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# USING THE WEB TO PRACTICE IMMIGRATION LAW

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# Preface

This paper is an update of the paper included in the 2002, 2003 and 2004 UT Immigration Conference materials. If you have any of those papers, throw them away. Over half the URL's change every year.

# 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. 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., F2d, 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 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.

Below I take you through what I do every day to keep up in this field. I do not recommend that you do all of the pointing and clicking personally. If your firm has one, a law clerk, or even a receptionist, 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 source prepare an electronic summary for you and such are available as noted below.

This presentation does not cover everything that is available on the web. My co-presenter, Carl Shusterman, will have the honor of attempting to do that.

# Daily Review

Bright and early every morning I download my e-mails and start to check key sites on the web. Some of the e-mails 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. More below on how to receive such e-mails.

To give you an idea of what the sites look like, I have included a printout of a page of each site I discuss as an appendix to these materials.

One of the first sites I used to check was the American Immigration Lawyers Association (AILA) (Appendix 1) http://www.aila.org/ (*see* discussion *infra* regarding receiving e-mail

updates from AILA). If you are not a member, I encourage you to join, as only members can use this research tool. (Note: the AILA site does not look the way it appears in Appendix 1. AILA's new print function prevents one from printing the screen as it appears. It automatically switches to a printer friendly mode.)

AILA posts to their InfoNet site Service Center Processing Times, administrative and court cases, liaison minutes from meetings with numerous divisions of the Department of Homeland Security, the Department of Labor, the Department of State and even the Social Security Administration.

I store everything posted on AILA InfoNet on my hard drive. When I am able to do so, I save it in ASCII text, which takes up the least space. When converted to ASCII text everything that has been posted to AILA InfoNet from1991 through 2003 barely fills one CD. I started on my second CD with 2004 postings. The abundance of PDF files will probably only allow me to keep 2004 and 2005 on one CD.

I save the items by date in annual subdirectories. For example, the first item posted to InfoNet on this first day of this conference would be named SEP21-01.TXT. It would be stored in the "data2005" subdirectory. I also store the summaries that ALIA posts for all items in an index file. I include my file name when moving that days items to my index file for easier retrieval. I still use an old version of Norton Utilities Text Search to assist in finding items I have stored.

Why save everything? Because AILA does not keep everything they post. Often they 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).

My next point and click is to check for any new BIA decisions posted to the web site of the Executive Office for Immigration Review (Appendix 2) http://www.usdoj.gov/eoir/vll/intdec/nfvol23.html
You will see that when you click on the page number the case appears. As of this writing the page number (814) leads you to http://www.usdoj.gov/eoir/vll/intdec/vol23/3518.pdf.
I simply change the Interim Decision number (in this case 3518) to the next number (in this case 3519) and click. In this way I find and read the new cases before I receive an e-mail notification from the BIA, and sometimes, even before Dan Kowalski gets the case.

Next it is time to check the Federal Register. One can find the Federal Register at the web site of the Government Printing Office (Appendix 3)
http://www.access.gpo.gov/su_docs/fedreg/frcont05.html or one can have that day's table of contents sent to you via e-mail (*see infra*). I do a quick check for anything under "Immigration," "Employment," "Homeland," "Justice," and "State." Others who have interests in other areas might add additional checks to their list.

# Title search: Using the Web to Practice Immigration Law

First appeared as part of the conference materials for the
2005 Conference on Immigration and Nationality Law session
"An Immigration Lawyer's Guide to Factual and Legal Research on the Web"