



Three-Part Telephone & E-mail Seminar:

“Creme de la Creme: Extraordinary, Outstanding, Multinational and Exceptional”

Speakers: with Pravinchandra J. Patel, Gary Endelman, Asher Frankel, Sheela Murthy, Suzanne Seltzer, Nathan Waxman and Cletus Weber

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Seminar Outline

Each call features an hour of analysis, strategy and practice tips by Pravinchandra J. Patel, Gary Endelman, Asher Frankel, Sheela Murthy, Nathan Waxman and the other guest speakers, followed by 30 minutes of questions and answers from participants. In addition to the specific curriculum below, general points covered in this series will include: Letters of reference: How many and from where? - Regulatory criteria: The Number Game - Alien's young age should not be a deterrent - Responding to RFE : Practical suggestions - Alien's lawful or unlawful status in U.S.

FIRST Phone Session on June 30:

Multinational Executives/Managers (EB-1-3)

- Basic regulatory criteria and proofs
- Distinguishing features between EB-1-3 and L-1A categories
- Advantages of EB-1-3 category
- Claim for a small company executive/manager
- Functional manager
- Blanket L issues & consular process
- Current trend and difficulties

SECOND Phone Session on July 10:

Outstanding Researcher/Professor (EB-1-2)

- Defined criteria but documentation and proofs - a question mark!
- International reputation - indicia
- Offer of permanent employment - blind spot
- Current trend - advantages and difficulties - nuts & bolts suggestions

National Interest Waiver (EB-2)

- No regulatory criteria
- NYS Department of Transportation - lone precedent
- Unique and exceptional abilities
- Impact and influence on others
- National or international in scope and substantial intrinsic merits
- Multiple national interests
- Labor certification issue - hot bed of proof issue - how to demonstrate that benefits of alien's work outweighs national interest inherent in the labor certification requirement
- Current trend - advantages and difficulties - nuts & bolts

THIRD Phone Session on August 28:

Alien of Extraordinary Abilities (EB-1-1): Creative Approach & Documentation

- Think beyond straight-jacket formula, without any blinders on eyes
- Be creative in applying criteria – client's young age should not be a deterrent
- If BCIS can use regulatory criteria for denying claims, you too can creatively use those very criteria to gain success
- Advantages of EB-1-1 category, its pluses and minuses, how to select any specific category (EB-1-1 or EB-1-2)
- EB-1-1 criteria and the number game (3/10), specifically how to make an evaluation for accepting a case
- When should multiple petitions be considered
- Documentation to establish EB-1-1 claims
- Letters of reference – how many, by whom, from where, how to develop support letters, etc.
- Other documentary proofs
- Current trend and responding to RFE, how to overcome negative mind-set inherent in a long boiler-plated RFE – practical suggestions
- Public charge issue – what different proofs can be given to overcome this concern

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“Creme de la Creme: Extraordinary, Outstanding, Multinational and Exceptional”

Speakers: with Pravinchandra J. Patel, Gary Endelman, Asher Frankel, Sheela Murthy, Suzanne Seltzer, Nathan Waxman and Cletus Weber

About the Speakers

Pravinchandra J. Patel is a practicing attorney in New York since 1979, is a member of the New York State Bar, the American Bar Association and the American Immigration Lawyers Association. He is also a member of the Bars of the Federal District Courts for the Southern and Eastern Districts of New York and the United States Supreme Court. He devotes almost all of his time handling business-related immigration law cases. For the last 20 years, he is of counsel to, and a senior consulting attorney in, the law firm of Ronald W. Freeman, P.C., in New York City. Besides advising and helping other legal staff (legal assistants, paralegals, and attorneys) in the office, he personally handles the following categories of business-related nonimmigrant and immigrant visa cases: Priority worker cases (Extraordinary Ability Aliens, Outstanding Researchers, and Multinational Executives/Managers); National Interest Waiver cases; Nonimmigrant H-1B, L-1, O-1, and TN cases; Labor and Immigration Appeals; IGA-sponsored J-1 waiver cases for aliens who are subject to the two-year home country residence requirement; Special immigrant cases (for ministers and religious workers). He is the author of: Patel's Citations of Administrative Decisions under Immigration and Nationality Laws, a 1 volume publication of Legal Research Bureau; Patel's Immigration Law Digest, consisting of 2 volumes covering digests of all precedent I & N administrative decisions issued during the period 1940 through 1980, and 3 volumes covering digests of both judicial and administrative decisions from 1981 to 1998. He is also the compiler of: The Immigration and Nationality Act, as Amended, popularly known as The Whole Act, which not only incorporates all the revisions and amendments made to the Immigration and Nationality Act, but also includes 560+ Annotations, 48 appendices covering important immigration related provisions and other statutes not forming parts of the INA itself, together with 692 footnotes and an exhaustive topical index; 8 CFR Plus, which includes all INS regulations with an expanded Table of Contents and an exhaustive topical index; 20/22/28 CFR Plus, which includes all immigration related regulations of the Labor Department, State Department, and Justice Department, together with an exhaustive topical index. Additionally, he regularly writes articles for the firm on immigrant and nonimmigrant visa topics, distributed to current and prospective clients/organizations.

Gary Endelman practices immigration law at BP America Inc.

Asher Frankel practices immigration law in Canada.

Sheela Murthy completed her Masters Degree in Law (LL.M.) from Harvard Law School. She has been admitted to practice as an attorney in New York, Maryland and the U.S. Supreme Court. Before starting The Law Office of Sheela Murthy she practiced as an attorney with major law firms in New York and Baltimore. She is an active member in the American Immigration Lawyers Association (AILA). Ms. Murthy has been on the Executive Committee of the Washington D.C. Chapter of AILA. Before that, she was the 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 Co-Chair for the American Immigration Law Foundation (AILF)'s Annual Immigrant Achievement Awards program. She 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 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 has been active in the Maryland State Bar Association, the Law Practice Management Committee and the Technology Committee. She has been on the Executive Committee of the Bar Association of Baltimore City (YLS) and on the Board of Directors of several other professional and civic organizations, including the Executive Women's Network (1990-1994). Ms. Murthy travels frequently to meet with senior officials of U.S. Consulates as well as the different INS Service Centers in the U.S. to discuss policies and procedures in order to more effectively serve the clients of her law firm. She recently met with the Consular Chiefs and other senior officials at the U.S. Consulates in Chennai and Mumbai. She is a featured writer sharing information with other AILA attorneys on consular matters and other immigration law topics.

Suzanne B. Seltzer is a graduate of the University of Pennsylvania (B.A., magna cum laude, 1989) and Georgetown University Law Center (J.D., cum laude, 1993), where she was a staff editor of the Georgetown Immigration Law Journal. She is a senior associate at Dechert LLP. Her practice includes a wide range of business immigration matters, with an emphasis on petitions for persons of extraordinary ability, national interest waiver immigrant petitions, and O-1 nonimmigrant visas. Suzanne has successfully managed thousands of these types of petitions, primarily focusing on the scientific and medical fields. Suzanne also manages all other areas of business immigration, including labor certifications, immigrant visas, and visas for multinational executives, investors, and professional workers. Ms. Seltzer's article on "Options for J-1 Clinicians: Expanded Use of O-1 Visas" was published in AILA New York Chapter Conference Handbook (2001), and was presented at the National Conference of the National Association of Foreign Student Advisors (NAFSA) San Antonio, TX (May 2002). She has published in The Legal Intelligencer, New Jersey Law Journal, and Mathew Bender's Labor & Employment Bulletin and lectured frequently at a number of universities and hospitals. Ms. Seltzer has also published two articles on human rights issues, including "Temporary Protected Status: A Good Foundation for Building," 6 Geo. Imm. L. J. 773 (1992), and "Attacks on Justice," which is a publication of the International Commission of Jurists that was also presented before the United Nations Subcommittee on Human Rights. She was recently selected for the Cornerstone Award by the Lawyers Alliance for New York in recognition of her outstanding contributions to pro bono work. Her pro bono efforts focus on asylum cases, assisting trafficking victims, and assisting nonprofits in obtaining work authorization for foreign nationals.

Nathan A. Waxman is a partner in the New York City Law firm of Spector, Glasser & Waxman P.C., where he concentrates in business and professional immigration practice. Mr. Waxman has been a member of the American Immigration Lawyers Association since 1985 and has spoken and written extensively on the national interest waiver and related methods of circumventing labor certification. He received his B.A. from New York University, his M.A. from the University of Chicago and pursued doctoral studies at the Universities of Chicago and Pennsylvania before seeking the dubious refuge of law school. He received his J.D., Cum Laude, from Loyola University of Chicago in 1983 and is admitted to practice in New York and Illinois.

Cletus M. Weber is a partner at Peng & Weber, a Seattle law firm that assists clients throughout the United States in a broad range of immigration matters. Mr. Weber's primary focus is employment-based immigration law with an emphasis on aliens of extraordinary ability, outstanding professors or researchers, national interest waivers, and J-1 waivers. He earned his B.B.A. degree with Beta Gamma Sigma honors from the College of William and Mary in Williamsburg, Virginia in 1986 and his law degree from the National Law Center at the George Washington University in Washington, D.C. in 1989. Mr. Weber was Managing Editor of the George Washington Law Review, 1988-1989. He has spoken at immigration conferences from coast to coast and has served for several years on the Executive Committee of the Washington State Chapter of the American Immigration Lawyers Association (AILA). Mr. Weber's most recent publication is Cletus M. Weber & Ron Wada, "National Interest Waivers - A Practice Update," in Homeland Security, Business Insecurity: Immigration Practice in Uncertain Times (AILA 2003).