



How Immigration Trial Attorneys Can Help You Win Hard Cases

Since 9/11, immigration trial attorneys are more important than ever. Rules are tougher. Procedures are tighter. Judges are stricter.

Yet, over 50% of immigrants go to Immigration Court hearings without a lawyer. This is a recipe for disaster.

Americans looked for causes after the 9/11 attacks - many blamed the immigration system. Nineteen hijackers had entered the United States on student visas; the others used tourist visas. The results were predictable. It became harder to qualify for green cards, U.S. citizenship, and other immigrant visas.

When green card applications fail, immigrants – and often their family members – are sent to Immigration Court. The government asks the judge to deport the immigrants. It becomes a winner-takes-all situation.

Like all aspects of immigration law, court procedures have become more rigid in recent years. These changes make winning your case harder than ever before . . . and the role of an immigration trial attorney more essential to your success.

The Immigration Court Overload

Immigration courts are flooded today: too many cases and too little time.

Since 2002, immigration judges are responsible for over 300,000 cases per year. There are 54 immigration courts and 226 immigration judges. It is estimated that each judge makes about five rulings per day, sometimes with less than 15 minutes to render a decision.

The results of overcrowding:

- Judges take a quick look at written materials, searching for errors and omissions. A single error may cause a case to be denied, setting an immigrant's petition back by a year or more. The error can even lead to your permanent removal from the U.S.
- Judges are forced to complete trials as quickly as possible. Instead of hearing from all possible witnesses, judges commonly ask for written statements instead of actual testimony. Important information may be left out. Unless there is an immigration trial attorney doing the writing, most immigrants will fail to include certain evidence the judges need to know.



- Judges will not create law. They do not study rules like an immigration trial lawyer. If a law has been used a certain way by courts in the past, a judge is going to do things the same way. Only an experienced and confident attorney will challenge how laws and procedures have been used in the past if your situation is different.

The Role of Your Immigration Trial Attorney

An immigration trial attorney can bring many advantages to your case – and can help to offset the problems you will face at Immigration Court. These advantages may make the difference between winning and losing.

First, everything counts at an immigration trial. How you prepare your application will influence every step of the process. Too often deserving and honorable immigrants destroy their chances with poorly prepared paperwork. Confusing information can make it difficult to challenge a bad decision by the judge. Your lawyer should be able to prevent these mistakes before they happen.

Second, there are many programs unknown to immigrants. They are easily overlooked if you do not have an experienced attorney. For example, 5-10 years ago, a special program may have existed for immigrants from your home country. Now it no longer exists. A good immigration trial lawyer will know if that old law can still be used to help you stay here as a permanent resident.

And most important of all, a trial lawyer with immigration appeals experience can protect you against bad decisions. Judges are humans. They make mistakes. A judge might overlook important evidence which helps your case. A judge may fail to properly consider testimony from a witness. Or the judge might use a rule against you in an improper manner. Your lawyer will be able to challenge these errors.

Because immigration cases are harder today, hiring an immigration trial attorney may be the only way to protect your right to a fair hearing – and your right to stay legally in the United States.