



HIRING AN IMMIGRATION ATTORNEY

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Finding an appropriate immigration attorney for legal guidance is extremely important. You will likely spend considerable time and money working with an attorney, and as with any important decision, researching your options thoroughly and taking the time to make an educated choice is imperative.

Immigration law is complex and changes frequently. Attorneys, also called “lawyers,” complete a professional degree and are licensed by individual states to practice law. Most attorneys select an area of specialization such as immigration, patents, trusts and estates, or litigation. An attorney practicing immigration law should have a thorough understanding of laws and procedures that pertain to non-US citizens. An effective immigration lawyer will be able to explain the legal options that are available to you, answer your questions competently, and will be able to correctly prepare and file immigration petitions or represent you before federal immigration agencies (such as US Citizenship & Immigration Services [USCIS] and the Immigration Courts).

At Wake Forest University, the Center for Immigration Services and Support (ISS) is the only office authorized to oversee and sign immigration paperwork on behalf of WFU visa sponsored international students, faculty and staff. The ISS team handles most matters related to F and J visas and utilizes a specific law firm to prepare and file employment-based immigration cases based on employment with the university. Contact iss@wfu.edu for more information.

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 that is beyond the scope of the ISS team.

There are also situations where a person can successfully file a petition with immigration without the help of an immigration attorney. Family-based permanent residency applications (i.e. based on marriage to a US citizen) may be one example, depending on the complexity of the case. 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. To file successfully, you must learn in detail 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 www.uscis.gov for forms and general information. We do not recommend calling the USCIS National Customer Service Center for advice.

Students, faculty, or staff members may want to consult with an outside immigration attorney about their options or may need the services of an outside immigration attorney to handle personal immigration matters. For example, there are two types of immigrant visas based on employment in the United States that a foreign person could file on her or his own behalf: extraordinary ability first preference; and national interest waiver second preference. There are also a variety of immigration options through close family members who are permanent residents or U.S. citizens. Even in cases where the university handles the initial stages of an employment-based case on behalf of an international employee, the University does

not prepare applications for adjustment of status to permanent residence or for immigrant visas after the University's applications and petitions are approved.

As international travel regulations and immigration enforcement policies continue to evolve, it is critical that non-citizen employees entering the United States—including visa holders and lawful permanent residents—are well-informed, cautious, and prepared. Recent executive orders and public remarks from U.S. officials have signaled an increase in entry scrutiny, expanded digital screening, and broader search authority for U.S. Customs and Border Protection.

PROTECT YOURSELF AGAINST FRAUD WHEN SEEKING OUT LEGAL ADVICE

Before consulting with or hiring an immigration attorney, it is important to confirm they have a license to practice law in the United States that is valid and current. Those who claim to be able to help you with immigration matters, but do not have a law license, may be breaking the law or lack the proper training. Fraudulent or incomplete legal advice could harm your chance of succeeding in an immigration benefit application, cause delays or make your position much more difficult or impossible to defend in immigration court. For more information on protecting yourself from fraud while seeking legal advice, please visit this [Frequently Asked Questions](#) page from the American Immigration Lawyers Association.

USEFUL RESOURCES

- [How to Find an Immigration Lawyer](#) (Informed Immigrant) This guide provides information on how to find a good immigration lawyer, where to find one, how to prepare to meet with a lawyer, and how to avoid fraud.
- [Find a Service Organization Near You](#) (Informed Immigrant) Find legal providers, social workers, community organizers and others by zip code.
- [Find an Attorney](#) (National Immigration Project) National Immigration Project attorney search network by state.
- [AILA Private Immigration Lawyer Search Tool](#) (American Immigration Lawyers Association) Find legal providers by state.
- [iAmerica: Legal Services Search Tool](#) (iAmerica) Find legal providers by zip code.
- [National Immigration Legal Services Directory](#) (National Immigration Law Center) You can search for immigration legal services providers by state, county, or detention facility. Only nonprofit organizations that provide free or low-cost immigration legal services are included in this directory.

USEFUL WEBSITES

We recommend the websites below to students or scholars who want to research immigration topics because they contain accurate information about U.S. immigration laws and procedures. Be forewarned that applying the general information available on these sites to your own particular situation can be difficult and even dangerous.

- United States Citizen and Immigration Services: www.uscis.gov
- Immigration and Customs Enforcement Student and Exchange Visitor Program for

- information about F and J visas:
www.ice.gov/sevis
- Department of State Visa Office:
www.travel.state.gov
- U.S. Department of Labor:
www.foreignlaborcert.doleta.gov
- American Immigration Lawyers Association:
www.aila.org

FINDING A LOCAL IMMIGRATION ATTORNEY

The website of the American Immigration Lawyers Association includes an **Immigration Lawyer Search** tool that you can use to find a local immigration attorney who is a member of that organization. See www.ailalawyer.com

WEBSITES OF LAW FIRMS SPECIALIZING IN IMMIGRATION LAW

- Constangy, Brooks, Smith, & Prophete LLP: <https://www.constangy.com/>
- Long & Chang LLP: <https://longchangonline.com/attorneys/david-long/>
- EMP Law: <https://emplawfirm.com/our-team/helen-parsonage/>
- Ogletree Deakins: <https://ogletree.com/locations/charlotte/>
- Chapman & Roberts, P.A.: <https://www.chapman-immig.com/>
- Fragomen, Del Rey, Bersen & Loewy, LLP: <https://www.fragomen.com/>
- Fredrikson & Byron: <https://www.fredlaw.com/>
- Curaray York & Associates: <http://cyavisalaw.com/>
- Carl Shusterman & Associates: www.shusterman.com
- Latour & Lleras, P.A.: www.usvisanews.com
- Sheela Murthy, P.C.: www.murthy.com
- Siskind Susser: www.visalaw.com
- Maggio-Kattar: www.maggio-kattar.com
- David Ware & Associates: www.david-ware.com

ORGANIZATIONS THAT ADVOCATE FOR IMMIGRANTS & IMMIGRATION

- American Civil Liberties Union: www.aclu.org/immigrants-rights
- American Immigration Council: www.americanimmigrationcouncil.org
- Center for Human Rights & Constitutional Law: www.centerforhumanrights.org
- Immigration Advocates Network: www.immigrationadvocates.org
- International Trial Attorneys Association: www.itaa.org
- National Immigration Law Center: www.nilc.org
- National Immigration Law Project of the National Lawyers Guild: www.nationalimmigrationproject.org

QUESTIONS TO ASK BEFORE YOU HIRE AN IMMIGRATION ATTORNEY

How long have you been practicing immigration law? How much of your work is immigration related? How much experience do you have in _____ (your particular issue)?

We recommend that you look for an attorney who does all or most of their work in immigration law.

Will you provide an initial consultation before I hire you to take my case?

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

What is the best way for me to contact you?

Is the attorney accessible via cell phone, pager, email, and/or office phone?

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

How much will it cost to hire you to handle my 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 legal fees and other costs will be. Be sure that you understand exactly what services the fees will include.

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

If the attorney charges an hourly rate, ask how they handle phone calls and emails. If the attorney charges a flat rate and if an initial petition requires additional evidence or is denied, will the response or an appeal be included in the flat rate?

Will I have to pay before the work starts ("up front") or after services have been provided?

Some attorneys will ask to be paid a "retainer," which is a partial fee paid in advance for his/her professional services. Many attorneys who charge a flat fee will require all or part of the fees and costs before starting the work. However, the attorney still must be able to account for how the money is spent.