

## PREFACE

This inaugural edition of *AILA's Benefits Litigation Toolbox for Business Practitioners* incorporates valuable reader feedback about the materials found in previous editions of *AILA's Litigation Toolbox*, offering enhanced resources in a focused, tangible way by expanding the benefits litigation materials within.

All immigration attorneys will benefit from the well-crafted contents of this *Toolbox*, but new practitioners, as well as immigration attorneys who are not litigators but are interested in pursuing this area of immigration law, will find this edition especially useful.

Federal district court litigation revolves around motions practice, especially in cases where there is no right to a jury trial (or even a bench trial), and in cases that are decided based on a defined administrative record. This new edition provides sample pleadings and motions for lawsuits that challenge business-related immigration benefit delays and denials in federal district courts. Samples for H-1B, L-1A, E-2, J-1, R-1, O-1B, EB-1A, EB-5, and PERM-related lawsuits are included.

The samples in this edition are organized by case type for easy access of related materials, but a Content Workflow document that arranges all of the samples in their usual lawsuit order is also included. Practitioners should note, however, that each case and each jurisdiction is unique, and the contents of each lawsuit will vary accordingly. A review of the Federal Rules of Civil Procedure (FRCP) as well as each district court's "local rules" is a must to successfully litigate in U.S. district courts. A copy of the FRCP as well as the local rules of the U.S. District Court for the District of Columbia are included for illustration purposes.

The *Benefits Litigation Toolbox* also contains practice advisories that will help practitioners assess whether filing suit in U.S. district court is the right option for their clients. Special thanks to AILA's partners at the American Immigration Council for providing most of these practice advisories.

Finally, while the focus of this *Toolbox* is on district court suits, discrete Administrative Appeals Office (AAO) samples are included to provide additional context to the reading material. Many thanks to Adam Rosen, Assistant Managing Attorney and Member of the Murthy Law Firm in Baltimore, MD, for his contribution.

We hope that the materials in *AILA's Benefits Litigation Toolbox for Business Practitioners* will help demystify U.S. district court litigation to help even the reluctant litigators effectively challenge immigration agencies to better serve their clients.

Sarah Redzic

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