



**CARLOS BATARA**

IMMIGRATION ATTORNEY

# Why You Probably Need A Lawyer For Immigration Court



[www.Batara Immigration Law.com](http://www.BataraImmigrationLaw.com)

# Table of Contents

1. Introduction

2. Immigration Law Is Not User Friendly

3. Why Overcrowding Affects Your Immigration Case

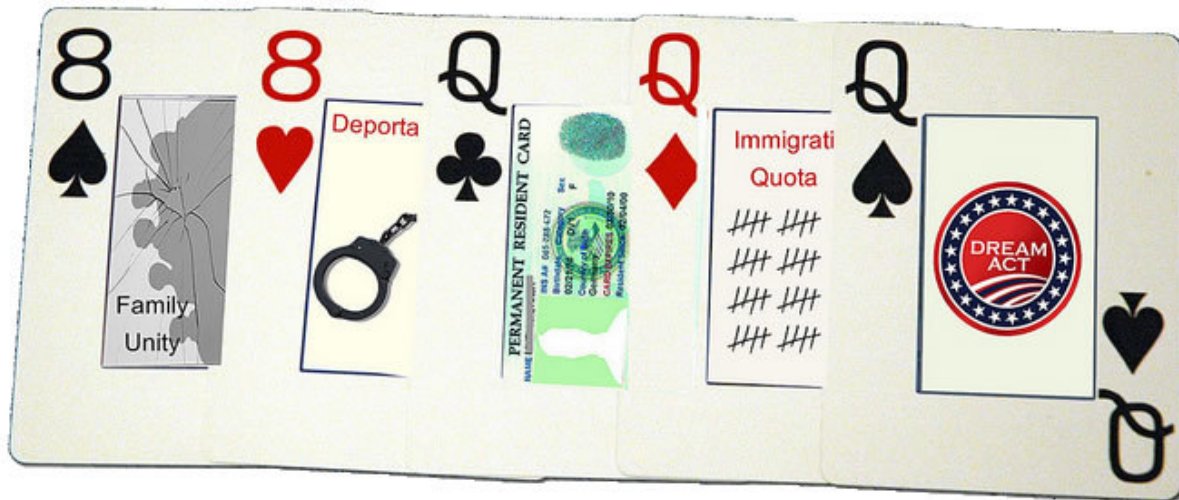
4. Your Immigration Need For Compassionate  
Advocacy

5. Conclusion

6. About The Author

7. Take The Next Step

# Introduction



At our first meeting, many clients ask me:

"Do I really need an immigration attorney for my court hearing?"

Sometimes the question is driven by financial reasons. Immigration cases are expensive and, if at all possible, folks would like to avoid paying such fees.

Other times, a person has been told by a friend, family member, or co-worker that hiring a lawyer is not necessary - that it is not hard to defend yourself without lawyer.

Let's begin with the obvious. There is plenty at stake.

Your decision, whether to hire a lawyer or to handle your case alone, could make the difference between winning a green card and being deported.

The potential consequences, however, does not mean you must hire an attorney. Rather, it mandates a strong degree of caution.

Thus, my short answer: "Well, Maybe No and Maybe Yes."

Again, you don't have to hire an attorney.

The law is supposed to be based on common sense, reason, and fairness. If you can understand the little quirks of law, and you can properly organize your evidence, you could present your own case.

Of course, law, especially immigration law, is not that tidy.

So on the other hand . . .

Most of the time, hiring an attorney is necessary.

Immigration law is not simple.

Even for college graduates, it is often impossible to grasp what immigration rules mean. And court rules are often the most difficult to understand.

Going it alone, in most situations, is taking a big risk.

From my perspective, immigration law is a maze within a maze.

Certainly, the harder your case, the more likely you'll need an immigration trial attorney.

In the next three sections, I will outline why you should think carefully before you decide to represent yourself at court without an attorney.

To Your Immigration Success!

A handwritten signature in black ink that reads "Carlos A. Batara". The signature is written in a cursive, flowing style.

Carlos A. Batara

# Immigration Law Is Not User Friendly



Today, perhaps more than ever before, immigration law seems heartless to immigrants trying to enter the United States.

Since 9/11, immigration trial attorneys are more important than ever - especially if you're facing deportation or removal.

Immigration rules for deportation defense are stricter. Immigration Court procedures are tighter. Immigration judges are tougher.

Even if you have a case that looks easy, like filing an application for permanent residence, the law forces you to fill out form after form after form . . . and it is not unusual for battles with a callous bureaucracy to follow shortly afterwards.

If you get stuck in this situation, having an immigration attorney comes in handy.

Over and over again, hard-working and deserving immigrants wait years for

their family visa and green card papers to be processed.

Some cases disappear. Some run into technical snags. Some are denied based on government mistakes.

When your case involves going to hearings at immigration court, the need for professional assistance is magnified.

As often happens with immigration agencies, many immigrants experience a sense of being ignored, misunderstood, or mistreated when dealing with immigration courts.

When I first became a lawyer, I remember one judge who started his court sessions every morning and afternoon with a piece of point blank advice.

"Welcome to Immigration Court," he would tell his audience, "not the happiest place on Earth."

You're forewarned.

# Why Overcrowding Affects Your Immigration Case



Immigration courts are flooded today: too many cases and too little time.

At present, immigration judges have a backlog of over 500,000 deportation and removal cases. There are barely 300 judges. Because of this huge load, for some immigrants, there is a delay of 2 – 3 years between hearings.

But overcrowding is not just about numbers.

Due to this volume of cases, judges try to complete cases quickly. Instead of hearing from all possible witnesses, they often ask for written statements - not actual testimony.

This may seem like a small detail but . . .

Critical details may be left out in your defense. Without a knowledgeable lawyer helping write these declarations, you may fail to include certain evidence the judges need to know.

Do not underestimate the significance of this point.

Everything you present, fail to present, or inadequately present, counts at

an immigration trial.

How you prepare your application will influence every step of the court process.

Too often deserving and honorable immigrants are their own worst enemies.

Although they have relatively strong cases, they go to court alone. They fail to organize and prepare important evidence properly. In the end, they destroy their chances for success.

Immigration judges and government attorneys do not give breaks. Their jobs are to make sure immigrants prove why they should be allowed to stay in the United States.

You do not get special consideration for handling your case on your own.

Overcrowding makes a tough situation - defending yourself at court against deportation - even tougher.



# Your Immigration Need For Compassionate Advocacy



For immigration trials, the law demands that the judge learn as much relevant information as possible about your life.

What's relevant information?

*If you're asking that question, you definitely need the help of experienced legal counsel.*

Many times an obscure fact in your background will be the tie-breaker between victory and defeat. You may need to retrieve information you thought would never be needed again. You may have to search for evidence you would never have dreamed was important.

Everyone has some information that is not easy to share. You may have been abused by your spouse or parent. Perhaps you were arrested for a juvenile prank.

These moments may be painful to recall. Still, they must be shared.

On your own, your reluctance to talk about such incidents might cause you

to skim over, and perhaps avoid, such information.

On the other hand, if you have an attorney, and you feel comfortable with your attorney, you are more likely to be open about your personal history.

Your immigration lawyer needs to know the good and the bad to protect you. When you go to court, you do not want him or her to be caught off-guard by the government's negative evidence against you.

"It is better to be safe than sorry" has special meaning when it comes to preparing immigration cases.

Yet, having an attorney who knows your history is not always enough.

Surprised?

You shouldn't be. As noted earlier, rules in immigration cases have never been stricter, procedures have never been tighter, and judges have never been tougher.

Compassion must be combined with advocacy.

Your immigration trial lawyer must have the courage to stand up for you under any circumstances.

Your immigration trial lawyer must have the ability to challenge authorities by offering fresh interpretations of little known rules and court decisions.

A judge's ruling, made last week in a state 2,000 miles away, may help your case - but only if your attorney knows about it.

If a law has been used a certain way by courts in the past, a judge is going to do things the same way.

Your attorney must also be your advocate – to challenge how laws and procedures have been used in the past if your situation is different.

The bottom line: Most immigration court cases are not simple.

# Conclusion



Now, let's return to our original inquiry.

Do you need an immigration attorney for your deportation case at immigration court?

Only you – you and you alone - can answer this question.

Hopefully, this short booklet has helped you understand the magnitude of this decision.

Here's a final tip.

If you decide to hire an immigration lawyer, two things should stand out:

(1) You must feel very comfortable with the person selected; you need to share personal, confidential, and perhaps embarrassing information with them important to winning.

(2) You must feel confident in your lawyer's ability to make a positive difference in your case; you need their experience, compassion, and advocacy to guide you to victory.

I think you're well on your way.

The fact that you have read this far tells me you are committed to making the right choice.

With that, I'll close by wishing you and your family the best of luck and a successful immigration journey.

# About The Author

Carlos Batara is an immigration attorney with offices in California and Arizona.

He has a full service immigration practice, focused on helping deserving clients earn permanent residence and win citizenship through a wide variety of immigration programs.

His clients have come from more than 80 different countries.

For over 20 years, Carlos has specialized in immigration court cases and assisted immigrants with deportation defense, immigration appeals, and HARD cases.



Carlos is a graduate of Harvard Law School and earned dual degrees in International Relations and Economics from the University of Southern California.

He is a past chairperson of the American Bar Association's Immigration Law Committee, Solo and Small Firm Division.

Carlos is a strong advocate of immigrants' rights and cultural diversity. His father was an immigrant from the Philippines and his mother, a U.S. citizen, brought Mexican, Native American, Spanish, Greek, and Turkish roots to his upbringing.

Known as an outspoken critic of politically-charged and poorly-reasoned immigration policies and laws, he is the author of Immigration Law, Policy, And Politics, a popular blog covering all things immigration .

His website can be found at <http://www.bataraimmigrationlaw.com> .



**CARLOS BATARA**  
IMMIGRATION ATTORNEY

## Take The Next Step

Are you ready to book your personalized strategy  
and planning consultation session?

Call (800) 287-1180  
Today!