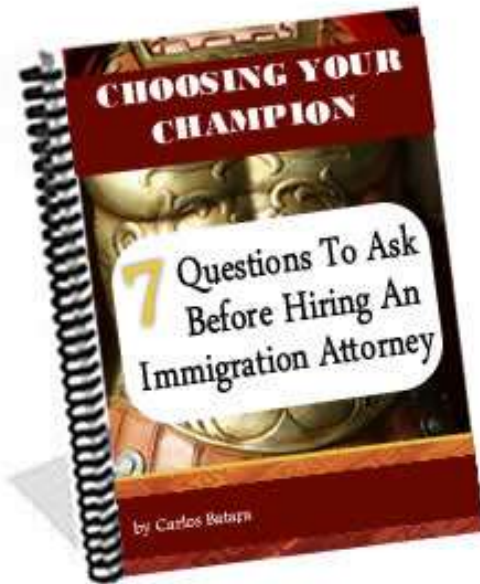


CHOOSING YOUR IMMIGRATION CHAMPION

Batara Immigration Law



7 Questions To Ask Before You Hire An Immigration Attorney

(Because Losing Isn't An Option)



BATARA IMMIGRATION LAW

7 Questions To Ask Before You Hire An Immigration Attorney (Because Losing Isn't An Option)

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Introduction

If you've chosen to download this report, it's likely you or a loved one is facing some type of immigration challenge. And you feel the need to hire a lawyer.

But you're probably not sure where to begin.

*The good news is that you're already **one step ahead** of many immigrants who want to live and work legally in the United States.*



Every year, hundreds of worthy, deserving people lose their opportunities to legally immigrate to the United States because they think they can rely on the advice of a friend or family member.

Others fail because they choose the *wrong lawyer*. They've pinned their hopes and often considerable sums of money on someone who can't help.

A large number of these cases could have ended on a positive note . . . if the persons involved had taken your approach.

Why do I say this?

Well, as an immigration lawyer, I've spent nearly 20 years in the trenches of immigration wars. I've had first-hand experience with just about every kind of problem immigrants face.

During this period, I've witnessed rules to earn green cards, earn U.S. citizenship, and fight deportation become **more complicated**. At the same time, I've seen law enforcement efforts against immigrants take on a harsher tone.

I've learned you should not underestimate the odds against you.

Winning immigration benefits is harder today than ever before, even with a straightforward case.

This means, in most cases, you shouldn't try to handle your case without the help of an immigration attorney.

As you already realize, your choice of attorney will be critical to your success in reaching your immigration dreams.



As an immigrant, if you win, you get to build a future here, with all the privileges of living in the United States as a legal resident.



If you lose, you may have to go back to your home country. You may face poverty, widespread corruption, physical torture, or worse.

Yet, hiring a lawyer can be scary.

You've probably heard stories about lawyers who take someone's money and put up a half-hearted fight.

You may have heard about lawyers who – poof! - disappear after taking your money

Or about those lawyers who aren't even lawyers at all.

With some guidance, you can avoid these tragic situations.

That's why I've written this e-book.

By sharing insights gained over the years, I hope to help make the attorney selection process a little easier for you and your family.

I've prepared a short list of concerns you need to think about, as you search for an immigration attorney to help you.

If you carefully answer **seven essential questions**, you will be able to make a more careful selection.

More importantly, you will save heartache and hassle . . . and perhaps even your and your family's chance to remain in the United States.



- ✓ **Question 1:** Is Your Lawyer Really A Lawyer – Licensed To Practice In At Least One State?
- ✓ **Question 2:** Does Your Attorney Have The Specialized Immigration Knowledge You Need?
- ✓ **Question 3:** If Your Case Involves Immigration Court, Does Your Lawyer Have Experience In Handling Immigration Hearings And Trials?
- ✓ **Question 4:** Did Your Attorney Refuse To Give You A Guarantee?
- ✓ **Question 5:** Is Your Lawyer An Immigration Champion Committed To Immigration Fairness?
- ✓ **Question 6:** Does Your Attorney Treat You With Kindness, Respect, And Dignity?
- ✓ **Question 7:** Did Your Attorney Explain Fees Frankly And Openly?

Credentials

Is your lawyer really a lawyer – licensed to practice in at least one state?

Don't be fooled by scammers who advertise their services as immigration consultants. Many of them do not have licenses to practice law.

No immigrant community is immune.

Just this month, I learned about immigration scams in Florida affecting Haitians, who are still trying to overcome the ravages of the massive earthquake which damaged their homeland.

In New York, reports surfaced about several Chinese victims of political persecution being ripped off by con artists.

And in Los Angeles, Salvadorean women, seeking refuge from abuse at the hands of uncontrollable male gangs, have recently been taken advantage of by scammers. The crooks posed as immigration consultants and “notarios” – a term which has special legal significance in many Spanish-speaking countries.

That's just the beginning

Sadly, when new pro-immigration programs are launched, some attorneys open fraudulent new offices. On the surface, they claim to help immigrants seek benefits under the new laws. Their real purpose is to make huge short-term profits.

Many times, these lawyers have a history of being suspended from their state bar associations. Their licenses may be inactive or revoked.



Unfortunately, by the time victims of immigration fraud arrive at my office, it's usually too late. The damage has been done. Their immigration dreams have been destroyed.

However, don't confuse these con artists with lawyers properly licensed in another state.

Since immigration law is a form of federal law, an attorney licensed in Illinois can represent clients in Oregon. If you have the slightest doubt, call the Bar Association of the state where the lawyer says he is licensed.

The same is true for attorneys who advertise their services on the internet. From what I've gathered, most of these lawyers are authentic. But to be on the safe side, I'd check their credentials before doing business with them.

Don't let immigration fraud happen to you or your loved ones.

If you keep in mind the questions from this report, you will greatly reduce your chances of being scammed.



Specialization

Does your attorney have the specialized immigration knowledge you need?

Immigration law is extremely complex. It is almost impossible for a lawyer to have a strong knowledge of immigration law without specializing in this field.

Even when you find a lawyer who is an immigration specialist, you still need to dig deeper.

For instance, some immigration attorneys focus on employment-based petitions. These are cases where an employer sponsors an employee to remain in the U. S. for specific job purposes.

Even though such lawyers are highly qualified to work with employers, they might not be a good choice if you are seeking help with a family immigration visa.



During consultations, you need to ask the lawyer about your specific problem.

The questions can be simple. Like “Have you handled cases where a citizen wanted to bring a fiancé to the United States?” Or “Have you worked on cases involving immigrants who were domestic violence victims of American spouses?”

Additionally, many immigration cases take a long time to work their way through the legal system, and the timing of changes to immigration law is unpredictable.

Some changes seem to occur almost overnight; others go on for five or ten years. Therefore, an interpretation of a law can be applied differently today than even a week or a month ago.

A few years back, shortly after immigration rules went through a major shift, Vinnie, a young man in his mid-20s, sought my help.

His case had been denied by the immigration judge. He faced deportation back to Cambodia within three weeks.

Vinnie had arrived in the United States as a young child via political asylum. His father, a college professor and pro-democracy leader in his country, was gunned down by a firing squad in front of Vinnie, his two sisters, and his mother.

While he was a teenager, still adjusting to life in the U.S., Vinnie had been arrested for stealing. Now, he was in college, with a wife and two small children.



At his immigration court hearings, Vinnie's lawyer had not raised a new area of immigration law, even though it directly applied to his case. He told Vinnie that since it was so new, he did not think it could help him.

After discussing the matter with Vinnie, we decided to use the new regulations as a basis for an immigration appeal.

Vinnie won his appeal. When we returned to immigration court, the judge was not happy to see Vinnie again. A new trial date was set up. It was clear the odds were still stacked against him.

Just two days before Vinnie's trial, a new case at the Supreme Court was decided. It was about an entirely different area of immigration law. It gave immigrants, in certain situations, the right to use rules which had expired five years beforehand.

Again, the changes applied to Vinnie's situation.

We changed our strategy once more.

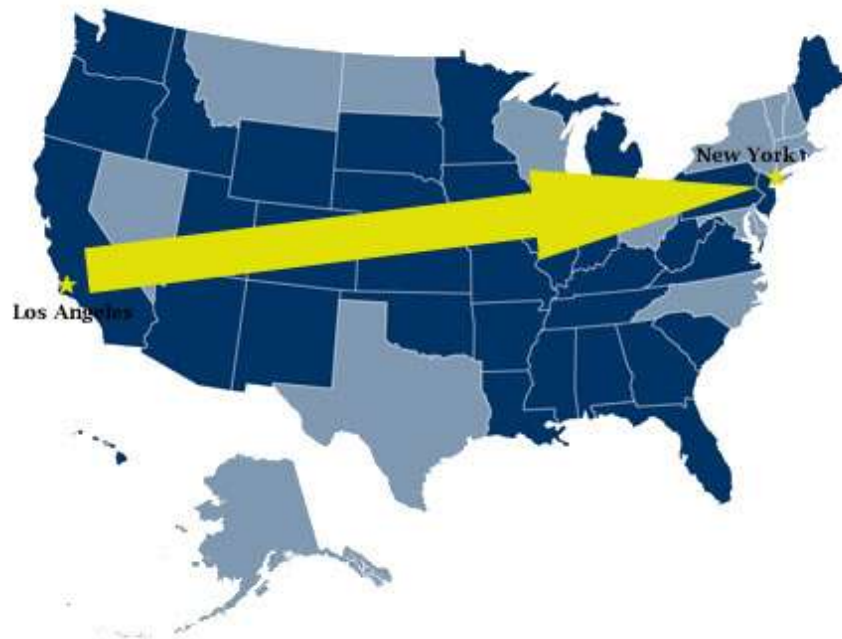
When we returned to court, the judge acknowledged our ability to rely on the new Supreme Court case. He wasn't sure about the full extent of the decision because Vinnie was the first person to test it.

After our presentation, the judge granted Vinnie the right to keep his green card.

The moral of the story is this. An immigration case decided yesterday, in a court located cross country, could make the difference between winning and losing.

Under normal circumstances, only a dedicated immigration attorney who keeps tabs on up-to-the-minute immigration changes will react quickly enough to use new laws for your benefit the next day.

In your search for immigration counsel, keep your eyes out for someone with this level of specialization for your particular needs.



Experience

If your case involves immigration court, does your lawyer have experience in handling immigration hearings and trials?

The previous section highlighted a big concern for many immigrants looking for an immigration attorney.

That is, if there's even a slight chance that you may go to court, you will need to choose a lawyer who knows the immigration court system inside out.

Don't think twice about it.

You will be fighting deportation in a judicial system overwhelmed with too many cases and too few judges.

There are about 325,000 cases sent to immigration court each year. There are only 58 immigration courts and 270 immigration judges. This means, to try to keep up, judges need to make about 20 deportation decisions per week. They have to finish trials as quickly as possible.

In addition, at immigration court, rules for presenting witnesses, attacking negative evidence, and submitting supporting documents are vastly different than in state or federal courts.

And immigration judges often make decisions on criteria which is only familiar to experienced immigration trial lawyers.



It's unfortunate but true that a single mistake could create huge problems for you and your family, preventing you from ever being able to live and work legally in the United States.

Yet, almost 60% of immigrants go to immigration court without an attorney.

They might think they're penny smart.
They're really pound foolish.

Here's another insight for your court case.

You may want to consider an attorney with experience in handling not only immigration trials, but also immigration appeals.

After all, the reality is that even a good case with a good attorney can be turned down. If you lose, you have the right to challenge bad decisions but you must be prepared to act fast.



It's also possible a mistake in your trial will negatively affect your appeal. Some technicalities can make an appeal impossible to win.

Lawyers with appeals training can usually avoid such problems.

Normally, they will be able to anticipate what's needed for an appeal before and during your trial.

To be clear, hiring an attorney with both trial and appeals experience is not essential.

But under certain circumstances, the combination of both skills could become critical to your success if things go sour at court.

Take, for instance, Linda, a 45 year-old single mother of three U.S. citizen children.

By mistake, she had surrendered to government authorities.

She had listened to a radio talk show host discuss a new immigration law which had just been passed by Congress. She misunderstood the host.

Linda believed that by surrendering, she would become eligible for the new program. In actuality, she did not qualify under the new law. She was booked then sent over to immigration court. She was placed in deportation proceedings. She was horrified and frightened.

Eventually, she won her case but it was tooth-and-nail for over five years.

Linda lost at immigration court. But she won her appeal. She got a second chance at immigration court. This time she won.

Each legal move set up the next move. Like a good chess match, the arguments for the trial were laid out to set up a strong appeal . . . and the appeal was structured to make victory at the second trial more likely.

Today, Linda is a U.S. citizen, owns a home, and her oldest child is in college.

If you have similar goals, carefully study your situation before, not after, you decide to hire an attorney. Then you can decide what degree of specialization you're seeking in an attorney.



Promises

Did your attorney refuse to give you a guarantee?

I know this question sounds unusual. Still, it's important you ask it. Here's why.

No matter how much experience a lawyer has with cases like yours, every legal matter is unique. All immigration matters depend on a multitude of factors.

As noted earlier, a rule at the heart of your case might be overturned, in the middle of your case, changing the way your judge is required to assess the facts of your application.

A good lawyer, given such unpredictability, can only promise to do his or her best.

Obviously, it is more comforting to hear your lawyer guarantee a particular result.

But it is **not in your best interests** to ignore potential pitfalls and minimize obstacles ahead.

In my view, even lawyer ads claiming "90% success rate" are misleading. These advertisements are geared to cause you to relax your guard, to think permanent residence is virtually assured.

You should be wary of such claims. Maybe the lawyer really has a 90% success rate. Maybe your case fits into the other 10%.

Here's what I tell my own prospective clients.



“As your immigration representative, you can count on me to be hard-working, tenacious, and dedicated. But I cannot and will not guarantee the final result.”

“If I do not think I can help you, I will let you know right at the start. I will accept your case only if I believe that I can make a positive difference in helping you reach your immigration goals. Still, I refuse to make any promises about specific results.”

Of course, some clients think my position is too weak. They decide not to hire me. And that's better for both of us.

Clients should be told about possible difficulties ahead. They should not be surprised when the fighting gets fierce.

When I think about clients who hire a lawyer based on one of these guarantees, I can hear my mother's words in the background.

You reap what you sow.



Commitment

Is your lawyer an immigration champion committed to immigration fairness?

As a client, you cannot expect any sympathy from an immigration officer or immigration judge. Neither should your immigration lawyer.

Whatever the circumstances, your lawyer often needs to be *more than just a lawyer* – he or she needs to be your champion.

Not all attorneys are suited for the rough and tumble of immigration law.

During my years as an immigration lawyer, I've faced plenty of hostile judges, rude government attorneys, and bully prison guards.

I've learned how to stand my ground.

In one case, I had to negotiate (that's putting it mildly) with a New Mexico prison warden so I could meet my California client outside normal visiting hours just three days before his hearing in Texas.

The ability to remain firm in the eye of the storm is no easy task. It stems from a deep-rooted commitment to fighting for immigrants.

I know it's not easy to figure out if a lawyer has a personal commitment to improving the lives of immigrants.

I feel the same way when I'm looking for a doctor.

But there are some indicators.



For example, does your attorney:

- ✓ Publicly speak out or write candidly about immigration issues?
- ✓ Participate in community forums and clinics to explain controversial and confusing laws?
- ✓ Provide information, resources, and organizations which you can consult for further help?

These activities won't guarantee your lawyer will be a strong advocate when the chips are down.

Yet, they're worth considering when your immigration hopes and dreams are on the line.



Rapport

Does your lawyer treat you with kindness, respect, and dignity?

Behind every immigration case, there is a profound human story.

Immigrants come from all regions in the world. All of them bring unique family histories, beliefs, languages, and traditions.

You must feel confident in your attorney's appreciation for diverse cultures.

As a client, you must believe your lawyer treats your customs and opinions with respect, or you will be unlikely to trust his or her advice.



Personally, when I think about attorney-client rapport, I think about my father. He was a first generation immigrant to the United States.

He was raised in poverty. His family often went barefoot or wore shoes with holes on the bottom. Sometimes they did not have enough food to put on the table for breakfast or dinner and three meals a day were out of the question. As the oldest of nine children, he left his country as a teenager to find work.

My father had very limited education and English skills. He spent his entire life in the U.S. as a farm worker and dishwasher. On Tuesday, every week, he sent \$25 home.

I always wonder how his attorney treated him. Despite my dad's lack of sophistication, I hope he was treated with kindness, respect, and dignity.

I use his memory to guide me. I try to treat every client as I hope my father was treated by his lawyer.

Some moments of your past may be painful to remember and share. Yet, an obscure fact in your background is sometimes the difference between winning and losing your case.

Perhaps you've been the victim of genital mutilation or ethnic cleansing. Maybe you've experienced violent physical abuse at the hands of a past spouse. Or like Vinnie, you've witnessed the public murder of your father.

If you do not feel your lawyer is sensitive to your emotional discomfort about discussing such incidents, it is better to keep looking for another attorney.



Fees

Did your attorney discuss fees frankly and openly?

The costs of hiring an attorney vary significantly.

Some types of cases are more expensive than others. For example, hiring a lawyer to defend you against deportation at immigration court will usually cost more than preparing the documentation to bring your fiancé from overseas to live here with you.

Attorney fees are negotiable.

Generally, lawyers will charge fees based on their past experiences handling relatively similar matters. Lower fees are sometimes charged by newer attorneys, who may not have experienced the wide gamut of complexities which can arise in the middle of cases.

Some immigration attorneys charge a flat fee per project. Others bill their clients by the hour. Neither option is right or wrong.

Some clients compare an attorney's fees with fees quoted by an immigration consultant. This is like comparing apples and oranges.

Most immigration consultants prepare only the paperwork for an immigration client and assume no ongoing obligations to the client. Lawyers are under a duty to ensure their work is performed at a professional level. They remain responsible if additional problems related to their work product



arise later.

All-in-all, attorney fees are an investment in your future.

As noted earlier, if you win your immigration case, you get to build your future here. If you lose, you have to return to your home country.

The difference in economic, social, and personal value between the two outcomes cannot be objectively calculated.

Only you can make this determination.

Only you can decide whether a particular lawyer's fees are a worthy investment for you and your family.



Conclusion

I hope these questions help you in your quest to earn a green card, win permanent residence, and someday become a U.S. citizen.

Since you've come this far, I have confidence you will make an intelligent choice in selecting an attorney to assist you and your family.

There are many good attorneys out there with the fire in their belly who can guide you through the immigration process.

Take the time to seriously ask yourself these questions, and I'm certain you'll be able to find one.

If you would like to know more about our services, feel free to call my office at (800) 646-0667

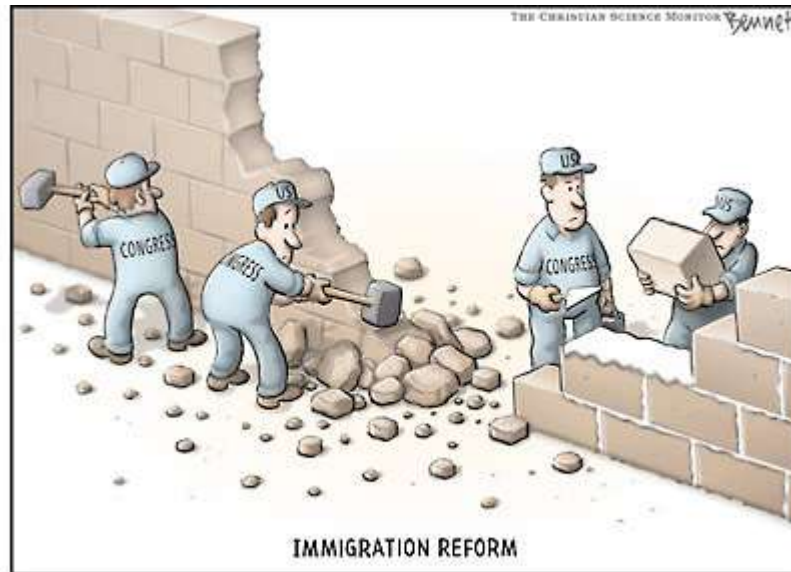
To your success!

Carlos A. Batara

Carlos A. Batara



And A Final Word . . .



Your case, in part, is tied to the battle over immigration reform. Will our nation stick to its current enforcement-first, enforcement-only policy?

Or will we move to a more compassionate track, creating strict yet sensible paths to permanent residence and citizenship?

If and when you win your case and finally become a citizen, make a commitment to help those who are coming behind you.

Vote for pro-immigration candidates. Support pro-immigration laws and rules. Encourage public debate on immigration issues.

In the meantime, here are some immigration organizations which you should know about:

The DREAM Act Activist: The DREAM Act, a proposal to help undocumented immigrant youth, is one of the most important components of comprehensive immigration reform. DreamActivist.org is a multicultural, migrant youth-led, social media hub in support of passing the DREAM Act and other forms of legislation aimed at mending our broken immigration system.



Detention Watch: This website is part of a campaign to put an end to the expansion of the U.S. immigration detention system and protect the human rights of immigrant detainees. <http://detentionwatchnetwork.org/>



National Immigration Forum: Established in 1982, the National Immigration Forum is the leading immigrant advocacy organization in the country. Its' goal is to embrace and uphold America's tradition as a nation of immigrants. The Forum supports a vision that leads to a better, more welcoming America – one that treats all newcomers fairly. <http://www.immigrationforum.org/>



National Network for Immigrant and Refugee Rights: NNIRR is a national nonprofit organization dedicated to helping immigrants and refugees from countries around the globe. Recognizing that changes in global political and economic structures have exacerbated international patterns of migration, NNIRR focuses on the need to strengthen the rights, welfare, and safety of migrants and refugees.

<http://nnirr.org/>

We Are One America: One America advances the fundamental principles of democracy and justice at the local and national levels by building power within immigrant communities in collaboration with key allies. <http://weareoneamerica.org/>



About The Author

Carlos Batara is an immigration attorney with offices in California and Arizona.

He has a full service immigration practice, focused on helping clients earn permanent residence and win U.S. citizenship through a wide variety of immigration programs. His clients have come from more than 70 different countries.

For almost two decades, Carlos has confronted immigration fraud and assisted immigrants with deportation defense, immigration appeals, and hard cases.

Carlos is a strong advocate of immigrants' rights and cultural diversity. His father was an immigrant from the Philippines and his mother brought Spanish and Mexico roots to his upbringing.

He is also an outspoken critic of politically-charged and poorly-reasoned immigration policies and laws. Some of his opinions can be found at his blog, [Batara On Immigration: Personal, Passionate And Provocative Insights And Tidbits](#).

Carlos is a Harvard Law School graduate and earned a degree in International Relations from the University of Southern California.

He is also a past chairperson of the American Bar Association's Immigration Law Committee, Solo and Small Firm Division.

His office website can be found at <http://www.bataraimmigrationlaw.com>.

