



# North Dakota House of Representatives

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## COMMITTEES:

Appropriations  
Appropriations - Human Resources Division

02/03/2025

### House Bill 1600 House Judiciary Committee

Chairman Klemin and members of the House Judiciary Committee,

I am Representative Emily O'Brien, representing District 42 in Grand Forks. House Bill 1600 creates the establishment of an immigration law clinic. I have the privilege to serve on the Workforce Development Advisory Council. Through our work on the Council, we put forth nine recommendations and fourteen endorsements that would help address some of the greatest workforce challenges faced by the state of North Dakota today and the incoming years. I would like to highlight Recommendation #3 which recommends support for opportunities with the Office of Legal Immigration and Recommendation #4 which provides transcript and curriculum translation services to New Americans and Immigrants.

The establishment of an immigration law clinic is important because it provides crucial legal support and resources to individuals navigating the often complex and intimidating immigration system. These clinics typically offer free or low-cost legal assistance, which is especially vital for people who cannot afford private attorneys. Here's why they're so important:

- Access to Justice:** Immigration laws can be overwhelming and difficult to understand. Clinics ensure that individuals, regardless of their financial status, can have access to competent legal representation and advice.
- Protection of Rights:** People going through the immigration process are often at risk of being unfairly treated or facing unjust deportation. A clinic helps protect their legal rights and advocates for fair treatment.
- Educational Resource:** Clinics often educate communities about their rights and legal options. This is crucial, especially in times of political or policy changes, when misinformation or fear can prevent individuals from seeking help.
- Real-World Experience for Law Students:** Many immigration law clinics are run by law schools, providing valuable hands-on experience for students. It gives them the opportunity to work on actual cases under supervision, building their skills and understanding of real-world legal practice.
- Support for Vulnerable Populations:** Immigrants, particularly those from vulnerable groups like refugees, asylum seekers, or survivors of abuse, may face unique challenges. Clinics are often tailored to help these groups navigate the system with more personalized care.

In short, immigration law clinics help bridge the gap between the legal system and people who need it most, offering vital support at critical moments in their lives.

A few technical corrections throughout the bill will be to capitalize "U" in University, School of Law is also capitalized as its official name. These corrections will need to be made throughout the document. After a few conversations over the weekend, there are some logistical errors that need to be corrected.

Section 1, Subsection 2, beginning on line 11 - students may have more than one case due to how quickly some cases can be completed. These students may learn in learning modules where they may need to focus on certain legal action in the type of case they are assigned to while the attorney completes the overall legal action.

Section 1, Subsection 3, beginning on line 13 - this will need to be broken into two separate sentences. The immigration law clinic will offer two levels of learning: clinic I and clinic II. The law school will annually offer two immigration classes for students to take, comprised of an introductory immigration law class and an advanced immigration law class.

Section 1, Subsection 4, beginning on line 15 - this needs to be rephrased to state: The law clinic may represent clients remotely when clients do not reside in the same city as the law clinic. Student legal work may be performed remotely upon the approval of the supervising attorney.

Section 1, Subsection 5, beginning on line 17 - The Immigration and Nationality Act provides that employers are required to pay all associated legal fees, filing fees and costs of the H-1B visa and DOL PERM filings. By law, the law clinic or anyone else cannot pay for them at all, even via grant money or any other money. All of it must be paid for by the employer. The law clinic is a law office. Law offices do not pay relocation expenses for clients or government filing fees. These would be considered "advanced client costs" which are recovered from the client. There are accounting consequences as well. Advanced client costs are considered assets on the law firm's balance sheet until repaid. They are tracked separately from the firm's general expenses and must be accounted for accurately to ensure proper billing. The purpose of the grants is to offset the cost of running the clinic and to be able to offer legal services for low attorney fees. We will need to delete the language "filing fees" and "relocation expenses". This is the cost of doing business for an employer and it is the employer's obligation to pay this expense.

Section 1, Subsection 6, beginning on line 21 - we need to strike "H class visa" and insert "employment-based nonimmigrant and immigrant visas".

Lastly, Section 2, the two-year period of funding, is problematic. The funding period needs to be four years or more. An EB-3 immigrant visa is taking 5 years to process. The loss of funding in two years would force an employer to seek new counsel while in the middle of legal action.

Dean Pappas from the University of North Dakota Law School has requested a few amendments following my testimony. I am happy to get the amendments I have proposed above, and Dean Pappas requested amendments drafted and prepared for the committee.

Thank you, Mr. Chairman and members of the committee.