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## INDUSTRY FOCUS: LAW

# Immigration lawyers find their world has changed

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Attorney Michael Maggio sometimes feels more like a doctor — one who must tell a patient there's no hope.

It's an apt analogy. Maggio is an immigration attorney, and since terrorists attacked New York and Washington on Sept. 11, 2001, he and other immigration specialists frequently have been the bearers of bad news.

The country's immigration policies and enforcement practices have been revised, reinforced and reinterpreted.

In short, the white-hot light on national security has made it more difficult for foreigners to come to America and more difficult for them to stay.

"Our clients are being impacted upon in heart-breaking kinds of ways," says Maggio, a senior partner with D.C. law firm Maggio Kattar ([www.maggio-kattar.com](http://www.maggio-kattar.com)). "We very often feel like doctors who have to tell a patient that their condition is terminal. But the reason their condition is terminal is because of a new Supreme Court decision or because of a decision by the INS to enforce the laws differently."

Some of the changes have come in the aftermath of legislation that created the Department of Homeland Security. Functions of the Immigration and Naturalization Service (INS), once in the Justice Department, were shifted to units in Homeland Security, including the Bureau of Citizenship and Immigration Services ([www.bcis.gov](http://www.bcis.gov)) formed early this year.

Attorneys say this and more significant revisions to immigration policy have changed the types of cases they handle, complicated and delayed processes that used to be routine administrative matters and reduced in some instances the money they make on individual cases.

As a result, these attorneys say, they may rethink the way they bill foreign nationals and

corporations with overseas interests. And at least one local expert predicts the altered immigration landscape ultimately could reduce the number of attorneys who offer immigration services.

"People who got into immigration law because they thought it was easy, I think you'll see them disappear," says Elissa McGovern, chairwoman of the 600-member Washington chapter of the American Immigration Lawyers Association ([www.aila.org](http://www.aila.org)). "And the good attorneys, the ones who've been in the thick of it and have developed a reputation, will remain and will probably prosper."

### LEGITIMATE QUESTIONS

While Maggio is feeling like a doctor with a terminally ill patient, immigration lawyer Sudeep Bose is feeling more like someone in community relations.

Bose, principal attorney with Bose Law Firm in McLean ([www.boselawfirm.com](http://www.boselawfirm.com)), finds himself answering questions from school officials unsure whether a child's parent is in America legally and listening to frustrated clients who plan to move to Maryland from Virginia, which has made it harder for foreign nationals to get a driver's license. Other times immigrants ask him to handle the sale of their businesses so they can avoid being hassled about the legitimacy of their company or citizenship.

"I'm dealing with different issues now on the immigration front," Bose says. "Certainly we have our core clients that are facing deportation. Defense of those cases is going forward. But

clients with legitimate status in the U.S. are facing problems because of various policy changes."

Immigration lawyers typically have charged a flat fee rather than bill by the hour because immigration services — unlike corporate cases that could eat up thousands of hours — historically have been administrative, somewhat predictable and less time consuming.

That's now changing.

Maggio says he and his firm's attorneys are working longer days and putting more effort into immigration cases, which have become more complex since Sept. 11. In cases where the firm's flat fee hasn't risen, the attorneys are doing more work for the same amount of money, prompting Maggio to consider changing his billing method.

"Lawyers are obviously on the privileged end of the ladder — even lawyers who aren't making Johnny Cochran-type salaries," he says. "We're not hurting. But it's like any other business: Revenue is down, and here's why."

### A NEW LANDSCAPE

McGovern, who is of counsel to Greenberg Traurig's law office in Tysons Corner ([www.gtlaw.com](http://www.gtlaw.com)), says the post-Sept. 11 climate has turned immigration law into a "whole new world."

"The types of advice we give and the type of work we do has shifted," she says. "We're certainly seeing a lot more compliance issues than we ever saw before. We're being brought in a lot earlier in the process than before. Companies are rightfully concerned about the way things are going."

"While everybody understands the significance of what the government is trying to do, there's also increasing concern that the government is losing sight of some of the realities of business in a global economy."

### ■ CLOSE UP

Legal immigration to the United States each year totals 800,000 people, including:

- 480,000 family-sponsored immigrants
- 140,000 employment-based immigrants
- 120,000 refugee admissions, many these days from former Soviet Union
- 55,000 diversity immigrants accepted through a lottery system

SOURCE: AMERICAN IMMIGRATION LAWYERS ASSOCIATION

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