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USING THE WEB TO PRACTICE IMMIGRATION LAW

Eugene J. Flynn

Author contact information:
Eugene J. Flynn
EUGENE J. FLYNN, P.C.
Dallas, Texas

ejflynn@earthlink.net
214-821-1661

Preface

This paper is an update of the papers included in the 2002, 2003, 2004, 2005 and 2006 UT Immigration Conference materials. If you have any of those papers, throw them away. Over half the URLs change every year and this year was no exception.

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 and in some instances simply have our computer do it for us via RSS feeds, which we will discuss later.

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, which 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, check my RSS feeds and start to check key websites. 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. Further information on how to receive such e-mails will be discussed momentarily.

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. With some exceptions they are in what-you-see-is-what-you-get format.

One of the first sites I used to check in the morning was the American Immigration Lawyers Association (AILA) (Appendix 1) <http://www.aila.org/> (see discussion *infra* regarding receiving e-mail updates from AILA). Now I check it in the evening after the postings for the day have ended. If you are not a member, I encourage you to join, as only members can use this research tool.

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 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 for free at <http://cutepdf.com>.

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 OCT17-01.PDF. It would be stored in the "data2007" subdirectory. I also store the summaries that AILA posts for all items in an index file. I include my file name when moving that day's 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 in ASCII text, such as the index files. For the PDF files, Acrobat Reader 8.1 has an excellent 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.

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).

AILA is not the only one to remove items from their website. The recent changes at the Department of State website removed a number of historical items. When converting to their new website, the USCIS lost nonprecedent Administrative Appeals Office decisions. Some of them are back on the new website, but not all of them. There have been times during a given year when new cases were posted in a particular category and in doing so the cases from earlier in the year were removed.

My next point and click is to check for any new BIA decisions posted to the website of the Executive Office for Immigration Review (Appendix 2) <http://www.usdoj.gov/eoir/vll/intdec/nfvol24.htm>. You will see that when you click on the page number, the case appears. As of this writing the page number (282) is supposed to lead you to Interim Decision 3580 at <http://www.usdoj.gov/eoir/vll/intdec/vol24/3580.pdf>. Unfortunately the link on the website has a typo. It repeats "intdec" in the URL. This is another reason why I normally just change the Interim Decision number (in this case 3579) to the next number (in this case 3580) and click. Often pages are there on the website but the URLs do not work. Also,

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Title search: Using the Internet to Stay Current with Immigration Laws, Procedures, and Agency Interpretations

First appeared as part of the conference materials for the
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"Using the Internet to Stay Current with Immigration Laws, Procedures, and Agency Interpretations"