

Long Distance Representation

We handle administrative cases for clients all over the country and all over the world. For some of our cases, both the petitioner and the beneficiary are living abroad. We have not found any more difficulty in handling administrative cases for clients when the petitioner is in Alaska and the beneficiary is in Russia than for handling cases when both the petitioner and beneficiary are down the street from our office. This is because most of our information for the forms is gathered via online questionnaires, the information for the waiver or substance of the case is gathered via email communication, documents are sent to us via mail or Fed Ex and arrive nearly as fast as a local client could get time off work to drive it over, and the cases are filed by mail unless submitted by the applicant in person at the consular interview. There is normally no reason for the attorney to appear in person before the government in the vast majority of our cases.

Jurisdiction

Immigration law, because it is federal, does not change from state to state. Furthermore, an administrative case does not remain in the petitioner's state of residence. For a typical spousal waiver case through Mexico, we may send the I-130 petition to CIS in Chicago, which forwards it to a CIS office in California, which approves it and sends the case to the National Visa Center in New Hampshire, which then sends the case to the US consulate in Mexico. For purposes of jurisdiction, it therefore does not really matter in what state we are licensed. In section 1.1(f) and 292.1(a)(1) of Chapter 8 of the Code of Federal Regulations (8 CFR) the federal government clarifies that for immigration cases they will recognize the credentials of an attorney licensed in any State in the US.

Unauthorized Practice of Law

Not all states feel bound by 8 CFR 292.1(a)(1) and 1.1(f) and not all states have determined whether an attorney licensed in one state may practice immigration law in a different state. This is an emerging area of law complicated by the internet. Currently no state enjoins or is seeking to enjoin attorneys from practicing immigration law over the internet, taking clients on a long-distance basis. For those states that are considering preventing attorneys licensed in a different state from practicing immigration law, they are focused on attorneys whose primary office is in a state where the attorney is not licensed. If this issue does escalate to the point where we would be prevented from taking clients in certain states, we would have ample warning because they would settle the matter for that type of situation before addressing whether attorneys can handle immigration cases long-distance, remaining physically present in the state where they are licensed.

Venue for Disputes

All clients entering into an agreement to have Scott and Associates represent them in their immigration case understand that the firm is located in Houston, TX and that all of the attorneys are licensed in the State of Texas. If the client wishes to file a bar complaint for unethical behavior, the complaint must be filed with the State Bar of Texas in Austin, Texas. All clients consent and agree that any malpractice suit or other type of civil suit for any claim or legal action against the firm or any of its staff will be filed with the appropriate court in Texas having geographic jurisdiction over the firm's physical address.

Computer access

It is essential for the long-distance representation for the client to be computer literate and to have reliable, daily access to email and the ability to open and print out PDF documents. If a client loses such reliable access during the course of the representation for more than one month, we will have no choice but to terminate the representation because as a practical matter we will no longer be able to continue. For couples, only one spouse or fiancé(e) is required to have reliable computer access.

Appearances

The attorneys will not appear in person at any hearing or interview unless this is expressly agreed to at the commencement of the representation. If a client who is present in the US is placed into removal proceedings, Scott and Associates will terminate the representation, handing the case over to the client's new, local immigration attorney.

Calls from foreign countries

Clients calling from foreign countries should understand that our guidelines for communications will still apply. If it is difficult for the client to call due to distance and time zones, this is all the more reason for the client to make an appointment before calling.