

Merging amid immigration tensions

By Kevin Featherly

For most of his run, attorney Robert Webber could count on stable U.S. immigration laws upon which to build up his solid boutique practice in Edina.

For 15 years, his Webber Law Firm has been doing things like helping workers move across international borders, helping academic medical centers bring in foreign graduates and helping foreign investors land temporary H-1B work visas.

“For most of that time, I never thought that it would make sense for me to be in a larger firm,” said Webber. “I think the tools that we had in a small firm were effective for the environment.”

Times changed and so did the environment. Specifically, Donald Trump became president. While his policies are not the only reason that Dorsey & Whitney acquired Webber Law last week, they were part of the calculus.

“I certainly think that is an accelerant,” said William Stoeri, Dorsey’s managing partner. “There have been increased tensions and increased issues recently.”

The smaller shop’s three attorneys, seven paralegals and lone billing specialist all have signed on with Dorsey. Webber and Dorsey’s current immigration practice chair, Saiko McIvor, will co-lead Dorsey’s newly bulked up immigration group. Webber also becomes a Dorsey partner.

Both firms have seen rapid shifts in federal agencies’ immigration rules and enforcement practices, which have begun to impact their practices — at least if inquiries from worried clients are a measure.

Those clients have read the recent headlines about the Southern border like everyone else. But they also have seen stories about current H-1B holders getting their visas revoked or failing to receive extensions.

Many are worried, Webber said, by cases like Subhasree Chatterjee’s. The U.S. Citizenship and Immigration Services (USCIS)



denied the H-1B visa application filed by her U.S. employer, LexisNexis, where the Indian immigrant works as a data analyst. The federal agency determined that her job did not qualify because it was not a “specialty occupation” under federal visa rules.

On Aug. 6, a Washington, D.C., federal judge disagreed. “USCIS acted arbitrarily, capriciously and abused its discretion in denying employer’s petition for H-1B visa status on behalf of Ms. Chatterjee,” U.S. District Court Judge Emmet G. Sullivan ruled. “Accordingly, the plaintiffs’ motion for summary judgment is granted.”

Yet more dramatic change came Monday when the Trump administration announced it would start applying a wealth test to green-card applicants, to determine whether they might end up on state assistance. If they lack resources, they’d be denied.

“Thankfully in the case of our clients, we have not had the drastic thing of people being denied and having to leave the country,” Webber said. “But that is definitely occurring across the country.”

Part of the merger’s rationale, Stoeri said, is simply that the world is gradually becoming a more global community, with increasingly complex and interacting immigration laws. “That need has always been there,” he said. “Looking at that was part of what really piqued our interest in Bob’s group.”

But at the same time, national rhetoric around immigration has a lot of people in the U.S. immigrant

community “freaking out,” Webber said. One direct result, he said, is a record number of citizenship filings by people hoping to block any possibility of getting deported.

“Basically, the disruption has created so much anxiety and so much pressure on the system and we’re just trying to navigate that,” Webber said. “And I think that we’re able to navigate that better for clients in a place like Dorsey.”

Bigger tool box

The merger will give Webber’s practice access to the bigger firm’s array of legal tools, he said. It might allow him, for instance, to take on employment-based immigration litigation — something his boutique shop couldn’t do before. In fact, he said, before the current administration changed policies, immigration lawsuits like the Chatterjee case were rare.

Webber doesn’t expect Congress will pass major immigration reform anytime soon. But working with Dorsey, he said, he thinks he’ll be able to tap into lobbying resources and push for targeted local change — more state funding to help high-skilled medical graduates get work visas, for example.

Dorsey is hardly the only major firm in the Twin Cities with dedicated immigration-law practices. Fredrikson & Byron, Ballard Spahr and Faegre Baker Daniels all have immigration groups. Yet Stoeri said he doesn’t yet see a major movement among other local firms to bolster their immigration practices.

But that could change, according

to Mirella Ceja-Orozco, chair of the Minnesota State Bar Association’s Immigration Section and an attorney with the Immigrant Law Center.

Like Webber, many employment lawyers are seeing an uptick in immigration-related consultations because their clients are so worried about the new policy direction, she said. She pointed to the case of Mzenga Wanyama, a Kenyan and Augsburg University professor who has lived in the United States since 1991.

After his visa expired, he got turned down for asylum by the U.S. 8th Circuit Court of Appeals. However, he continued to work and live in the U.S. under the Immigration and Customs Enforcement agency’s prosecutorial discretion. In March 2018, he was told to leave, prompting a flood of protest. He later was granted a stay of removal to reopen his asylum case.

Cases like that have people asking questions, Ceja-Orozco said. “You’re starting to see for the first time people who have legal status, who maybe have never even considered removal before, are now having to think about that,” she said.

At the state bar, she said, she also has seen an upsurge in lawyers approaching her with know-your-rights immigration queries.

“Their clients are having them ask questions like what happens if ICE shows up at their place of business?” Ceja-Orozco said. “What happens if they get detained? What happens to their student visa?” Normally, she said, she wouldn’t expect employment attorneys to ask such questions.

“There’s just been such a shift in dialogue about immigration,” she added.

Ceja-Orozco said she would be unsurprised if other law firms begin following Dorsey’s lead and look to merge with boutique shops to beef up their immigration practices. “Dorsey & Whitney does carry a high level of clout in the Twin Cities,” she said.