

## HB 1600 Testimony

Sue Swanson

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Chairman Todd Beard and Members of the Senate Education Committee:

My name is Sue Swanson and I am an immigration attorney with a law office in Grand Forks, North Dakota. I write in support of HB 1600.

I am a solo practitioner of immigration law and own Swanson Law Office in Grand Forks. I have an extensive background in immigration law and practices it exclusively. My immigration law practice focuses on all areas of immigration law including family and employment immigration, naturalization, criminal defense and civil litigation in federal, district, and municipal court, deportation defense, and advising other attorneys on the immigration consequences of criminal convictions. I am a Specially Appointed Assistant Attorney General for the state of North Dakota, authorized to represent and provide immigration advice to ND state entities. I have served as a national speaker on immigration law, speaking at regional and national annual conferences. I am a three time graduate of the University of North Dakota, graduating with B.A.'s in Political Science and International Studies, a Masters of Business Administration, and Juris Doctorate of Law. Lastly, I serve as an Adjunct Professor at UND's School of Law, teaching immigration law.

I started working in the field of immigration law in 1999, serving as the Associate Director of International Programs at the University of North Dakota (hereinafter "UND") from 1999-2001. In that position, I represented the University directing and managing the University's F-1 (degree seeking students), J-1 (exchange students, short and long term researchers and faculty) and M-1 (vocational students) nonimmigrant visa programs. In that position, I was also in charge of filing for H-1B (professional and specialty occupations) and TN (NAFTA professional positions) nonimmigrant visas for UND's administrative staff, faculty and researchers.

In 2001, I left the state due to my husband's graduation from medical school and acceptance to a residency program at the Mayo Clinic in Jacksonville, Florida. In Jacksonville, I worked for four years for a senior immigration attorney as his Legal Assistant, working solely in the preparation and filing of business-based immigration petitions.

My family and I returned to North Dakota, settling in Grand Forks, ND. I could not get a job in immigration law as 1) I was not an attorney and 2) there were no attorneys in Grand Forks its surrounding area that practiced immigration law. In fact, at that time, there was only one attorney in the state that practiced immigration law. Due to this, I made the decision to go to law school to become an attorney. I graduated from law school and opened my immigration practice in May 2010 as a solo attorney.

Even after working in the field of immigration law for over 26 years, I do not call myself an expert in the field. Immigration law is extremely complicated in that the practitioner has to have and maintain a knowledge of:

1. State law;

2. Federal law,
3. Immigration law;
4. Follow all US Supreme court and federal circuit law throughout the US (I have clients living throughout the US and world)
5. Strong knowledge of the US Federal Code of Regulations
6. Maintain a working knowledge of the various government agencies' policy manuals (DOS Foreign Affairs Manual, USCIS Policy Manual, EOIR Court Manual, etc)
7. Follow all Board of Immigration Appeals (BIA decisions and how they relate to the circuit court in which my clients live)
8. Follow agency rulings (Board of Alien Labor Certification Appeals (BALCA), Executive Office for Immigration Review (EOIR, aka "deportation court" published and unpublished decisions)
9. Maintain a working knowledge of US government agency issued Memos, Cables and Minutes
10. Maintain a working knowledge of US government manuals for ICE, CBP, DOJ, USCIS, EOIR, FAM, etc.)
11. Maintain a working knowledge of Presidential Executive Orders and the litigation associated with them (complicates an immigration attorneys' ability to know when s/he can/cannot file applications that ordinarily would be able to be filed)
12. Maintain a daily working knowledge of world events, current US administration practices, and other daily/weekly events.

As an attorney, I am liable for all immigration advice I provide. Many people are attempting to practice immigration law without law school training, years of experience myself and my attorney colleagues have. Immigration law is not forgiving. Incorrect advice, failure to file a petition correctly or timely, missing a filing deadline, etc. can lead to permanent bars to future immigration filings and/or deportation for my clients.

Over the last 5-7 years, I have started witnessing non-profit groups and lay people in the state of North Dakota providing immigration advice and acting as immigration attorneys under the claim that they are "just filing out a form" or "helping someone complete a form." This is a very dangerous precedent that needs to be addressed and stopped. It results in loss of money spent in "legal fees," immigration petition denials, and many international people losing their legal immigration status, leading to deportation and removal from the U.S.

Currently, I believe there are only four attorneys in the state of North Dakota practicing immigration law full time, and I believe one attorney practicing it part-time. Myself and one other attorney in Fargo are the only attorneys in the state that practice employment immigration law. My Fargo colleague will be retiring soon. I am 55 years old and will be retiring in the next 10 years. It is imperative that we graduate new attorneys to replace us.

There is a steep learning curve to practice immigration law. Immigration attorneys specialize in areas of it, just like doctors special in areas of medicine. Business immigration is a specialty practice. A new attorney or even an experienced attorney coming to the field of immigration law cannot practice it in a vacuum and needs to either work for an experienced immigration attorney, or have mentors that are willing to share their time and experience to help the "young" attorney

learn and grow in immigration law. I have trained multiple attorneys who at the time they worked for me, thought I was too tough on them and demanded high of a level of knowledge and detail in their daily practice. All have come back to me to thank me for being tough on them and have stated that because of me, they are succeeding where their colleagues are failing.

As a state, employment immigration will play a critical role in our future. The world, US and ND are all facing declining birth rates, leading to a shortage of workers to fill open positions. ND employers are being forced to obtain workers overseas in order to run their day-to-day operations. I have worked closely with manufacturing plant business owners who cannot run full production lines or are forced to run less production lines due to labor shortages. The cost of recruiting, hiring and maintaining a qualified workforce is high. At least one employer has stated to me that they hired 300 workers in a fiscal year with only 10-13 staying, and almost all of them gone by the next year. The cost to the business for this is high.

In order to resolve labor shortages, the state and its businesses need to focus on legal business immigration where we invite businesses to invest in our state and where we are able to recruit and hire international workers to fill the open positions that US workers are unable, unwilling, or not wanting to fill. The state will need experienced, knowledgeable immigration attorneys to provide the business immigration services to employers.

With only two attorneys in the state of ND practicing immigration law, with one who will retire in the next few years and the other in 10 years, ND needs to plan for the future and graduate law students who want to practice immigration law in the state of ND. The only way to do this is to offer immigration classes at UND's School of Law and provide the law students a learning environment in which they can learn business immigration law under the supervision of a skilled business immigrant law attorney.

I humbly ask that you pass HB 1600, to create and enact an immigration law clinic at UND's School of Law to train the next generation of business immigration attorneys.

Thank you,

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