, and Yellow Pages. *Disclaimer: participation in this seminar does not create an attorney-client relationship with the speakers.*

Seminar Outline

FIRST Phone Session on March 11: ETA-9089 Denials

- a. Denials based on two types of errors
 - i. DOL errors
 - ii. Error on form
 - 1. Typographical error (non-substantive)
 - Transposing date/s of advertisements
 - Transposing wage information: \$50,000/year -> \$50,000/hour
 - 2. Mistake / Omission (substantive)
 - Failure to check "yes" to H.8 (Is alternate combination of education / experience acceptable)
 - Failure to include "magic" language ("any suitable combination of education, training or experience is acceptable")
- b. Requests for Reconsideration
 - i. DOL error v. Mistake / omission
 - ii. How to request reconsideration
 - iii. Reconsideration Processing Time/s
 - 1. The general processing timeframe for reconsideration requests
 - 2. Is expedited processing available for DOL error-based denials?
 - Is this available for employer / representative errors (mistakes / omissions)?
- c. Withdrawal/s
 - i. When is withdrawal permitted?
 - ii. When is withdrawal done?
 - iii. Strategies for appropriate timing of withdrawals

SECOND Phone Session on April 1: Drafting a Proper ETA-9089

- a. Foreign degree equivalencies (3-year Indian degrees)
- b. Using the "magic" language
- c. Flexible minimum requirements
- d. Anticipating business necessity
- e. Specific Vocational Preparation (SVP)
- f. Job Zone/s
- g. Wage issues
 - i. Wage ranges
 - ii. Is the SWA reliable
 - 1. Using Level I/II/III/IV if worksheet differs
 - 2. Does safe harbor exist
 - iii. Alternate wage surveys
 - 1. PERM regulations/ FAQs: liberal v. conservative
 - 2. Is GAL 2-98 still relevant

THIRD Phone Session on May 6: Predictions for the Future

- a. Using the new form
 - i. Advanced form changes and implementation
 - ii. Incorporating "magic" language
- b. Auditing compliance files
- c. Close of businesses
- d. Filing PERM in a bad economy
 - i. Potential for more supervised recruitment
 - ii. Second audits requesting resumes
 - iii. Potential delays in DOL processing times
 - iv. Change/s in circumstances
 - 1. Company merger/s
 - 2. Position/s open at time of filing but closed at time of audit / decision
 - 3. Unanticipated work location/s v. client-site/s
 - 4. Change of work location/s

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v. When to expect things to begin moving again

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CD Mar 11 CD Apr 1 CD May 6 2.00pm to 3.30pm ET (11.00am to 12.30pm PT)

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(→ see next page for speaker bios)



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About the Speakers

Aron Finkelstein (Discussion Leader) is the Assistant 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. Attorney 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 committees through AILA including as a Co-Liaison to the State of Maryland Department of Labor, the Federal Department of Labor Committee for Region II, the AILA Congressional Committee, the Vice Chair for the Education Committee, the Chair of the AILA D.C. Chapter Department of Labor Committee, and as a member of the AILA D.C. 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. Aron advises clients via telephonic and in-person consultations, serves as a mentor and assists Attorney Murthy in the daily management of the firm. Attorney 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. Mr. Finkelstein is a member of the Maryland State Bar, the United States District Court for the District of Maryland, and the Supreme Court of the United States.

Michelle Funk is an associate attorney in Duane Morris LLP. Mr. Funk practices in the area of immigration law with a focus on H-1B visas, PERM applications, and J-1 interested government agency waivers. She has represented clients at United States Embassies abroad and before United States Citizenship and Immigration Services and she has specific experience with security clearances and nonimmigrant visa applications. Ms. Funk is a 2001 graduate of the Georgetown University Law Center and a magna cum laude graduate of St. Lawrence University, where she was elected to Phi Beta Kappa. She is fluent in Spanish.

Pamela Genise is supervising attorney of the Murthy Law Firm. Ms. Genise earned her Bachelor of Arts degree from Mount Holyoke College and her Juris Doctor from the George Washington University Law School. During Law School, Ms. Genise was a student advocate in the Domestic Violence Clinic and focused her studies on international and family law. She was able to combine those two passions in the field of immigration law, which she enjoys because it allows her to mix complex problem solving with the opportunity to actively help people. Prior to joining the Murthy Law Firm, Ms. Genise worked for a Washington D.C. law firm, where she handled a variety of immigration matters, including nonimmigrant work visas, employment-based cases (extraordinary ability, national interest waiver, multinational executive / manager transfers, and labor certifications), family-based cases, adjustment of status, and naturalization, as well as asylum and removal hearings. Ms. Genise is a member of the bar of the Supreme Court of Virginia.

Sheela Murthy is founder, president, and managing attorney of the Murthy Law Firm, located in Baltimore County, Maryland. Attorney Murthy is a member of several legal and professional organizations. She is active in the American Immigration Lawyers Association (AILA). She has been on the Executive Committee of the Washington D.C. Chapter of AILA. Prior to this, she was chair of the Liaison Committee to the Department of Labor for Maryland, Virginia, and Washington D.C. for the AILA D.C. Chapter. She continues to be a leader in the organization. Ms. Murthy is regularly interviewed by television network affiliates to discuss immigration law issues. She is also featured in many international publications for her worldwide practice in U.S. immigration law. Ms. Murthy has been on the Board of Governors of the Harvard Club of Maryland (2001-2002). She is a member of the American Bar Association (ABA) and has been a Member of the Immigration Law Coordinating Committee of the ABA (1999-2001). She is AV rated by Martindale-Hubbell.

Adam Rosen is a supervising attorney at Murthy Law Firm. Mr. Rosen earned his Bachelor of Arts degree in Political Science and History from Binghamton University, in Binghamton, New York. He earned his law degree from Case Western Reserve University School of Law, in Cleveland, Ohio, where he served as Managing Editor for Health Matrix : Journal of Law-Medicine. Mr. Rosen began working in the field of immigration law as a law clerk in a private law practice in New York City. Upon admission to the bar, he remained in New York with a small law firm to practice immigration law. Attorney Rosen has represented clients applying for nonimmigrant visas and permanent residence. He is a member of the American Immigration Lawyers Association, American Bar Association, and Maryland State Bar Association. Mr. Rosen also worked as law clerk for New York City's Department of Homeless Services. He is admitted to the New York and Maryland Bars. Adam entered the immigration law field to pursue his interest in assisting individuals in the critical and complex legal matters affecting their lives and understanding that immigration is the United States' foundation as a successful nation, able to draw on the contributions of its people.

Joel Stewart practices exclusively in the area of immigration law. Mr. Stewart 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. Mr. Stewart authors official AILA articles and publications such as the Visa Processing Guide for Procedures at U.S. Consulates and Embassies in Brazil and Portugal. He maintains a Blog on PERM issues which appears weekly on ILW.COM, and chairs PERM Workshops and Telephonic Conferences for ILW throughout the year. In addition to heading the Immigration Committee for the Dade County Bar Association Mr. Stewart represents the Brazilian Consulate in Miami as Accessor Juridico and provides extensive pro-bono services for the Consulate's "Assistance to Brazilians" program throughout Florida and in other parts of the United States.

Devang M. Shah is the Managing Partner of our immigration practice. His practice concentrates on providing business immigration services. 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. 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



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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.