

## **Why AILA Immigration Attorneys Are Better, Again**

The U.S. Citizenship and Immigration Services (USCIS) – Texas Service Center (TSC) introduced a new e-mail procedure that attorneys who are members of the American Immigration Lawyers Association (AILA) can use to help TSC identify I-485 “green card” applications, and I-140 employment-based immigrant visa cases that have remained pending beyond the stated TSC processing times posted on the USCIS website. I-485 cases may be identified only when immigrant visa availability has been reached, based on publication of the monthly U.S. Department of State (DOS) Visa Bulletin. In its published EB I-485/I-140 Initiative Standard Operating Procedure (“Procedure”), USCIS lists the precise steps to track such cases, and what to do to follow up. The Procedure is effective immediately. TSC hopes that the Procedure will help quicken backlog reduction.

Unfortunately, all too often, such cases remain pending beyond their processing times. When this happens, applicants frequently find themselves without any means of tracking their cases or learning how to expedite the processes. Thankfully, AILA liaison with USCIS has produced this streamlined Procedure for AILA attorneys to resolve their clients’ problems.

This is yet another significant example why a person should hire an attorney – and, specifically an attorney who is an active member of AILA – to represent him/her in connection with any U.S. immigration case. Some people still believe that they can navigate their way through the U.S. immigration laws, regulations and procedures, and application and petition processes, simply by surfing certain internet websites, consulting friends and family, and then completing immigration forms. But, unfortunately, many people ultimately suffer serious consequences – both financially and legally – as a result of their insistence upon representing themselves in immigration applications, petitions and, incredibly, even hearings.

U.S. immigration law is complex and voluminous. It has evolved over the years mainly because of political influences. Indeed, the Departments of Homeland Security, Labor, State, and Justice, as well as other government entities wield considerable power and discretion with regard to the creation and implementation of U.S. immigration laws. Moreover, statutory laws, federal regulations and case law change almost every day. A person who believes that they do not need the advice and guidance of a qualified AILA member attorney, to determine which immigration benefits are available to them, and how to obtain such benefits as quickly and legally as possible, is assuming unnecessary risks.

More often than not, individuals who represent themselves in these matters are unaware of all of the options available to them, not granted the immigration benefits they seek and, sometimes, barred from obtaining benefits they could have easily received – had they retained a qualified lawyer. Eventually, these people end up having to hire an attorney anyway – to clean up the mess they’ve made.

Similarly, some people choose to have so-called “immigration consultants” represent them in connection with their applications or petitions. You should know that, in most U.S. states, people who work as immigration consultants are actually practicing law without a license and, thus, breaking the law while representing you. Beware of “consultants” who claim to hold

“J.D.” (Juris Doctorate) degrees. Holding a J.D. degree means that he or she completed some type of study of law.

But in order to legally practice law within the U.S., that person must (1) pass a U.S. state board certified legal bar exam; (2) pay the current required state attorney license fees; (3) take (if necessary) the required continuing legal education courses; and (4) be in “good standing” with the applicable U.S. state bar.

It is a good rule of thumb to initially assume that a person who calls herself an immigration consultant, or a “J.D.” degree holder – but not a lawyer or attorney – does not have a legitimate license to practice law in the U.S. Such a consultant’s work is not regulated and her methods and practices are in no way endorsed by AILA, or U.S. state legal bar associations.

More importantly, USCIS does not recognize immigration consultants. Thus, the U.S. government will not allow any consultant to represent an immigrant if a problem occurs in the immigrant’s legal matter. During such a problem, the immigrant will have to quickly hire a qualified attorney to clean up the consultant’s mess.

For example, if a consultant makes an error in a case, resulting in the immigrant being placed in deportation proceedings, the consultant cannot represent the immigrant in immigration court. The foreigner must hire an attorney to help save him. No qualified AILA member attorney enjoys taking a deportation case after a consultant has created a case record full of errors and unfavorable information.

AILA is the best way for an immigration attorney to remain current on the constantly changing laws and regulations concerning U.S. immigration. Being an active AILA member shows a vested intent and attempt to remain current on the immigration laws. Also, as explained above, AILA provides its members – and, as a result, their clients – with exclusive benefits relating to actual immigration cases.

Frankly, it is my professional opinion that any attorney who practices U.S. immigration law – but who is not an active member of AILA – may be committing legal malpractice. That is how valuable and important I believe AILA is to the ethical and professional practice of U.S. immigration law.

So what can you do, if you have an overdue pending I-485/I-140 case? Well, if you have an AILA member attorney representing you, then you can have your attorney use the Procedure to resolve your matter. But if you do not have an AILA member attorney representing you, then you should seek to retain such a qualified attorney, and take advantage of the Procedure to have your case resolved as soon as possible.

*Attorney Rio M. Guerrero is the founding and managing partner of The Guerrero Law Firm. He is also an Adjunct Professor at The CUNY School of Professional Studies at The Graduate Center in Manhattan, where he teaches complex U.S. immigration law to other attorneys, paralegals and community leaders. He has also served as an immigration legal expert witness in the New Jersey State court system. During his many years of legal practice, Atty.*

*Guerrero has successfully represented thousands of clients in a wide range of immigration and nationality matters.*

*You may contact Atty. Guerrero directly at (212) 481-2744 or e-mail him at [rio@guerrerolawfirm.com](mailto:rio@guerrerolawfirm.com). The above information is not, nor intended to be, legal advice. Nothing within this publication creates an attorney-client relationship with the reader. Applicability of the legal principles discussed above differs upon individual facts and circumstance.*

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