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W. DAVID ZITZKAT
ATTORNEY AT LAW

PRACTICING EXCLUSIVELY IN IMMIGRATION LAW SINCE 1981

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Inclusive I-140 Agreement 2017
Attorney W. David Zitzkat

Attorney W. David Zitzkat was admitted to the Connecticut Bar in 1981. He has also been admitted to the Federal District Court for Connecticut, the Second Circuit Court of Appeals, and the U.S. Supreme Court. As such, he is entitled to practice Immigration Law anywhere in the United States. He has been practicing Immigration Law since 1981, a period of about 35 years.

The services outlined in this agreement are provided at a flat fee of **\$4,300.00**. In addition, there is a Non-Refundable Mail Fee of **\$100.00**. There are no hourly fees, unless a refund is requested, at which point the total time spent on the case shall be taken into account.

Payment under this agreement is *up-front only*, meaning a total of \$4,400.00 must be paid in full in order for this agreement to go into effect. This firm has alternative agreements for payment in installments, including two-payment or three-payment agreements. These agreements are available at our website (www.zitzkat.com), or upon email request.

The services provided in this agreement are as follows:

- Filing up to *three* (3) direct I-140 petitions for one beneficiary, including personal assistance and consultation from Attorney W. David Zitzkat, final preparation, and submission to USCIS. "Direct I-140 petition" means an employment-based immigrant visa petition that does not require a Labor Certification (PERM). The basis for a direct I-140 petition may be *Extraordinary Ability* (EB-1a), *Outstanding Researcher or Professor* (EB-1b), or a *National Interest Waiver* (EB-2).
- Responding to any Request for Evidence (RFE) or Notice of Intent to Deny (NOID) for any of the above petitions, at no additional charge.
- In the event that an I-140 petition is denied, and at the client's discretion: re-filing any of the denied petition(s) OR filing an appeal or motion to reopen or reconsider (some restrictions apply; please see below).
- After the petition(s) is/are filed, performing any necessary follow-through, to be determined by the attorney.
- Filing *one* (1) Adjustment of Status (I-485) application for the main applicant, including personal assistance and consultation, final preparation, and submission to USCIS. I-485 filing also includes concurrent application for an Employment Authorization (I-765) and Advance Parole (I-131) document. Some restrictions apply. Attorney preparation and submission of I-485 application(s) for dependent applicants (spouse and/or children) is available at an additional fee (see below). Filing renewal EAD/AP applications is also available at an additional fee.

The agreement must be signed by both Attorney W. David Zitzkat and the client in order to go into effect. 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 (see last page).

The terms and conditions of this agreement are as follows:

1. Attorney Fee – Fee for Attorney W. David Zitzkat is **\$4,300.00**.
2. Non-Refundable Mail Fee – A non-refundable fee of **\$100.00** must be made with the first payment. This fee covers mailing expenses including ordinary first class, priority and express mail. Choice of what class of mail will be used is at the discretion of this firm, though the client may request that a certain class of mail be used for filing an application.
3. Direct I-140 Petition(s) – Once this agreement has been signed and the Attorney Fee has been paid, the attorney agrees to:
 - a. Provide legal and practical advice on preparing and filing up to *three* (3) direct I-140 petitions for one beneficiary. A "direct I-140 petition" is an employment-based immigrant visa petition that does not require a Foreign Labor Certification (PERM). (If you are interested in filing a Labor Certification Application, please request our agreement covering that process.) The basis for a direct petition may be any of three petition categories: *Extraordinary Ability* (EB-1a); *Outstanding Researcher or Professor* (EB-1b), or *National Interest Waiver* (EB-2). Throughout the course of representation, Attorney Zitzkat shall advise the client on which petition category best suits the client's experience and qualifications.
 - b. Immediately schedule a *Strategy Conference* with the client. This conference may be up to 3 hours long and can be held in the attorney's office in Avon, Connecticut, over telephone, or by a Skype call. The strategy for the case as well as all issues of the client related to this petition will be discussed.
 - c. Assist the client in drafting and editing up to eight (8) referee letters to be included with each petition, including sending the client sample referee letters relating to the client's field of expertise.
 - d. Advise and otherwise assist the client in preparing any other letters necessary for the selected petition category.
 - e. Advise the client on the inclusion of documents, letters, and other materials for each petition.
 - f. Draft and finalize the petition cover letter.
 - g. Prepare all necessary forms for the client's review and signature.
 - h. Organize and prepare the final petition, and file each petition with USCIS.
 - i. Keep the client abreast of any developments regarding each petition that has been filed with USCIS. Note that this does NOT include contacting USCIS unless it is the attorney's opinion that the process is taking much longer than the posted times. USCIS posts processing times on their website (www.uscis.gov). Typically, these times are optimistic projections. If necessary, the attorney will advise client on how to make a case inquiry.

4. Request for Evidence and Notice of Intent to Deny – This agreement covers assisting the client in preparing and filing a response to a Request for Evidence (RFE) or Notice of Intent to Deny (NOID) issued by USCIS. An RFE is issued when USCIS has determined that more evidence is required in order to adjudicate the petition. A NOID is issued where USCIS believes that even though three categories have been won by the client the petition still does not warrant approval. In both situations, the applicant is afforded an opportunity to respond by providing additional evidence, and/or refuting the USCIS examiner's conclusions. In the event that an RFE or NOID is issued, the attorney agrees to:
 - a. Advise the client on obtaining additional evidence, including drafting and editing new letters to be submitted;
 - b. Draft and finalize a response letter that addresses the USCIS examiner's concerns; and
 - c. Organize and prepare the final response, and submit the response to USCIS.
5. Appeal, Motion to Reopen, or Motion to Reconsider – In the event that the I-140 petition is denied, the attorney agrees to assist the client in preparing and filing an appeal with the Administrative Appeals Office (AAO), or a motion with USCIS. A motion may be in the form of a Motion to Reopen (stating new facts and providing new documentary evidence that establishes eligibility at the time the original petition was filed), a Motion to Reconsider (establishing that the decision was based on an incorrect application of law or policy), or a combination of the two. In the event multiple petitions are filed, but only one is denied, it is un the attorney's discretion as to whether to file an appeal or motion for the one denied.
6. Re-filing of Denied Petition – In the event that the I-140 petition is denied, the attorney agrees to re-file the entire petition at no additional attorney fee, *provided all of the following are true*:
 - a. No additional referee letters are required;
 - b. The petition is being re-filed within one (1) year that the denial was issued; AND
 - c. The petition is being re-filed *in lieu of* an appeal or motion as described above (In other words the petition may be re-filed or it may be appealed, but not both.)
7. Adjustment of Status – After the I-140 petition is approved, the beneficiary is eligible to apply for Adjustment of Status (I-485) for themselves and any dependents (spouse and/or children). This agreement includes *one* (1) I-485 filing for the main applicant at no additional charge, *provided that* the firm is also hired to prepare I-485 application(s) for the main applicant's dependents. In other words, if the client wishes to file for the other members of his family without the attorney's assistance, then the free I-485 provision of this agreement is null and void.

I-485 preparation for dependents is available for an additional attorney fee of **\$500.00** for each dependent applicant. *Please note: all attorney fees and filing fees are due prior to the preparation of any paperwork.*

If USCIS requires an interview, and the interview is to be held at a USCIS office in Connecticut, the attorney shall agree to accompany the client at an additional fee of **\$750.00**. If interviews for more than one person are held at the same date and time, that counts as one single interview.

The client may elect to file his or her I-485 application(s) without attorney representation. In this situation, the attorney will not provide any assistance to the client, and the client is 100% responsible for the outcome. It should also be noted that filing of the I-485 with attorney assistance does NOT include accompanying the client to an interview, if one is required.

8. Concurrent Filing I-140 and I-485 – The client may elect to file I-140 and Adjustment of Status applications concurrently. In this case, the attorney fee for any dependent applicant(s) I-485s must be paid up front, prior to the preparation of any I-485 paperwork.
9. USCIS Filing Fees and Out of Pocket Costs Not Included – For the applications referred to in this agreement (I-140 and I-485), USCIS requires filing fees made out to the U.S. Department of Homeland Security. These fees are listed at <https://www.uscis.gov/forms>, and more information about paying these fees can be found at www.uscis.gov/fees. The Attorney Fee to be paid to Attorney W. David Zitzkat does NOT include USCIS filing fees, and the client or third-party payer will be expected to pay these fees at the time of filing an application with USCIS. In addition, any out-of-pocket costs (other than postage fees for mail sent by the firm directly to USCIS, covered by the Non-Refundable Mail Fee) must be paid by the client or third-party payer.
10. Client Documents – Our firm retains records of each application process as well as copies of any application(s) filed with USCIS. The firm only retains these documents for three (3) years after the date that the case has been concluded. It is the client's responsibility to request his or her file if he or she wishes to keep it. Additional fees for photocopying and mailing may apply.
11. Refunds – Please understand that taking your case means that the firm could not take some other case, as this firm turns down dozens of cases every year. Because this firm charges fixed fees as opposed to hourly fees, the client will save considerably. Furthermore, due to the nature of fixed prices, it is understood that time spent on the case is not strictly kept track of. Therefore, it is understood that in the event of a request for a refund, the party asking for the refund will accept a good-faith estimate for the amount of time spent. In addition, the time spent calculating the estimated time spent will be also contribute to the total calculation. In the event the client requests a refund, deductions from the amount paid will be made as follows:
 - a. Time spent by Attorney W. David Zitzkat will be billed at **\$400.00** per hour.
 - b. Time spent by Attorney Jon-Marc LaRue Zitzkat will be billed at **\$360.00** per hour.
 - c. Time spent by any of the firm's paralegals and/or assistants will be billed at **\$200.00** per hour.

Proprietary material (such as sample referee letters to be sent to the client) are agreed by both parties to have a value \$2,500.00. In the event that these letters have been sent to the client, both parties agree that the amount of \$2,500.00 will have been earned and will not be refunded. If an I-140 petition is ready to be filed, it is agreed by both parties that the entire 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 remain fixed.

Furthermore, the client agrees that he or she will participate in good faith in the preparation of the petition and other materials. It is agreed that the client will not wait an unreasonable amount time before beginning work on letters and other documents necessary to procure in order to file this petition. It is further agreed that if at least one I-140 has not been filed within 2 years of the Agreement date, there can be no refund. However, it is also agreed that there is no limit on this agreement other than for refund purposes, and that any number of months or years can go by and the client can still enforce this contract with respect to preparation and filing. For example, if the agreement is signed and 20 years later the client wants to begin work on filing the I-140, he may do so under this agreement with no additional charges, as long as the attorney is still practicing law.

Client acknowledges that Client has fully read and understood this agreement. By signing this agreement, Client hereby agrees to the terms and conditions set forth herein.

Client Signature: _____

Print Name: _____

Date: _____

Attorney Signature: _____
Attorney W. David Zitzkat

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 the attorney 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, the attorney must disclose this conflict to both parties, and obtain the written permission of both parties to continue representation. If such permission cannot be obtained, the selected attorney 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, the attorney may be required to withdraw from the case.

Beneficiary of Process

Signature: _____

Print Name: _____

Date: _____

Third Party Payer

Signature: _____

Print Name: _____

Company: _____

Date: _____