

## WHAT CAN A LAWYER DO FOR ME?

- Serve as your advocate, appeal an unfavorable decision by the DHS and go to court, if necessary, to argue in your favor
- Advise you on the immigration options available to you
- Help you make decisions about what is best for you in your circumstances
- Make sure that the correct forms are filled out in the proper way and are submitted to the appropriate government offices
- Refer you to other qualified lawyers

## A LAWYER CANNOT:

- File papers for you that are not true
- Legally get you an immigration status for which you do not qualify
- Change your "priority date," or put you ahead of someone else in the waiting line for an immigrant visa or similar immigration benefit

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### 1. Do I need a lawyer to assist me with my immigration questions?

We cannot answer that question, but we can give you some items to consider.

- You are permitted, but not required, under immigration law or regulations to have an attorney prepare your paperwork. You have the right to do it yourself or hire an attorney in the same way that you have the right to file your own tax returns or have a professional do it.
- The Department of Homeland Security provides a great deal of information and copies of DHS (formerly known as the INS) forms and instructions <http://www.uscis.gov>
- All the information can be confusing, immigration laws are complex, and change often. It may not be easy to select the right form, fill it out correctly, and file it with all of the accompanying documents at the proper DHS office.
- An attorney can help you understand the benefits available to you, organize and file the right paperwork, and be present with you at most DHS interviews.

### 2. What can a lawyer do for me?

A lawyer can analyze the facts of your case, assess eligibility for benefits under the law and recommend the best procedure to follow, assist in the preparation and filing of forms for the principal applicant and/or family members, and provide counsel in immigration proceedings. A good lawyer should keep up with new laws and regulations that may affect you and be readily available to discuss your case with you.

Lawyers should tell you up front what to expect, advising you of the possibilities and risks you reasonably can expect. A lawyer should never guarantee success, as nothing in immigration is guaranteed. A lawyer should not encourage you to misrepresent facts to the government or file papers that are not true and accurate. Also, a lawyer should not promise benefits for which one is not qualified, nor claim special connections to get special treatment. Any such promises should be carefully investigated.

### 3. How can I find an attorney?

The yellow pages in the phone book list attorneys. In the St. Paul/Minneapolis or the Mankato phone directory/yellow pages, see "Attorneys - Immigration & Naturalization Law". However, it is not necessary to engage an attorney in the Minnesota area. Most of the major immigration law firms have offices in large cities throughout the country. The leading professional association of immigration lawyers is the American Immigration Lawyers Association (AILA), headquartered in Washington, DC (202-216-2400). A list of all AILA members nationwide can be obtained from the national office. AILA membership is an indication of the attorney's interest in immigration law, but AILA does not certify the credentials of any particular attorney. However, AILA holds a national conference annually, and the attorneys who speak at these conferences have been carefully selected by the association for their expertise in the field of immigration law. An attorney who speaks at a conference session is generally highly qualified.

Having a good lawyer is very important and it is vital that you ask the following questions: how long has the lawyer been practicing immigration law; what percentage of the practice is devoted to immigration; has the attorney published in respected journals and/or presented at immigration conferences? Also, check on the attorney's reputation in the legal community.

Always ask for references, particularly of individuals whose petitions are similar to yours, and follow up on them. Ask how satisfied they were with the attorney's handling of their case, how easy it was to contact the attorney directly and how responsive the attorney was to questions and concerns, how long the whole process took, and any other questions that can help you assess the attorney's expertise and accessibility. Consult, too, with friends who have used an attorney for the same type of petition to see how satisfied they were.

Be sure that you understand your options and the consequences as well as deadlines that you will need to follow. This is an important decision, so ask questions, get references and follow up on them.



### People who work at a Law Office

**Partners**—Usually the owners of the law firm

**Associates**—Lawyers employed by the law firm

**Contract Lawyers**—Outside lawyers that do part-time work for the firm

**“Of Counsel Lawyers”** - a retired lawyer that may still help the firm

**Law Clerks** - usually law students who help the firm

**Paralegals**—a person who has had legal training, but is not a lawyer

**Legal Assistants**—Can be anyone who assists in legal matters

**Legal Secretaries:** A person who handles many of the administrative details for a lawyer

**Receptionists:** Usually the front person in the office that handles initial contact with the outside world

**Investigators**—People who investigate the background on a case

**Administrative Personnel**— People who run the internal operations of the firm

## 10 Questions to Ask Your Lawyer

Here is a checklist of basic questions to ask before you hire a lawyer

1. **What is your experience in this field?**
2. **Have you handled matters like mine?**
3. **What are the possible outcomes of my case?**
4. **What are my alternatives in resolving the matter?**
5. **Approximately how long will it take to resolve?**
6. **What is an estimated cost for the total bill, including fees and expenses?**
7. **What are your rates and how often will you bill me?**
8. **How will you keep me informed of progress?**
9. **Who else in the office will be working on my case?**
10. **Can junior attorneys or paralegals in the office handle some of the administrative work at a lower rate?**

### 4. How much should I expect to pay a lawyer?

Some attorneys charge a fixed fee for a particular process, while other attorneys charge on an hourly basis. It is important to understand and feel comfortable with the fee agreement before leaving the attorney's office. **The attorney should always put the fee arrangements in writing.** It is important to understand that attorneys charge for their expertise and the time that they and their staff spend working on a case. There may be additional fees for more complex cases. Everyone's case is different. In most cases, attorney's fees do not include costs such as filing fees to the Department of Homeland Security, which may amount to an additional several hundred dollars per person.

### 5. Are there other sources of information in immigration issues other than attorneys?

The MSU, Mankato Library has a variety of publications dealing with immigration laws and regulations. Forms and instructions can be also be obtained from: <http://www.uscis.gov>

The central USCIS forms number is often more accessible and forms are generally mailed out quickly. The number is: 1-800-870-3676.

Some immigration attorneys have very informative web pages. Helpful information can also be obtained from the following web pages: →

#### United States Citizenship and Immigration Services:

<http://www.uscis.gov/>

#### Department of Labor:

<http://www.dol.gov/>

#### Department of State:

<http://travel.state.gov/>

#### American Immigration Lawyers Association:

<http://www.aiala.org/>

Other helpful sites that could be used to find an immigration attorney in Minnesota are as follows:

<http://www.ailamndak.org/>

<http://www.superpages.com/yellowpages/C-Immigration+Law+Attorneys/S-MN/T-Minneapolis/>

<http://www.lawyers.com/lawyers/P~P~Minnesota~Immigration~LDS~City.html>

<http://www.immigrationlawyerlocator.com/>

<http://lawyers.findlaw.com/lawyer/practicestate/Immigration%20&%20Naturalization%20Law/Minnesota>

[http://twincities.citysearch.com/yellowpages/directory/Twin\\_Cities\\_MN/240/469/page1.html](http://twincities.citysearch.com/yellowpages/directory/Twin_Cities_MN/240/469/page1.html)

<http://www.usimmigrationlawyers.com/us-immigration.cfm/state/mn/minnesota.html>