



Three-Part Telephone & E-mail Seminar:

## PERM For Experts

*Speakers: Joel Stewart, Robert Banta, Jeffrey Devore, Michael Piston, Jennifer Roeper, Edwin Rubin, Lawrence Rudnick, Rohit Turkhud, and Nathan Waxman*

**Available Online**

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### 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.*

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### Seminar Outline

#### FIRST Phone Session on September 30: Update on Recent PERM Problems

- Inconsistencies, omissions and errors on PERM Forms
  - Harmless vs. Harmful Errors
  - The *Health America* Standard
  - Arguments to Support Finding of Harmless Error
- Tips to Avoid Audits
  - Audit Triggers
  - Resolving Certain Audit Triggers Prior to Filing
  - Mitigating Some Audit Triggers
- Applying for PERM in an Economic Downturn
  - Impact of Layoffs
  - More Applicants Due to High Unemployment
  - Navigating Recruitment Requirements During Recession

#### SECOND Phone Session on October 14: Issues with Notice, Recruitment and Advertising

- Content of Ads: Too much or too little?
  - Industry Standards: Internet, Newspapers, Journals and More
  - Meeting Legal Standards: DOL State and Local Requirements
  - Avoiding Conflict of Job Data: NOF, Recruitment and Form 9089
- Professional Recruitment : Recent Trends
  - Which Jobs and Aliens are Professional?
  - Government Guidelines: 10 Recruitment Options
  - Comparing H-1B and PERM Professional
- Problems in Documenting Recruitment
  - Timetable and Documentary Requirements
  - Contacting US Workers : Do's and Don'ts
  - Recruitment Report : A Detailed Analysis
  - Notice and Advertising: Timetable and Documentary Evidence
  - Job Applicants: Conducting Interviews
  - Results of Recruitment: DOL and State Standards

#### THIRD Phone Session on November 4: DOL Communications, Reconsiderations and Appeals

- Audits and Denials: Void for Vagueness
  - Challenging audit: does the selection process meet due process
  - How to fix defective documents in response to audit
  - Documenting business necessity
  - Flawed documentation in audit file
  - Obligation of Certifying Office to provide clear basis for denial
  - Post-denial: file a motion to reconsider or request for review
- The Record File: A Tool for Rebuttal and Reconsideration
  - Review to decide on motion or request for review
  - Supplementing record file during rebuttal or by motion
  - Record file and request for review
- Using the Administrative Procedure Act to Win Your Case
  - When to go to Federal Court
  - Which court to go
  - Is it necessary to appeal to BALCA first?

### [Citations for Session 2](#)



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### SELECT YOUR DATES

[ ] CD September 30                      [ ] CD October 14                      [ ] November 4                      2.00pm to 3.00pm ET (11.00am to 12.00pm PT)

**Name (as it appears on credit card):** \_\_\_\_\_

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### ABOUT THE SPEAKERS

**Joel Stewart** (Discussion Leader) 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.

**Robert Banta** (Co-discussion leader) is the Managing Partner of Banta Immigration Law Limited, Atlanta's largest law firm practicing exclusively business immigration law. He received his B.A. degree from Davidson College, his M.A. degree in Romance Languages (French) from Duke University and his J.D. degree from Vanderbilt University. He is recognized for his immigration expertise in *The Best Lawyers in America*, *The International Who's Who of Business Lawyers*, Atlanta magazine's list of the Best Lawyers in Atlanta, and Georgia Super Lawyers.

**Jeffrey Devore** is an attorney practicing immigration and nationality law with the law firm of Devore & Devore, P.A., which has offices in West Palm Beach (Palm Beach Gardens) and Fort Lauderdale (Plantation), Florida. Mr. Devore is Board Certified in Immigration and Nationality law by The Florida Bar and specializes in assisting foreign nationals who want to live and work in the United States and companies that wish to employ them. He is AV® Rated by Martindale-Hubbell, indicating very high to preeminent legal ability and very high ethical standards as established by confidential opinions from members of the Bar. Mr. Devore has been recognized as an expert in immigration law by the Florida Courts, has litigated several cases against the Departments of State, Justice and Homeland Security in Federal Court and has written extensively on United States immigration and naturalization matters.

**Michael 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.

**Jennifer Roeper** practices in the Fowler White Boggs Firm's Tampa office in the International and Immigration Practice Group. Ms. Roeper concentrates her practice in the area of immigration, and handles all aspects of immigration law including temporary visa processing, applications for permanent residence and naturalization. She assists corporate clients in maintaining compliance with U.S. immigration laws, and serves as counsel for clients facing deportation from the United States.

**Edwin R. Rubin's** practice is limited to immigration and nationality law with special emphasis on corporate and employment based immigration matters. Mr. Rubin's practice has been limited to immigration and nationality matters for over 34 years. 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. Mr. Rubin is a frequent author and lecturer on immigration issues. 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".

**Lawrence H. Rudnick** is the managing partner of The Rudnick Spector Firm, whose practice is limited exclusively to immigration and nationality law. He was previously a partner in the firm Steel, Rudnick & Ruben. Mr. Rudnick has some 35 years of experience practicing law with nearly 30 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. Mr. Rudnick also has an extensive litigation practice including significant litigation in the U.S. Court of Appeals and District Courts. 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.

**Rohit Turkhud** is a partner at the Law Offices of Cyrus S. Nallaseth, PLLC, New York, NY. He has been specializing in the practice of the US Immigration and Nationality Laws since 1985. After graduating from the prestigious Sydenham College, University of Mumbai, India, in Accounting and Economics; he went on to study law at the equally prestigious Government Law College, University of Mumbai. He was awarded his Master of Law (LL.M.) degree from the University of Pennsylvania's Law School, USA. In addition to enjoying the benefits of a law partnership, Rohit has 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



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Lawyer's Association; and the American Immigration Lawyers Association (AILA). Currently, he is 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 Jus Punjabi, a cable network channel. Rohit remains committed to the quality practice of the US Immigration and Nationality laws.

[Nathan 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