



## Practical Tips for New (and Experienced)

By Teresa A. Statler

Immigration law is a hot topic in the news these days, and many new lawyers have decided to make it part of their practice. It is an interesting, but complicated, area of law, and helping immigrant clients can be very fulfilling. Attorneys who practice immigration law must, however, take care to minimize the chances for error because in many cases, these errors can have serious consequences for the client. Here are some practical tips gleaned from my 24 years' experience practicing immigration law and from other Oregon immigration attorneys, which will help you to competently serve your immigrant clients.

- **Join the Oregon chapter of the American Immigration Lawyers Association (AILA).** AILA is the national association of more than 15,000 attorneys and law professors who practice and teach immigration law. Founded in 1946, AILA is a nonpartisan, not-for-profit organization that provides continuing legal education, information, professional services, and expertise through its 38 chapters and over 50 national committees. With your AILA membership, you will receive access to AILA's excellent members-only website with breaking news on changes in the law, procedures, and other information that is a "must" for any lawyer to be aware of. Although not inexpensive,

your annual membership fee will pay for itself many times over and allow you to sleep at night. AILA also holds many CLEs and seminars. The Oregon chapter also hosts free brown-bag lunch CLEs on a regular basis, and members actively participate in the annual two-day Northwest Regional Immigration Law Conference held in late winter each year.

- **Get a mentor who is an experienced immigration attorney and who is willing to discuss case issues with you.** Ensure that you do not disclose any client confidences when doing so. In general, experienced AILA members are generous with their time and expertise in helping new immigration practitioners.
- **You need a copy (preferably in book form) of the Immigration & Nationality Act (INA) (which is found at 8 U.S. Code) and the regulations in Title 8 of the Code of Federal Regulations (CFR) at your desk when you are advising clients.** Use any free time in the office, or time between clients, to review the INA. Sections to particularly focus on include: section 101 (definitions); section 212 (grounds of inadmissibility); section 237 (grounds of removal); sections 239 and 240

(removal proceedings); section 240A (cancellation of removal); and section 245 (adjustment of status).

- **Buy a copy of Kurzban's *Immigration Law Sourcebook*.** Now in its fifteenth edition, this is the immigration law "Bible" and it is a must if you wish to competently practice immigration law. Kurzban's *Sourcebook* is the place to start your legal research on any immigration law issue.
- **Figure out which area(s) of immigration law you would like to concentrate on, for example, family-based immigration matters, removal defense, asylum, or business (employment-based) immigration.** Especially when beginning the practice of immigration law, you can't do and know everything.
- **Before giving any advice to a new or potential client, begin the consultation by telling the client that immigration law is quite complex and that even a small change to one fact may change the situation enough to require different advice.**
- **You can follow this up by assuring the client that everything she tells you (or any attorney in the U.S.) is confidential.** Many immigrant clients come from countries and cultures where this is not the case.
- **Explain to the client that you can only help if you know the true facts.** The truth, even if the case has serious problems and negative factors, also gives you the information you need to decide if you want to represent the client. In other words, do not rush into taking on a battle that you are going to lose. If you do not have or understand all the pertinent facts, then you will not be able to successfully present your case to U.S. Citizenship & Immigration Services (USCIS) or the Immigration Court. You should, of course, assume that the client is being truthful. However, in the words of former Lewis & Clark law professor Ronald Lansing, "do not check your common sense at the door." Sometimes, it is good to be a bit skeptical at first and continue pressing the client for more information.
- **Along with ensuring that your client meets the statutory eligibility for the particular immigration benefit he is seeking, do not forget that most applications are granted in the exercise of discretion.** Be sure you, the attorney, know all the

positive and negative facts of the case so that there is less chance for surprises later on.

- **Once you have all the facts, and you have researched the law and spoken to a mentor (if necessary), develop a plan or strategy to proceed and a theory to get over any legal obstacles before accepting the case.** This also includes assessing the "reliability" of the potential client.
- **After accepting the case, explain to the client how the case will proceed and what you expect will happen and in what time frame.** If there are any legal risks (and in immigration law, this is not uncommon), make sure the client understands these and have a "Plan B," if possible.
- **Know what documents to review.** Often, clients will come to you without any documents or paperwork, yet they have been in the United States for many years. There are ways to obtain copies of an individual's alien ("A") file from the government via a request under the Freedom of Information Act (FOIA). Other ways to get information include an FBI identification record request, an OJIN search, and having the client go back to a prior attorney (if applicable) to get a copy of the client's file.
- **Do not assume that because you are representing immigrants, they do not have the money to pay your fee.** Often, immigration lawyers are (at some level) a bit of a "soft touch" when it comes to quoting a fee for their services and, in the spirit of "doing good," end up subsidizing their client's case. Compensation arrangements that are not economically viable for the attorney can cause the attorney to overcommit his or her time and resources. This can, in turn, mean cutting corners, failing to properly prepare the case, failing to timely communicate with the client, and/or neglecting the matter altogether. These downward spirals can be avoided by

carefully evaluating your case load and consciously deciding which pro bono work you are going to accept. ■

Teresa A. Statler practices immigration law in Portland, where her practice emphasizes family-based immigration matters, asylum, and removal/deportation defense. She is a former member of the PLF Board of Directors. She thanks her colleagues Tilman Hasche, Eileen Sterlock, and the late Dick Ginsburg for their help with this article.