

# Immigration and Federal Court Litigation When and How

•  
**Charles Kuck**  
**Atlanta, GA**  
•

1

## What Tools Do You Need to Start

- Desire (and it Helps to be Ticked Off)
- Federal Rules of Civil and Criminal Procedure
- 8 C.F.R. 3.1 et. seq.
- Local Rules of Procedure
- AILA Litigation Toolbox
- <https://www.americanimmigrationcouncil.org/litigation>
- AILA Mentor Directory
- AILA's new Litigation Listserve

2

## Laying the Litigation Foundation

### Using an Expert in the Initial Filing

- ❖ H-1B
- ❖ L-1
- ❖ Consular cases
- ❖ Naturalization
- ❖ Adjustment
- ❖ Use at AAO and RFE stage if you are new to the case, BUT . . . .

3

## 10 Rules for an Effective Litigation Foundation

1. Be realistic with your client.
2. Cases are won and lost on the evidence.
3. Know the USCIS policy.
4. Satisfy the statutory and regulatory requirements.
5. Argue regulatory due process violations and substantive legal errors.

4

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Immigration and Federal Court Litigation When and How

Also available as part of the eCourse

[2019 eConference on Immigration and Nationality Law](#)

First appeared as part of the conference materials for the

43<sup>rd</sup> Annual Conference on Immigration and Nationality Law session

"Federal Court Litigation: Mandamus, Declaratory Judgement, and Habeas Corpus. What to Bring, How to Bring it, and How to Win"