



STEVEN MALM

Counsel

Steven.Malm@haynesboone.com

PRACTICES: Labor and Employment, Immigration, Litigation, Mergers and Acquisitions, International, Europe, Middle East and Africa, Asia, India, Latin America and the Caribbean, U.S. Inbound Investment; **INDUSTRIES:** Technology, Software, Technology Mergers and Acquisitions; **TRENDING ISSUES:** Presidential Administration Transition

ORANGE COUNTY

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DALLAS

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EDUCATION AND CLERKSHIPS

- J.D., University of Southern California, 2007
- M.A., International Relations, University of Southern California, 2007
- B.A., University of Notre Dame, 2004, magna cum laude

ADMISSIONS

- California

COURT ADMISSIONS

- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California

Steven Malm is counsel in the Labor and Employment Practice Group in the Orange County office of Haynes and Boone, LLP, where he leads the Immigration Practice Group. Steven has vast experience representing small, mid-size, and Fortune 500 employers in a wide array of immigration and compliance matters.

Steven's practice of employment-based immigration law includes assisting employers in monitoring and maintaining the immigration status of their foreign workforces. He assists employers in sponsoring foreign workers for such nonimmigrant visas as H-1B specialty worker, L-1 intracompany transferee, and O-1 extraordinary ability visas, as well as other nonimmigrant classifications, and sponsorship for permanent residence through analogous green card categories and the PERM labor certification test of the U.S. labor market.

In addition, Steven counsels employers on compliance with I-9s and the prohibition against employment of unauthorized workers, as well as compliance with the anti-discrimination provisions of the Immigration and Nationality Act ("INA").

Further, Steven has extensive background in other immigration law specialties including family-based immigration, immigration removal proceedings, naturalization proceedings, and the intersection of criminal and immigration law, which enables him to devise unique, creative, and holistic solutions for his corporate clients and their employees.

In recognition of Steven's experience in the field of immigration, he has been certified as an Immigration and Nationality Law Specialist by the State Bar of California, Board of Legal Specialization. Certification requires satisfaction of a rigorous testing and peer review requirement, and only a small percentage of immigration practitioners hold this distinction.

Steven also takes pride in his litigation background and courtroom experience and his drive to vindicate his clients' rights and not take no for an answer when a case has been erroneously or unlawfully denied. He has successfully won the reversal of denials by the United States Citizenship and Immigration Services ("USCIS") and Department of Labor ("DOL") by litigating cases before Federal Courts and various administrative bodies.

In addition, Steven brings an international background to the practice of immigration law that makes him passionate about the subject and allows him to empathize with his clients. Steven grew up overseas in France and the UK as a "Third Culture Kid," and encountered some of the same global mobility challenges his clients face today. He is also an avid

- U.S. District Court for the Northern District of Illinois

traveler who has lived in or visited over 50 countries, which helps him relate to his international clients.

LANGUAGES

- Spanish
- French

Selected Client Representations

- Represented multiple Fortune 500 employers in devising their PERM green card sponsorship programs, to including sponsorship of hundreds of foreign nationals through the test of the U.S. labor market each year.
- Represented Fortune 500 employer in H-1B lottery, including identifying employees ripe for sponsorship, preparing and filing the H-1B petitions for the employees, and responding to Requests for Evidence on such issues as specialty occupation or degree nexus, while enjoying a high success rate in addressing these issues.
- Represented Fortune 500 employer in filing a L Blanket petition with hundreds of new entities to facilitate the transfer of employees from numerous foreign offices to the U.S. without the need for filing numerous individual petitions.
- Represented Fortune 500 employer in defense of a complaint brought by a former employee before the Department of Justice Immigrant and Employee Rights (“IER”) Section and Office of Chief Administrative Officer (“OCAHO”) alleging violations of the anti-discrimination provisions of the Immigration and Nationality Act.
- Represented employee of corporate client in removal proceedings before the Executive Office for Immigration Review (“EOIR”) and successfully argued that a lapse of status in the form of a late filing of visa paperwork should be excused under the “Forgiveness Clauses” of the INA and to obtain approval of the green card.
- Successfully represented client in an affirmative asylum claim before USCIS arguing that Post-Traumatic Stress Disorder (“PTSD”) and repressed memories should excuse the late filing of an asylum claim a decade after the applicant entered the U.S. based on novel gender-related social group formulation for the Philippines.
- Filed and won numerous Federal District Court lawsuits based on erroneous denials of immigration benefits by USCIS, including the denial of late-filed asylee relative petition (I-730) that should have been pardoned due to the ineffective assistance of prior counsel and the erroneous denial of H-1B petitions, as well as writ of mandamus and habeas corpus federal lawsuits.

Professional Recognition

- Certified Specialist, Immigration and Nationality Law, State Bar of California, Board of Legal Specialization

Professional and Community Activities

- American Immigration Lawyers Association (AILA), member