

W. DAVID ZITZKAT
Attorney at Law
Practicing Exclusively in Immigration Law Since 1981
111 SIMSBURY RD, P.O. BOX 1340
AVON, CT 06001

AGREEMENT
2012

Herein is our standard office agreement. It should be signed by both the attorney and the client. In the event of a third party payer, the Third Party Payer Supplement should also be signed by both the beneficiary and the third party payer.

Fees and Payment

Fee Schedule for Labor Certification

The fee for Labor Certification is \$3,700 which is paid up front. This includes a non-refundable \$100 Mail Fee. The Mail Fee covers first class, priority and Express mail, all of which is at the discretion of the office. The payment is made prior to the start of the case.

The fee includes attorney assistance in preparing documents and advertising for the labor certification process, as well as reviewing employer comments on the recruitment process. It also involves filing the labor cert, and representing the client in the audit process, if necessary. Also, in the event the case is denied, the fee includes a free appeal or motion to Balca, the Board of Alien Labor Certification Appeals if the client so desires. At present there are no filing fees for the labor certification process or for filing an appeal or motion to Balca, but in the event such fees are instituted, they would be the responsibility of the client company and not included in the attorney fee. Federal law also requires that the sponsoring company pay all fees such as attorney fees and advertising fees, and that they do not seek reimbursement from the client. Attorney fees also do not include out of pocket expenses such as overnight mailing or translation services.

Once the PERM is approved, the second step fee is due. The first step cost of the PERM option is \$3,600 (+ \$100 mail fee). The second step includes the filing of the I-140. Federal Law does NOT require that the sponsoring company pay for this step and either the beneficiary or company may pay. The fee for the Second Step is \$1,000.

Finally, the beneficiary may elect to have the I-140 petition filed concurrently with the I-485 Application, which is the actual application for the greencard. The

fee for the filing of I-485s is \$500 for each family member to a maximum of \$2,000. Whether or not the client can file concurrently depends upon visa availability.

This agreement covers only the filing of the PERM and filing direct petitions, such as the National Interest Waiver, Outstanding Researcher and/or Extraordinary Researcher are NOT included in the fee. These are Direct Filing options and require a different agreement. Thus either Direct Filing or PERM can be selected, but not both unless there are two agreements and two separate fees.

PERM services provided are consultations with the client to determine best strategy, and development of a legally viable job description, as well as development of a job posting, newspaper ad, and providing advertising instructions. In addition after the client has reviewed applicants for the position, the attorney will provide advice on the response to recruitment letter. Attorney will also file the PERM and interface with the Department of Labor on all issues including prevailing wage, or any other issue raised by the Department of Labor. Request for Reconsideration or BALCA appeal is also included.

The second step of the fee, as stated costs \$1,000 and includes preparation and filing of the I-140 petition, legal advice relevant to the petition, and follow up. It also includes the attorney fee in the event of an appeal or a motion.

The third step of the fee is \$500 for EACH I-485 that is filed for the beneficiary and additional family members up to a maximum total of \$2,000 if the spouse and child(ren) are in the U.S. and filing with principal alien. If spouse and/or child(ren) are out of the U.S., additional fees will apply.

Filing of the I-485 through this office will include one EAD and AP filing while the case is pending.

Filing I-140 and I-485 Concurrently

Attorney fees for the I-485 (Second Part) are due prior to the beginning of paperwork if the client elects to have our office file the second part. Of course, filing fees are also due before filing.

None of the above fees include out of pocket expenses incurred with the case such as overnight mailings, etc. or filing fees necessary for all applications.

Refunds:

Since we are charging fixed fees and not hourly fees, the client generally saves considerably. In the event the client wishes a refund, deductions from the amount paid will be made as follows:

Time spent by Attorney Zitzkat will be billed at \$300 per hour.

Time spent by Attorney Zitzkat's Assistants will be billed at \$150 per hour.

For PERM cases, development of the job description, ad development and obtaining the prevailing wage are agreed to have the value of the first part of \$1,800. If this work has been done, both parties agree that the amount of \$1,800 will have been earned and will not be refunded. If the PERM petition is ready to be filed, it is agreed by both parties that the entire first part of the fee has been earned and will not be refunded.

When the client requests a refund, that is the only time the hourly rates or values of proprietary materials or preparation of a case for filing will be taken into consideration. If no refund is requested, the fees are fixed, as stated above.

Signature of Company Representative or Client

W. David Zitzkat - Attorney at Law

Print Name

Date

Third Party Payer Supplement

A third party payer situation exists when the person paying the attorney fees and the person benefiting from the petition are different. Generally this happens when a company or university sponsors, and pays for an employee.

Please be aware that potential conflicts of interest could arise during the course of representation, which could result in Attorney Zitzkat being forced to either withdraw from representation, or to get permission of both the third party payer and the beneficiary in order to continue. Potential conflicts in 3rd party payer situations can occur when the payer changes his mind about the payment, or the amount of payment, continuing the client's employment, changing job duties, doing advertising, if necessary, following Federal Regulations concerning advertising or other requirements such as posting of salary, when necessary, paying fees for spouse or children,

When such a conflict of interest occurs, Attorney Zitzkat must disclose this conflict to both parties, and obtain the written permission of both parties to continue representation. If such permission cannot be obtained, Attorney Zitzkat may be forced to withdraw representation from both parties.

I understand the nature of conflicts that might arise where there the beneficiary of the immigration process is not also the person paying for the services. I understand that should such a conflict arise, Attorney Zitzkat may be required to withdraw from the case.

Beneficiary of Process

Third Party Payer