

Immigration Group Of The Year: Mintz

By **Suzanne Monyak**

Law360 (November 30, 2020, 3:35 PM EST) -- Mintz Levin Cohn Ferris Glovsky and Popeo PC has fought to protect detained immigrants and individuals shielded by the Deferred Action for Childhood Arrivals program, and helped businesses secure visas for critical employees, earning the firm a spot as Law360's 2020 Immigration Practice Group of the Year.

The Boston-headquartered law firm boasts a roughly 40-person immigration team, according to practice group leaders, and has helped major corporations sponsor foreign-born employees on work visas — with a special focus on entrepreneurs and startups — during the ever-evolving immigration landscape under the Trump administration.

Susan Cohen, co-leader of the firm's immigration practice, stressed that the group embraces a proactive approach to addressing clients' problems, taking immigration needs into account during early stages of a merger or business planning.

"The ecosystem is particularly robust in our practice, and I think that distinguishes us from most firms. We're all just really, really proactive," she said.

While scrutiny and denial of visa requests have increased under the Trump administration, Mintz's immigration attorneys have risen to the occasion, boasting a 97.5% H-1B visa approval rate in 2018 and 2019, a period in which the average approval rate was less than 85%.

Last year, John Quill, who leads the immigration group with Cohen, convinced U.S. Citizenship and Immigration Services to preserve a global research nonprofit's status as exempt from the H-1B visa cap, after their earlier request was denied.

These visas, intended for foreign professionals with bachelor's degrees or equivalent higher education, are capped at 85,000 annually, but universities and related research institutions are exempt from that limit.

After USCIS challenged the nonprofit's cap-exempt status, Quill responded with 1,200 pages of evidence, but the agency nonetheless denied the organization's request.



"When the denial came in it was really a game changer for the U.S. operation," Quill said. The firm immediately contested the denial and had it reversed in three weeks, and the organization has filed dozens of visa requests since, according to Quill.

"It would have been crippling to the client if we didn't get that result," he said.

Mintz's immigration group is also committed to taking pro bono cases in the immigration space. In one instance, the firm teamed up with the American Civil Liberties Union to guarantee constitutional bond hearings from immigrants in civil detention.

In November 2019, U.S. District Judge Patti Saris found that it was unconstitutional to require the immigrants to shoulder the burden of proof when convincing an immigration judge they are not a flight risk or a danger to the community. Under her ruling, the government must now bear the burden of proof when requesting to detain immigrants in New England, and the immigration judge must consider the immigrant's financial means when setting a bond amount.

Cohen described the ruling as "a huge win that rippled across the country" and "changed people's lives."

"A lot of the people who had been locked up were already married to American citizens and living and had children here, and were locked up for a very minor thing and separated from their families in jail for months," Cohen said. "A lot more people are getting out — that feels like justice is being served — and we're very proud of that."

Earlier this year, the firm also partnered with the National Queer Asian Pacific Islander Alliance to file an amicus brief at the U.S. Supreme Court in support of the Deferred Action for Childhood Arrivals program, or DACA, which provides work permits and deportation relief to young unauthorized immigrants brought to the U.S. as children.

The alliance warned that DACA recipients who identify as LGBTQ would be at a heightened risk of imprisonment or death if deported to their home countries. The justices **ruled in June** to preserve the program.

"It's really cathartic to make sure that we continue to do good and make that part of our DNA," Quill said of the firm's pro bono efforts.

As the firm braces for an incoming Biden administration, the two attorneys said they expect to see the U.S. immigration system reopen in certain ways that were closed off by President Donald Trump, such as through higher refugee admissions and the rescission of Trump's travel ban targeting people from Muslim-majority nations.

And while these actions may not directly impact employment-based immigration, it "will have an impact on how the U.S. is viewed as a destination," Cohen said, which could increase the firm's immigration workload if more people choose to move to the U.S.

"I think it will keep getting busier," she said. "The more people decide to take a chance on coming, the volume will tick upward."

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