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Finding What You Need to Practice Immigration Law

Eugene J. Flynn

Author Contact Information:

Eugene J. Flynn
EUGENE J. Flynn, P.C.
Dallas, TX

ejflynn@ejflynnlaw.com

214-821-1661

Preface

This paper is an update of the papers included in the 2002 through 2008, 2010 through 2013 and the 2015 UT Immigration Conference materials. If you have any of those papers, throw them away. URLs change every year and this year was no exception.

As we did starting in 2013 this year the paper is included in the materials without an oral presentation on the topic, as was suggested by a conference attendee's evaluation in 2012. We have included this paper in the materials for the "Ask the Experts" session. Hopefully you will find these to be an expanded benefit of the conference.

Introduction

In 1978 I was a law clerk in the Law Offices of Wallace Heitman. He was one of the first Certified Specialists in Immigration and Nationality Law in Texas. He passed away in 2012. One of the assignments he gave me was to put together a "Law Clerk's Manual" for Immigration Law. The first part of that manual dealt with what was to be checked on a regular basis to see to it that we had the most up-to-date information.

Many prominent individuals in our field, including Steve Ladik and Judge Glenn McPhaul, had the joy of laboriously turning the pages of the Federal Register, F.Supp., F.2d, the United States Code, Congressional and Administrative News (USCCAN), and many other publications to discover what was new. There was basically one service available in those days, *Interpreter Releases*, and it was slow to arrive in Dallas. Mr. Heitman wanted to have the most recent items on his desk, and it was up to the law clerk to give it to him.

That Law Clerk's Manual concept is still valid today. The difference is that we do not have to run to a law library and turn pages. Now we can point and click and in some instances simply have our computer, tablet or iPad do it for us via RSS feeds or receive updates automatically via email or text message.

Below I take you through what I do to keep up in this field. I do not necessarily recommend that you do all of the pointing and clicking personally. If your firm has one, a law clerk, or other staff person, can be trained to check the various sources and print or forward to you electronically what you would like to see and read. Perhaps you prefer to have an outside organization prepare an electronic summary for you. Such is available, as noted below.

This paper does not cover everything that is available on the web and if you find anything of interest, feel free to inform me thereof.

Daily Review

Bright and early every morning I review my downloaded emails, check my RSS feeds and start to check key websites. Some of the emails and RSS feeds inform me of new postings on the web, including new Board of Immigration Appeals (BIA) decisions, new GAO Reports, newly published 5th Circuit Opinions and even that particular day's contents of the Federal

Register. Further information on how to receive such emails and RSS feeds will be discussed below.

I have included links to the various websites mentioned in this paper. If anyone still gets just hard copies of the materials, just drop me an email at ejflynn@ejflynnlaw.com and I will forward to you a copy of the paper with active links.

One of the first sites I used to check in the morning was the American Immigration Lawyers Association (AILA) <http://www.aila.org/> (*see infra* page 7 regarding receiving email updates from AILA). Now I check it in the evening and download the postings for the day, while still checking the emails as they arrive during the day to see if there is anything pressing. If you are not a member of AILA, I encourage you to join as only members can use this research tool.

AILA posts to their InfoNet site Processing Times, Administrative and Court cases, Liaison Minutes from meetings with numerous divisions of the Department of Homeland Security (DHS), the Department of Labor (DOL), the Department of State (DOS), the Social Security Administration (SSA) and other agencies, and much more.

I store everything posted on AILA InfoNet on my hard drive in searchable PDF format. If you do not have a full Acrobat program to save in PDF format, free programs are available. I use CutePDF Writer which is available at <http://cutepdf.com>. The Acrobat Reader has a search feature which allows you to search all PDF files in a directory. Unfortunately, many older PDF files are in graphic format and are not searchable, requiring a separate index if you ever want to find them again.

I save the AILA items by date in annual sub-directories. For example, the first item posted to InfoNet on the first day of this conference would be named OCT26-01.PDF. It would be stored in the "data2016" sub-directory. I also store the summaries that AILA posts for all items in an index file. I include the file name I created with each of the day's items in my index file for easier retrieval. Often, when looking for something which I am sure was on InfoNet recently instead of using the InfoNet online search feature I will simply search my index file. It is usually quicker.

Why save everything? Because AILA does not keep everything they post. Neither does the government. Often AILA will remove, for example, early versions of proposed legislation so as not to confuse the members as to what was enacted. Knowing that such is part of the legislative history of the particular statute, I prefer to keep the material, as it might be useful. *See e.g. In re Pedro Rodriguez-Rodriguez*, 22 I&N Dec. 911, 1003 (BIA 1999) (Guendelsberger, dissenting).

I have not destroyed all my old hard copies as yet but I am working on that as more and more older items are being posted electronically. For example Florida State University has posted copies of the decisions of the now defunct State Department's Board of Appellate Review dealing with citizenship issues. That has let me transfer my old notes to the PDF copies and get rid of some paper. But not everything is online. Not too long ago an AILA member was seeking a case I summarized for the old *AILA Monthly Mailing* back in 1994. A reprint of the case was

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"Ask the Experts"