

# Carnegie Mellon University

## Office of International Education

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### Immigration Attorneys – Recommendations from OIE

Locating a good immigration attorney is important. You may spend considerable time and money working with your attorney. As with any important decision, do your research, and 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.

#### 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 Department of Homeland Security procedures, and preparing paperwork and petitions. Attorneys are regularly involved in H-1B petitions for “special occupation workers,” 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 OIE advisor, are considering starting a business in the US or have a legal issue that may impact your immigration status.

There are many situations where a person can successfully file a petition with the US Citizenship and Immigration Services (USCIS) without the help of an immigration attorney. A 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 USCIS website ([www.uscis.gov](http://www.uscis.gov)) to find forms and general information.

#### How to Find an Immigration Attorney

1. [American Immigration Lawyers Association \(AILA\) Immigration Lawyer Search service.](http://www.aialawyer.com/)
2. [Allegheny County Bar Association.](http://www.acbalrs.org/) The Allegheny County Bar Association offers a lawyer referral service. You can find more information about this service at [www.acbalrs.org/](http://www.acbalrs.org/) or by calling 412-261-5555.
3. [American Bar Association \(ABA\).](http://www.abanet.org/public.html) For general information about the legal system and hiring an attorney, visit the ABA website at [www.abanet.org/public.html](http://www.abanet.org/public.html).
4. [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.

# Questions to Ask Before You Hire an Immigration Attorney

1. **How long has the attorney been practicing immigration law; how much work is immigration related?**
  - a. Find an attorney who does all or most of his/her work in immigration law.
2. **How much experience does the attorney have in your particular type of immigration case?**
3. **Will the attorney offer an initial consultation before you hire him/her to take your case?**
  - a. If so, be sure to find out how much the consultation will cost and how long will it be. Many attorneys will offer a short (15-30 minute) complementary meeting/consultation, but you should ask what the costs will be before meeting with the attorney.
4. **How will you contact the attorney?**
  - a. Is he/she accessible via cell phone, email, or office phone?
5. **Who will be handling the details of your case?**
  - a. Will you contact the attorney or a paralegal with questions? What is training, experience of the paralegal?
6. **Who will choose the attorney and pay the legal fees for an employment-based petition?**
  - a. In employment-based cases, the employer typically chooses which attorney to use. 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 must pay, in some cases). In other cases the fees may be split between employee and employer. An employment-based petition will involve you, the employer, and the attorney. Regardless of who is paying, do not be shy about asking questions and talking to the attorney about the progress and details of your case.
7. **How much will it cost to hire the attorney for your case?**
  - a. Rates vary significantly based on geographic location, the specific situation, and other factors. Be sure to ask *before* the work begins what the costs will be. In the Pittsburgh area, an H-1B petition may cost between \$1,500 - \$3,000. A permanent residency ("green card" or "immigrant") petition may cost \$5,000 to \$10,000, depending on the circumstances.
8. **Will you be charged a flat rate, or an hourly rate? If it is a flat rate, what services does the flat rate include?**
  - a. For example, if an initial petition is denied, will an appeal be included in the flat rate?
9. **Will you pay before ("up front") or after services have been rendered?**
  - a. If you pay *before* services are provided, how will you be assured that your case will remain a priority?

## Special Issues for Employees of Carnegie Mellon University

- ❖ Foreign nationals who are employed by Carnegie Mellon in H-1B or O status or who are (or will be) permanent residents of the US may need to consult an attorney. OIE processes H-1B applications for many international researchers, professors, scholars, and staff and an attorney is not involved. However, H-1B employees who work for certain departments - Computer Science, Robotics, Software Engineering Institute, Mechanical Engineering and the Tepper School - as well as all persons seeking O status or permanent residency must consult with their departments and use an attorney who has been pre-approved by Carnegie Mellon to for such work. An "employment-based petition" such as H-1B and some petitions for permanent residency are based on the strength of your professional and educational background and your job in the US.
- ❖ **IF** the university will be sponsoring someone for permanent residence, the individual and host department must work with a university-approved attorney since OIE does not handle permanent resident applications. Please note that no matter who pays or who chooses the attorney, Carnegie Mellon, the department, *and* the individual will be involved in working with the attorney for a successful employment-based permanent residency petition.
- ❖ Before seeking legal advice from one of the pre-approved attorneys (below), a Carnegie Mellon employee must discuss the plan with the department and receive confirmation that the department will support you.

The following attorneys are pre-approved to handle employment-based H-1B, O, and permanent resident applications on behalf of Carnegie Mellon. Check their websites for information about consultations:

Attorney Name	Law Firm Name	Phone	Website
Larry Lebowitz Maria Piccolomini	Denton's Cohen & Grigsby	412-297-4979	<a href="http://www.dentons.com/dcg">http://www.dentons.com/dcg</a>
H. Ronald Klasko Elise Fialkowski	Klasko, Rulon, Stock & Seltzer, LLP	215-825-8695	<a href="http://www.klaskolaw.com">www.klaskolaw.com</a>
Mark Harley	Fox Rothschild, LLP	412-391-2418	<a href="http://www.foxrothschild.com">www.foxrothschild.com</a>