

AILA'S IMMIGRATION PRACTICE TOOLBOX

THIRD EDITION

PREFACE

“Efficiency is doing things right; effectiveness is doing the right things.”
~Peter F. Drucker

Regardless of whether you are a new or experienced practitioner, the world of an immigration lawyer requires constant observation of changes in the law that result in changes to your internal documents and processes. The editors and contributors of this publication have created a resource that is unique in the library of immigration texts. *AILA's Immigration Practice Toolbox*, 3rd Ed., is a compilation of articles, forms, templates, and samples from experienced immigration practitioners who are members of the American Immigration Lawyers Association (AILA). These folks have volunteered materials to provide you a broad and comprehensive collection of materials that are essential to the daily practice of immigration law.

The *Practice Toolbox* contains numerous materials that AILA has published in the past. These documents have been revised and expanded in order to provide you with a broader, more comprehensive publication. It is divided into sections; each section dealing with a separate part of everyday immigration practice. Some sections contain a note from the section editor entitled “In My Humble Opinion,” which explains the reasoning behind the selection of the materials in the corresponding section. Each sample letter, template, and form includes a one-page cover memo explaining when and how to use that particular document.

The *Practice Toolbox* is an ever-expanding text that will be monitored for relevance with changes in immigration law and practice. For example, PERM was a new procedure within the U.S. Department of Labor at the time of the last publication. Due to the changes to PERM, information contained within this publication on PERM has been completely overhauled. Also, the editors felt that due to the heightened scrutiny of the U.S. Citizenship and Immigration Services, litigation is becoming more of an issue for all immigration lawyers. Therefore, for the first time, we have included myriad materials on litigation¹ and removal.²

The *Practice Toolbox* is a CD-ROM containing all of the samples in MS Word format, although the documents can be opened in WordPerfect as well. This format allows you to adapt and use them in your everyday practice. The files are named to track the “Document Number” assigned to the samples. (Note that cover memos, occasional substantive articles, and other information not designed for office use or client distribution are in PDF format.)

In addition to the substantive practice of law, the *Practice Toolbox* addresses the numerous administrative tasks that we, as immigration lawyers, must deal with on a daily basis. This, of course, starts with marketing your law firm, administration of cases, ethics, and treating your practice as a business. Following along this natural progression, the *Practice Toolbox* contains documents to help you collect information from clients and potential clients, remind you of the ethical considerations of representing multiple parties, and offer you useful formats for retainer agreements and representation letters.

¹ For more litigation tools, see also *AILA's Immigration Litigation Toolbox*, 3rd Edition, at <http://www.ailapubs.org/aillittool.html>, and *Litigating Immigration Cases in Federal Court*, 2nd Edition, by Robert Pauw at <http://www.ailapubs.org/liimcainfeco.html>.

² For more on removal, see *Immigration Consequences of Criminal Activity*, 4th Ed., by Mary E. Kramer, at <http://www.ailapubs.org/noname6.html>.

Caveat: Don't ever use one of these samples without first verifying that the sample suits your client's situation. Many of the sample documents contained in the *Practice Toolbox* are fact-specific and will, therefore, need to be customized in order to properly support and address a particular client's set of facts. To ignore this very simple rule would be foolish. Ignore it, and you put yourself and your client at risk!

The sample documents contained in the *Practice Toolbox* attempt to take you step-by-step through the day-to-day tasks of recordkeeping and case management. Whether working on an immigrant visa, a nonimmigrant visa, a TN, or an H-1B petition, you'll find the information you need to track your client's case in this *Practice Toolbox*. Also contained herein are numerous templates for petition-based support letters to help you cover the substantive criteria pertaining to various types of petitions.

AILA's Immigration Practice Toolbox is not AILA's first effort to educate its members on law office management and immigration practice. The first such effort was *The Immigration Lawyers Toolbox*, an excellent book edited by Stuart I. Folinsky and Bonnie Stern Wasser. This book was later expanded by James D. Acoba and Andrew R. Lerner. It was with this book that AILA began its toolbox concept with the inclusion of forms on disk. Without the wisdom and amazing efforts of my predecessor editors, we would have had a much more difficult time preparing this publication. Thank you, Stuart, Bonnie, James, and Andrew!

I also would like to acknowledge AILA staff members: my fellow Law Office Management subsection editor, Reid Trautz and the project's managing editor, Kristine Tungol Cabagnet. I want to show my appreciation for the amazing team of associate editors—Todd Irwin, Laura Hofman, Nikki Mehrpoo Jacobson, and Evan Green—for their hard work and tenacity in compiling and reviewing the materials contained in this *Practice Toolbox*. Special thanks go to the rest of the publications team, AILA Publications Director Tatia L. Gordon-Troy, and Electronics Publications Associate Kathy Jo Frazier, for their excellent teamwork in editing, proofreading, and organizing the *Practice Toolbox* manuscript, resulting in this much-anticipated, expanded edition.

Also, thanks to the myriad of AILA members who have submitted documents for this edition and to those who submitted materials for previous toolboxes, giving us a great starting point for this edition. We hope you find the sample letters, checklists, and questionnaires in this *Practice Toolbox* helpful in your practice. In future years, we will strive to improve on the format in which these documents are offered, and to increase the number of templates included to better support specific practice areas within the field of immigration law.

Lastly, thanks to the amazing support of the partners and attorneys at Jackson Lewis LLP who have been so supportive of this publication. In particular, thanks to William Manning, Sean Hanagan, Kelsey O'Keefe, and Wayne Hansen for their support on this and future editions of this important publication.

If you have any suggestions for documents to be included in upcoming editions, please e-mail AILA at books@aila.org.

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