

AILA'S IMMIGRATION PRACTICE TOOLBOX

THIRD EDITION

ABOUT THE CONTRIBUTORS

James David Acoba is a retired naval medical officer, a retired former board member of American Immigration Lawyers Association, and a semi-retired immigration practitioner, who keeps dabbling in health care staffing immigration law as a hobby. He devotes most of his time to his wife of 40 years; together they are trying to dance better in ballroom competitions. The rest of the time, he spends with his three wonderful grandchildren who will grow up to make the world a better place. He no longer sports a pony tail. (He's bald).

Roxana Bacon is a long-time immigration attorney and former American Immigration Lawyers Association member (AILA), recently named as chief counsel of U.S. Citizenship and Immigration Services. Ms. Bacon was the first woman to serve as general counsel to AILA in 1993 and to the American Immigration Lawyers Foundation since 2000. She is a founder of the Arizona Women Lawyers Association, and in 1991 became the first woman president of the State Bar of Arizona. Ms. Bacon obtained her J.D. at the University of California at Berkeley, Boalt Hall School of Law.

Davis C. Bae is the founder and managing attorney of the Bae Law Group in Seattle. Mr. Bae's practice focuses on comprehensive immigration planning for multinational and fast-growth corporations. He 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. Mr. Bae lectures on practice management issues and teaches the course "Small & Solo Practice" at the University of Washington Law School.

Rodney M. Barker is a principal of Barker, Epstein & Loscocco in Boston. He obtained an M.A. in history and law from Cambridge University and an M.A.T. from Oberlin, and was admitted as a solicitor of the Supreme Court in England in 1959 and as a member of the Massachusetts Bar in 1977. Mr. Barker served as chair of the American Immigration Lawyers Association (AILA) New England Chapter (1992–93), and is an adjunct professor at Suffolk University Law School in Boston, teaching immi-

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Sarah Buffett is a senior associate in the immigration practice group at the Charlotte office of Moore & Van Allen PLLC. Her practice focuses on employment-based nonimmigrant and immigrant petitions, I-9 compliance, and employer sanctions defense. Ms. Buffett is a member of the Texas Service Center Liaison Committee, the immediate past chair of the American Immigration Lawyers Association New Members Division, and is a frequent regional and national speaker on business immigration topics.

Kathleen Campbell Walker is the partner in charge of the immigration practice of Brown McCarroll, LLP from its office in El Paso where she has practiced immigration law for more than 24 years. Ms. Campbell Walker currently serves as general counsel to the Executive Committee of the American Immigration Lawyers Association (AILA) and served as national president of AILA, 2007–08. She has testified multiple times on behalf of AILA before Congress as well as before the Texas Legislature. In 2002, she received the AILA National Advocacy Award. In 2008, Ms. Campbell Walker was selected to serve on the Council of Foreign Relations Independent Task Force on U.S. immigration policy, and was chosen as one of the 30 women recognized in the "Extraordinary Women in Texas Law" publication of Texas Lawyer, 2008.

Shane Dizon is an adjunct lecturer in Business Law in the Department of Economics at Brooklyn College. He was previously an associate at Fragomen, Del Rey, Bernsen, & Loewy, LLP. Mr. Dizon graduated from the University of California, Hastings College of the Law, *cum laude*, in May 2005. In addition to authoring the Child Status Protection Act (CSPA) tool-

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Carl Falstrom practices immigration law in New Orleans. He received his bachelor's degree from the University of Chicago and his law degree from the University of California, Hastings College of the Law. He is a former American Immigration Lawyers Association chapter chair and has served on a number of liaison, program, and other committees.

Eric Fleischmann is a partner of Leete, Kosto & Wizner, LLP in Hartford, CT. He represents a wide range of businesses in employment-related immigration matters. Mr. Fleischmann received his bachelor's degree *cum laude* from Yale College and his J.D. from the University of Virginia Law School. He is a frequent speaker on business immigration, and has written a number of articles on the subject, including "Shattering the Myth or Permanence: Permanent Portability Under AC21" and the related "Agency Alert" for *Immigration Law Today*. He also has served on the American Immigration Lawyers Association (AILA) Board of Publications and as AILA mentor on Vermont Service Center issues. As described in more detail at www.bestlawyers.com, Mr. Fleischmann was selected for inclusion in the immigration section of the 2009 edition of *Best Lawyers in America*.

David Fullmer is a founding partner of Ivener & Fullmer LLP, with offices in Los Angeles, New York, Tokyo, and Vancouver. Fluent in Japanese, Mr. Fullmer is a frequent speaker at corporate and community functions. He also lectures at continuing legal education seminars, and is co-author of *The Handbook of Immigration Law*. He also contributes articles and interviews to the local Japanese media on

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Steven Garfinkel is the founder and managing partner of Garfinkel Immigration Law Firm in Charlotte, NC. Mr. Garfinkel graduated from Wake Forest University (1981) and the Wake Forest School of Law (1984). He has been practicing business immigration law since 1984. Mr. Garfinkel is a past chair of the American Immigration Lawyers Association (AILA) Carolinas Chapter and is a North Carolina Board Certified Immigration Specialist (and current chair of the Specialization Committee). He is listed in the *International Who's Who of Corporate Immigration Lawyers* and *Best Lawyers in America*, and has spoken at the past six AILA annual conferences.

Susan S. Han is a founding partner of the law firm of Jacobson & Han LLP in Los Angeles, and has been practicing immigration law since 1998. She has successfully represented hundreds of clients before the U.S. Citizenship and Immigration Services (USCIS), the Immigration Court, and the Board of Immigration Appeals. In addition to her practice, Ms. Han is also an adjunct professor at California State University, Los Angeles, where she teaches Immigration Law for the Paralegal Program. She is an active member of the American Immigration Lawyers Association, the Korean-American Bar Association, and the Los Angeles County Bar Association. Her second language is Korean.

Daniel P. Hanlon is a founding partner of Hanlon Law Group, P.C., based in Pasadena, CA. Over the years, Mr. Hanlon has tried hundreds of cases in Immigration Court involving Requests for Asylum in the United States, Suspension of Deportation, Cancellation of Removal, and Waivers of Grounds of Removability. He is a member of the American Immigration Lawyers Association, of which he sits on the Investors Committee. Mr. Hanlon has also appeared as a speaker before the Los Angeles County Bar Association, Immigration Section, on the 1996 immigration law amendments. Mr. Hanlon graduated "With Distinction" from the University of Michigan at Ann Ar-

bor (1988) with a Bachelor of Arts degree in English, and obtained a J.D. from Loyola Law School in Los Angeles (1993).

Susan E. Hill is a partner at the immigration law firm of Hill, Piibe & Villegas in Los Angeles, in charge of complex appeals and motions before the Immigration Court, the Board of Immigration Appeals, and the U.S. Courts of Appeal. She has several published decisions within the Ninth Circuit U.S. Court of Appeals. Ms. Hill teaches Immigration Law at Pepperdine University School of Law, and consulted on the development of its new Asylum Law Clinic, ultimately being named as one of its supervising attorneys. She frequently mentors pro bono attorneys who have volunteered to handle immigration court matters, and served as the supervising attorney for UCLA School of Law's volunteer *El Centro* Asylum Law Clinic, 2004–07. Ms. Hill has been invited to speak at numerous continuing education events through American Immigration Lawyers Association and the L.A. County Bar Association, and has authored articles on the practice of immigration law. Along with developing her immigration practice, Ms. Hill has always been heavily involved in battered women's issues, now co-chairing the legal clinic for Sojourn Services for Battered Women in Santa Monica, where she has volunteered since 1994. She also is on the board of the Woman Lawyers Association of Los Angeles, and co-chairs its Solo and Small Firm Practice section.

Laura Hofman practices business and family immigration and naturalization law in Seattle. She has counseled hundreds of businesses and individuals through the U.S. immigration system and has served as immigration faculty for various local conferences. She graduated from Wayne State University Law School in Detroit in 2005 and is a member of the American Immigration Lawyers Association chapters in Washington and Michigan. Ms. Hofman volunteers with and provides pro bono services to multiple local nonprofit organizations and is the current co-chair of the Washington Pro Bono committee. She has recently become a working mom.

Janet Holste Cheetham has been practicing immigration law for more than 20 years. She represents the international business community in bringing talented, hard-working employees to the United States. She also represents individuals seeking to join or remain in the United States with their family members, as well as become U.S. citizens. Ms. Cheetham has been listed in *The Best Lawyers in America*, *Strathmore's Who's Who*, *Seattle's Best Lawyers* and

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Paul Hribernick is a contributing author and editor for numerous American Immigration Lawyers Association publications including *The H-1B Toolbox*, *The INS Resource Guide*, and others. Mr. Hribernick was the lead counsel in *Butros v. INS*, 990 F.2d 1142 (9th Cir. 1993), an *en banc* decision by the Ninth Circuit U.S. Court of Appeals, which overturned *Gonzales v. INS*, 921 F.2d 236 (9th Cir. 1990). He has taught immigration law at the University of Oregon and is listed in *Best Lawyers in America*, *Who's Who of Corporate Immigration Lawyers*, and the *Bar Register of Preeminent Lawyers*. Mr. Hribernick served on the Nebraska Service Center Liaison Team (three years) and has served as a faculty member for more than 20 national and regional immigration law conferences.

Mark A. Ivener has exclusively practiced immigration law for more than 30 years. He has lectured on U.S. immigration law for organizations such as the World Trade Institute, the International Bar Association, and the American Immigration Lawyers Association (AILA). His books include *Handbook of Immigration Law*, Volumes I & II; *Doing Business in the USA Under Free Trade*; *Get the Right Visa*; *A Complete Guide to Getting An American Visa* (in Japanese); and *Have You Thought About Immigrating to the U.S.?* (in Spanish). In addition, he has authored many articles for such publications as the *International Law Journal*, the *Canadian-American Bar Association Newsletter*, *Business and the Law*, and *World Trade Trends*. A leader in his field, Mr. Ivener is a founder of the National Consortium of Immigration Law Firms (IMMLAW) and the Academy of Business Immigration Lawyers (ABIL). He is listed in the *Martindale-Hubbell* Bar Register of Preeminent Lawyers (Immigration and Naturalization) and the *International Who's Who of Corporate Immigration Lawyers*.

David S. Jones is a partner in the Las Vegas office of Jackson Lewis LLP. He regularly advises clients on

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Mary Kenney is a senior staff attorney with the Legal Action Center (LAC) of the American Immigration Law Foundation (AILF). AILF's LAC conducts impact litigation, mentors and assists immigration attorneys with their federal court cases, and prepares amicus briefs in significant cases in federal courts and before the BIA. Ms. Kenney is counsel in *Ngwanyia v. Ashcroft*, a national asylee adjustment class action. She has litigated cases at the Board of Immigration Appeals and in various federal courts around the country. Prior to joining AILF, Ms. Kenney spent seven years as the executive director for the Texas Lawyers' Committee, a statewide immigrant and refugee rights project.

H. Ronald Klasko is the managing partner of Klasko, Rulon, Stock & Seltzer, LLP, a firm devoted exclusively to the practice of immigration and nationality law with offices in Philadelphia and New York. He is a former American Immigration Lawyers Association (AILA) National president, and served for three years as the bar association's general counsel. He is a past chair of AILA's DOL National Liaison Committee, its taskforce on H and L visas and business immigration committee. He co-authored the two-volume *Employers' Immigration Compliance Guide*. Mr. Klasko represented employers and their lawyers both at the DOL national training symposium in San Francisco and before the U.S. Commission on Immigration Reform. He has been adjunct professor of immigration law at Villanova University Law School and is a frequent lecturer on immigration law subjects. Klasko is selected annually for inclusion in *Best Lawyers in America*. The *International Who's Who of Business Lawyers* selected Mr. Klasko as one of the 25 most highly regarded immigration lawyers in the world. He is one of only three practicing attorneys ever honored with the AILA Founders Award, be-

stowed on the individual who has had the most positive impact on immigration law.

Andrew R. Lerner is counsel to Wormser, Kiely, Galef & Jacobs LLP in New York. He has practiced immigration law for more than 15 years, focusing on immigration-related business, entertainment, and family-based legal matters. He is a graduate of Occidental College (B.A. 1977) and Fordham Law School (J.D. 1989). Mr. Lerner, a featured seminar and conference speaker on a wide array of immigration issues, has been selected annually for inclusion in *Best Lawyers in America* since 2003, and since 2007, has been selected annually as a *New York Super Lawyer*. He is a former chair of the American Immigration Lawyers Association (AILA) New York Chapter, and is currently serving on AILA National's USCIS Vermont Service Center Liaison Committee. Mr. Lerner prides himself on being a "native New Yorker," having been brought up in Greenwich Village during the 1960s. Prior to practicing law he was employed as an assistant film editor, and spent many years as an actor and singer/songwriter. Mr. Lerner is also an avid runner, and has run in five New York City marathons (best time: 3 hours, 20 minutes).

Edward R. Litwin is the sole shareholder of Litwin & Associates, A Law Corporation, located in South San Francisco. He is certified by the California State Bar Board of Legal Specialization as a specialist in immigration and nationality law. He was an elected member of AILA's Board of Governors for 10 years and has held numerous appointed positions. Mr. Litwin is included in *Best Lawyers in America*, *An International Who's Who of Corporate Immigration Lawyers*, *Who's Who in American Law*, *Who's Who in Executives & Professionals*, *National Registry of Who's Who*, and *Strathmore's Who's Who*.

Margaret H. (Peggy) McCormick is a principal in the immigration law firm of Minsky, McCormick & Hallagan, P.C., in Chicago. She has practiced in the field since 1978, concentrating on employment-based immigration. For more than 20 years, Ms. McCormick has been an adjunct professor of immigration law at Loyola University School of Law, in Chicago. She served as national president of the American Immigration Lawyers Association (AILA) in 1997 as well as national president of the American Immigration Law Foundation (AILF; now American Immigration Council) from 1999 until 2003, when she received the AILF Honorary Fellow Award. She is a member of the board of directors for the Federal Bar Association, Chicago Chapter. Ms. McCormick has

written and spoken extensively on a wide variety of immigration law issues.

Paul McLaughlin practiced law for 17 years before becoming the practice management advisor for the Law Society of Alberta in 1991. In 2004, he and his son, Andrew, formed Turning Point Law, a wills, estates, and trusts law firm in Sherwood Park, Alberta, Canada. The firm's attorneys practice what Mr. McLaughlin preached to other lawyers while he was a practice management advisor.

Nikki Mehrpoo Jacobson is the founding partner of Jacobson & Han LLP in Los Angeles, an internationally recognized immigration law firm. She has extensive experience in immigration law, including employment- and family-based immigration and deportation/removal defense. She has successfully litigated immigration matters in Immigration Court and the U.S. Courts of Appeals. Ms. Jacobson has been named a Southern California "Super Lawyer Rising Star" by *Los Angeles* magazine in the area of Immigration Law. Ms. Jacobson has also been recognized by Los Angeles Mayor Antonio Villaraigosa for her advocacy and dedication to immigration law. Ms. Jacobson is an AILA member, for which she has been a speaker, publication editor, and liaison with several government agencies. She is also an associate professor of law and teaches immigration law at West Los Angeles College. In addition, Ms. Jacobson is a business/marketing consultant for sole practitioners and small firms.

Cyrus D. Mehta, a graduate of Columbia Law School and Cambridge University, is the managing member of Cyrus D. Mehta & Associates, PLLC in New York City. He is also an adjunct associate professor of law at Brooklyn Law School where he teaches a course entitled Immigration and Work. Mr. Mehta has received an AV rating from *Martindale-Hubbell* and is listed in *Chambers USA*, *International Who's Who of Corporate Immigration Lawyers*, *Best Lawyers* and *New York Super Lawyers*. He is past chair of the American Immigration Law Foundation's Board of Trustees, and is presently the Chair of American Immigration Lawyers Association's National Pro Bono Committee. He was also the former chair of the Committee on Immigration and Nationality Law of the New York City Bar, and was subsequently the secretary and member of the Executive Committee of the same association.

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

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Rosanne (Rosie) Milano is an associate attorney at Barker, Epstein & Loscocco in Boston. She obtained a B.A. in International Relations from Boston University in 2001 and a J.D. from Suffolk University Law School in 2007. Ms. Milano is admitted to the Massachusetts bar and the First Circuit Court of Appeals.

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Linda Rahal is chief operating officer (COO) of Trow & Rahal. She has been with the firm since its inception in 1993 and has practiced immigration and nationality law as an attorney since 1992. Ms. Rahal has taught several courses on immigration law and conducts seminars for clients and outside organizations. She is listed in the *Best Lawyers in America*, *Washingtonian Magazine's* "Top Lawyers," *The International Who's Who of Business Immigration Lawyers*, and the *Martindale-Hubbell Bar Register of Preeminent Lawyers*. Ms. Rahal is a frequent speaker on immigration law updates at Society for Human Resource Management events.

Linda Rose is the managing member of Rose Immigration Law Firm, PLC, in Nashville. She is a longtime director of the American Immigration Lawyers Association (AILA) Board of Governors and presently serves on the AILA DOL Liaison Committee. She is also an adjunct professor at Vanderbilt University and is consistently rated among Tennessee's top

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Michael W. Schoenleber is a founding member of Schoenleber & Waltermire, P.C., in Sacramento. He has been certified by the Board of Legal Specialization of the State Bar of California as a specialist in immigration and nationality law since 1989. He is a graduate of Stanford University (B.A. 1972) and the UCLA School of Law (J.D. 1979). He has served as an American Immigration Lawyers Association mentor for many years.

Madhu N. Sharma is an attorney at Stone & Grzegorek in Los Angeles, and has been practicing exclusively in the field of immigration law since her admission to the California State Bar in 1998. She has successfully defended numerous clients before the Immigration Court and the Board of Immigration Appeals. She has served as lead counsel in federal litigation and appeals before the United States District Court for the Central District of California and the Ninth Circuit U.S. Court of Appeals. Ms. Sharma was honored for her exemplary pro bono service by the Legal Aid Foundation of Los Angeles and Catholic Legal Immigration Network. She earned her J.D. *cum laude* from the University of Minnesota School of Law, and her Bachelor of Arts in political science from the University of Michigan. Ms. Sharma is a member of the American Immigration Lawyers Association and the Los Angeles County Bar Association.

Dinesh Shenoy is of counsel to Aronson & Associates PA in Minneapolis, a nationally recognized firm with a focus on physician-immigration and other employment-based immigration cases. He has spoken at many AILA conferences, on teleconferences, and published articles on the "concurrent filing rule" and immigration consequences of crime. Mr. Shenoy is the winner of the 2003 American Immigration Lawyers Association (AILA) Mentor Award and was a member of the 2004–05 AILA/NSC Liaison Committee.

Carl Shusterman has been practicing immigration law for more than 30 years. He served as a legacy-Immigration and Naturalization Service attorney (1976–82) before entering private practice. Mr. Shusterman heads a nationally recognized six-attorney firm that specializes exclusively in immigration law.

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Mark Silverman is director of immigration policy at the Immigrant Legal Resource Center (ILRC) in San Francisco. He has been a staff attorney with the ILRC since 1983. From 1983 to 1985, he was also the coordinator of the Political Asylum Emergency Representation Program of the San Francisco Lawyers' Committee for Urban Affairs. Mr. Silverman is the author or co-author of more than 10 manuals on various aspects of immigration law, including *Winning Asylum Cases*, recently updated in 2000, and *Winning NACARA Suspension Cases*, updated in June 1999. Mr. Silverman has made presentations at a large number of trainings for legal workers as well as community presentations for immigrants. He was a past national pro bono co-chair for the American Immigration Lawyers Association. Mr. Silverman is and had been for a number of years an adjunct professor of law at Golden Gate School of Law, where he teaches a course in immigration law and an advanced seminar on asylum law.

Bonnie Stern Wasser is the co-editor, along with Stuart Folinsky, of the original edition of AILA's popular *Immigration Practice Toolbox*. Ms. Wasser is an immigration attorney practicing in Seattle. She is a member of the California and Washington State Bars, and is a certified specialist in immigration and nationality law by the California State Bar Board of Legal Specialization. Ms. Wasser was formerly a trial attorney with legacy-Immigration and Naturalization Service in Los Angeles and has worked at two other mid-sized law firms over the years. She had her own practice in Los Angeles for many years until moving to Seattle in 2000, where she is currently in solo practice emphasizing business and family immigration, citizenship, and asylum matters. Ms. Wasser currently serves as vice chair of the American Immigration Lawyers Association Washington Chapter.

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William A. Stock is a founding partner of Klasko, Rulon, Stock & Seltzer, LLP, a firm devoted exclusively to the practice of immigration and nationality law with offices in Philadelphia and New York. He handles all aspects of immigration law, including assisting companies and individuals in obtaining employment- and family-based visas; resolving citizenship issues and obtaining naturalization; and defending clients in U.S. Citizenship and Immigration Services and U.S. Department of Labor enforcement proceedings. He currently serves as a director on American Immigration Lawyers Association's (AILA) Board of Governors, was chair of AILA's Philadelphia Chapter, and is featured in *The Best Lawyers in America*, *Pennsylvania Super Lawyers*, and *Who's Who of Business Lawyers*.

Richard J. Tasoff is a partner in Tasoff & Tasoff, P.C., a Los Angeles law firm that has advised clients on immigration matters since 1949. Mr. Tasoff is certified as an immigration and nationality law specialist by the California State Bar Board of Legal Specialization. He works extensively with human resources managers, corporate lawyers, business owners, and institutions. Mr. Tasoff is a graduate of the University of Southern California Law School and has been recognized as a Southern California *Super Lawyer* from 2004 to 2009.

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Nancy Taylor Shivers is a partner in Shivers & Shivers in San Antonio. She handles all aspects of immigration law, including representation of employers and individuals in obtaining employment- and family-based visas. She is board certified by the Texas Board of Legal Specialization in the field of immigration and nationality law. Ms. Taylor Shivers was an elected member of the American Immigration Lawyers Association (AILA) Board of Governors and past chair of the Texas AILA Chapter. She has been included in *Best Lawyers in America* in the immigration law category since 1993, and in all editions of the *International Who's Who of Corporate Immigration Lawyers*. She received a B.A. from the University of Kansas and a J.D. from the University of Houston.

Reid F. Trautz is the director of the AILA Practice and Professionalism Center, where he provides ethics guidance and management consulting services to AILA members. Mr. Trautz is a nationally recognized consultant, author, and presenter on practice issues, including business process improvement, law practice technology, attorney-client communications, marketing, and ethics. Prior to his focus on the business of practicing law, Mr. Trautz was a partner in a five-lawyer firm in Virginia. In 2008, he was inducted as a Fellow in the College of Law Practice Management. Contact: rtrautz@aila.org or (202) 507-7647.

Roy Jack Watson, Jr., is a graduate of Brandeis University, with a B.A. in Economics (1971); a J.D. from Boston College School of Law (1975); and an MPA from the Kennedy School of Government at Harvard University (1983). Mr. Watson is founder and past editor-in-chief of the *Immigration Case Reporter* (ICR), published by Matthew Bender, Inc., sent to over 1,000 lawyers in five countries to provide the latest information and changes in the field of immigration law. Mr. Watson has authored numerous articles on a variety of immigration law topics, and is a frequent lecturer on business-relevant immigration law issues. He is past president of the New England chapter of the American Immigration Lawyers Association (AILA) and has served on numerous AILA national committees during his 30 years of active practice of immigration law. Mr. Watson is a past chair of the immigration law committees of both the Massachusetts Bar and Boston Bar (BBA) Associations, and a past International Law Section chair for the BBA. He remains active with numerous international business organizations, and Watson Law Offices is the first law office in the United States to be registered under ISO 9002.

Nathan A. Waxman specializes in business and professional immigration in New York. He was awarded a B.A. in Philosophy from New York University, an M.A. in Philosophy from the University of Chicago, a J.D. *cum laude* from Loyola University of Chicago, undertook doctoral studies in Philosophy at the University of Chicago and in Oriental Languages at the University of Pennsylvania. Mr. Waxman has been a member of American Immigration Lawyers Association since 1985, and writes and lectures extensively on business and academic immigration topics.

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Judith Wood is a founding member of the Law Offices of Judith Wood and Jesse Moorman in Los

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