

Global Education Office (GEO)

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HIRING AN IMMIGRATION ATTORNEY RECOMMENDATIONS FROM GEO

I. EXPLANATION

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

Immigration law is complex and changes frequently. Attorneys, also called “lawyers,” are trained in graduate school and licensed by states to practice law. Most attorneys select an area of specialization such as immigration, patents, wills and probate, or litigation. An immigration lawyer should have a thorough understanding of laws and procedures that pertain to non-US citizens. A good attorney who specializes in immigration law will present you with the legal options that are available to you and can correctly prepare and file immigration petitions.

II. 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 which is beyond the regular scope of your Foreign Student/Scholar Advisor.

There are many situations where a person can successfully file a petition with immigration without the help of an immigration attorney. Family-based permanent residency application (i.e. based on marriage to a US citizen) is one such example. 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. You must become completely informed 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 <http://www.uscis.gov/portal/site/uscis> for forms and general information.

III. HOW TO FIND AN IMMIGRATION ATTORNEY

• *American Immigration Lawyer’s Association (AILA) Immigration Lawyer Referral Service.* AILA is a national bar association of over 7,500 attorneys who practice immigration law. To access the AILA referral service visit: <http://www.ailalawyer.com>. AILA’s Immigration Lawyer Search is free to use, however listed attorneys may or may not charge an initial consultation fee for their services. When you contact the lawyer, it is very important to mention that you received his or her name through AILA’s Immigration Lawyer Search Service and to ask what (if any) the initial consultation fee is.

- *The Bridge to Justice Referral Program* reaches out to those who need legal help and may not know where to find it.

Albuquerque & Surrounding Communities: (505) 797-6066

Toll Free: 1-800-876-6227 | 8 a.m. to 5 p.m. weekdays

The referral program offers an up to 30-minute consultation/case assessment with a private attorney for a cost of only \$30. An intake person will ask for information needed to determine the area of law and county needed for the referral. A staff member will then contact attorneys and find one to consult with you for up to 30-minutes. During the consultation, you may receive legal advice, have documents reviewed and have questions answered by an attorney. Any representation or time beyond the up to 30-minute consultation/case assessment must be negotiated with the attorney. You may call the Referral Program for a referral or you can fill out the Intake Form online and email it to dmartinez@nmba.org. Payment must be received before referrals are processed. You may pay for the referral online or send check or money order to: State Bar of New Mexico Referral Program, PO Box 92860, Albuquerque, NM 87199. You can also go to: <http://www.nmba.org/public/referralprograms.html> for more information.

- Albuquerque Bar Association. The Albuquerque Bar Association also offers lawyer referral services. They will arrange 30-minute appointments with an attorney on any type of legal matter. The appointments can be made within 2-5 business days and you will need to pay a \$35 fee. The fee has to be paid before the appointment is made by cash, money order or credit card. Personal checks are not acceptable. The appointment can be made over the phone (505) 243-2615 or in person by going to the Albuquerque Bar Association Office located at 400 Gold SW Suite 620. For more information about this service please go to <http://www.abqbar.org/displaycommon.cfm?an=4>

- American Bar Association (ABA). For general information about the legal system and hiring an attorney, you can also visit the ABA website <http://www.abanet.org>

- Catholic Charities in the Archdiocese of Santa Fe (Albuquerque): Catholic Charities in Albuquerque offers a variety of immigration and legalization services to immigrants at low cost. Their services include an initial free consultation for first time clients only. In order to reserve a seat for a consultation, you will need to call for more information. Consultation days vary depending on their capacity to help the community. They also offer translation of documents, fingerprints for FBI background checks and citizenship classes among others. They are located at 2010 Bridge Av. SW and their phone number is (505) 247-0442. For detailed information on their services and to obtain directions on how to get to their office please visit their website at <https://www.ccasnm.org/centers/immigration-citizenship/>.

- Friends and Colleagues. As an international student or scholar, you may know someone who previously used the services of an immigration attorney. Seek out the informed opinions of friends and colleagues to obtain the attorney's name and contact information, the type of petition filed, and your friend's level of satisfaction.

- * Events. Every fall and spring semester, GEO invites a local immigration attorney to give a presentation to students and scholars about temporary work visas such as H-1Bs and lawful permanent residency options. After the presentation, there is an opportunity to have a brief free consultation. Please see the events calendar on the GEO website for the next upcoming presentation, <http://www.geo.unm.edu/calendar.html>

IV. SAMPLES OF QUESTIONS TO ASK BEFORE YOU HIRE AN IMMIGRATION ATTORNEY

How long has the attorney been practicing immigration law; how much of his/her work is immigration related? How much experience does the attorney have in your particular type of immigration case?

Find an attorney who does all or most of their work in immigration law.

Will the attorney offer an initial consultation before you hire them to take your case?

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

How will you contact the attorney?

Are they accessible via cell phone, pager, email, office phone?

Who will be handling the details of your 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 shy about asking questions and talking to the attorney about the progress and details of your petition.

How much will it cost to hire the attorney for your 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 costs will be. In the New Mexico area, an H1B petition costs \$ 1,500 to \$3,000 and a permanent residency (“green card” or “immigrant”) petition can cost \$3,000 to \$6,000.

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

For example, if an initial petition is denied, will an appeal be included in the flat rate?

Will you pay before (“up front”) or after services have been rendered?

If you pay before services are provided, you may be placed on the bottom of the priority list. However, please be aware that the majority of attorneys will ask to be paid what is called a “retainer” which is a partial fee paid in advance for his/her professional services.

V. SPECIAL ISSUES FOR EMPLOYEES OF UNM

Foreign nationals who are employed by UNM in H-1B or O status or for whom the university is applying for permanent residency (PR) will need to consult an attorney. All H1B, O or PR cases for UNM are to be processed by a UNM approved attorney. For more information, consult the Office of University Counsel website [here](#).

Please note that GEO is not involved in the processing of H1B, O or PR cases for the university.