

HIRING AN IMMIGRATION ATTORNEY

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Finding a good immigration attorney is important. You will likely spend considerable time and money working with your attorney. As with any important decision, research your options thoroughly and take the time to make an educated choice.

Immigration law is complex and changes frequently. Attorneys, also called “lawyers,” complete a professional degree and are licensed by states to practice law. Most attorneys select an area of specialization such as immigration, patents, trusts and estates, or litigation. An attorney practicing immigration law should have a thorough understanding of laws and procedures that pertain to non-US citizens. A good immigration lawyer will be able to explain the legal options that are available to you and will be able to correctly prepare and file immigration petitions.

WHEN SHOULD YOU HIRE AN IMMIGRATION ATTORNEY?

Hiring a competent immigration attorney can help you avoid unnecessary processing delays and many hours of work interpreting immigration procedures and preparing paperwork and petitions. Attorneys are regularly involved in H-1B petitions for “specialty occupations,” O applications for “persons of extraordinary ability,” and for employment-based permanent residency (“green card”) applications. A lawyer should also be consulted if you have a complicated situation that is beyond the scope of your International Student/Scholar Advisor.

There are also situations where a person can successfully file a petition with immigration without the help of an immigration attorney. Family-based permanent residency applications (i.e. based on marriage to a US citizen) may be one example, depending on the complexity of the case. If you decide to file a petition on your own, you may want to pay for an initial consultation with a qualified lawyer to get you started. To file successfully, you must learn in detail about the procedures and requirements of your particular petition type and be prepared to begin early to allow ample time for each step of the process. Begin by visiting the United States Citizenship and Immigration Services website at www.uscis.gov for forms and general information. We do not recommend calling the USCIS National Customer Service Center for advice.

SPECIAL ISSUES FOR EMPLOYEES OF THE UNIVERSITY OF COLORADO DENVER

International Student and Scholar Services in the Office of International Affairs is the only office authorized by the Chancellor to handle, oversee, and sign all immigration paperwork for the University of Colorado Denver | Anschutz Medical Campus. We handle most matters related to F and J visas and prepares and files the majority of its own employment-based U.S. immigration paperwork. As such, we only rarely use outside legal counsel.

Students, faculty, or staff members may want to consult with an outside immigration attorney about their options or may need the services of an outside immigration attorney to handle personal immigration matters. For example, there are two types of immigrant visas based on employment in the United States that a foreign person could file on her or his own behalf: extraordinary ability first preference and national interest waiver second preference. There are also a variety of immigration options through close family members who are permanent residents or U.S. citizens. Even in cases where the university handles the initial stages of an employment-based case on behalf of an international employee, the University does not

prepare applications for adjustment of status to permanent residence or for immigrant visas after the University's applications and petitions are approved.

We strongly recommend that those inquiring about general or personal immigration matters consult a reliable source of information. ISSS staff members do not have the experience or expertise to advise you on any and all legal matters that may arise during your stay in the U.S.

SOME USEFUL WEBSITES

We recommend the websites below to students or scholars who want to research immigration topics because they contain accurate information about U.S. immigration laws and procedures. Be forewarned that applying the general information available on these sites to your own particular situation can be difficult and even dangerous.

United States Citizen and Immigration Services: www.uscis.gov
Immigration and Customs Enforcement Student and Exchange Visitor Program for information about F and J visas: www.ice.gov/sevis
Department of State Visa Office: www.travel.state.gov
U.S. Department of Labor: www.foreignlaborcert.doleta.gov
American Immigration Lawyers Association: www.aila.org

FINDING A LOCAL IMMIGRATION ATTORNEY

The website of the American Immigration Lawyers Association includes an Immigration Lawyer Search tool that you can use to find a local immigration attorney who is a member of that organization. See www.ailalawyer.com

HELPFUL WEBSITES OF LAW FIRMS SPECIALIZING IN IMMIGRATION LAW

Carl Shusterman & Associates: www.shusterman.com
Latour & Lleras, P.A.: www.usvisanews.com
Sheela Murthy, P.C.: www.murthy.com
Siskind Susser: www.visalaw.com
True, Walsh & Miller: www.twmlaw.com
Maggio-Kattar: www.maggio-kattar.com
David Ware & Associates: www.david-ware.com
Hanes and Bartels, LLC: <http://hanesandbartels.com/>
Stern & Curray LLC: www.sterncurray.com
Elkind, Alterman & Harston PC: www.eahimmigration.com

ORGANIZATIONS THAT ADVOCATE FOR IMMIGRANTS & IMMIGRATION

American Civil Liberties Union: www.aclu.org/immigrants-rights
American Immigration Council: www.americanimmigrationcouncil.org
Center for Human Rights & Constitutional Law: www.centerforhumanrights.org
International Trial Attorneys Association: www.itaa.org
National Immigration Law Center: www.nilc.org
National Immigration Law Project of the National Lawyers Guild: www.nationalimmigrationproject.org
The Denver Office of Immigrant & Refugee Affairs: www.denvergov.org/content/denvergov/en/human-rights-and-community-partnerships/our-offices/immigrant-and-refugee-affairs.html

LOW COST/NO COST LEGAL ASSISTANCE FOR THOSE WITH LIMITED FINANCIAL MEANS

GENERAL

Colorado Legal Services: Helping low-income individuals solve legal problems (limited ability to help internationals). www.coloradolegalservices.org

Legal Night at Mi Casa Resource Center: Offer free legal information from volunteer attorneys in the following areas: credits, employment, family, immigration, housing, and landlord/tenant issues. www.micasaresourcecenter.org/supportive-services/legal-night

Metro Volunteer Lawyers: Providing free and low-cost civil legal services to those in need in the Denver Metro area. www.metrovolunteerlawyers.org

IMMIGRATION SPECIFIC

Catholic Charities Immigration Services: Provide representation in family visa processing, naturalization/citizenship, deportation defense. Offer translation, outreach services and educational materials. www.ccdenver.org/services/immigration-services

Center for Trauma & Resilience: Provide legal assistance to immigrant spouses, children and parents who have suffered abuse from a U.S. Citizen or Legal Permanent Resident. www.traumahealth.org

City of Littleton Immigrant Resource Center: Provide English as a Second Language services as well as assisting Legal Permanent Residents to become U.S. Citizens. www.littletonimmigrants.org

Colorado Immigrant Rights Coalition – Denver: Provide application support in naturalization/ citizenship. www.coloradoimmigrant.org/our-work/citizenship

Ecumenical Refugee and Immigration Services: Provide assistance for refugees and asylee individuals and families. www.mvarga.weebly.com

Lutheran Family Services Rocky Mountains – Immigration Legal Services: Serve low-income immigrant newcomers. Provide legal counseling in family based immigration and naturalization law. www.lfsm.org

Rocky Mountain Immigrant Advocacy Network (RMIAN): Work to ensure justice for men and women in immigration detention in the DHS Colorado Detention Facility in Aurora and for immigrant children who have suffered from abuse, neglect, or violence. www.rmian.org

Spring Institute for Intercultural Learning: Provide representation for naturalization/citizenship. Offer translation, outreach services and educational classes. www.springinstitute.org

QUESTIONS TO ASK BEFORE YOU HIRE AN IMMIGRATION ATTORNEY

How long have you been practicing immigration law? How much of your work is immigration related? How much experience do you have in _____ (your particular issue)?

We recommend that you look for an attorney who does all or most of their work in immigration law.

Will you provide an initial consultation before I hire you to take my case?

If so, be sure to find out how much the consultation will cost and how long will it be.

What is the best way for me to contact you?

Is the attorney accessible via cell phone, pager, email, and/or office phone?

Who will be handling the details of my case?

Will you contact the attorney or a paralegal with questions? What is the training and experience of the paralegal?

Who will choose the attorney and pay the legal fees for an employment-based petition?

In employment-based cases, the employer may make the choice about which attorney will be used. The employer may designate either an "in house" attorney or immigration specialist who works for the company or an outside attorney who will be paid a fee by the employer. In some cases, the employer pays and in some cases the fee is split between employee and employer. An employment-based petition will involve you, the employer, and the attorney. Even if the employer pays the fees, you are also the attorney's client. Do not be bashful about asking questions and talking to the attorney about the progress and details of your petition.

How much will it cost to hire you to handle my case?

Rates vary significantly based on geographic location, the specifics of your situation, and other factors. Be sure to ask *before* the work begins what the legal fees and other costs will be. Be sure that you understand exactly what services the fees will include.

Will I be charged a flat rate, or an hourly rate? If it is a flat rate, what services does the flat rate include?

If the attorney charges an hourly rate, ask how they handle phone calls and emails. If the attorney charges a flat rate and if an initial petition requires additional evidence or is denied, will the response or an appeal be included in the flat rate?

Will I have to pay before the work starts ("up front") or after services have been rendered?

Some attorneys will ask to be paid a "retainer," which is a partial fee paid in advance for his/her professional services. Many attorneys who charge a flat fee will require all or part of the fees and costs before starting the work. However, the attorney still must be able to account for how the money is spent.