

MCC INTERVIEW: Raymond Lahoud / Norris McLaughlin & Marcus, P.A.

A Practice Area Takes Center Stage

Lawyers who handle immigration are having their moment and then some

Raymond Lahoud is a young man on the move. The 34-year-old immigration lawyer is leaving Baurkot & Baurkot, the small firm based in Easton, Pennsylvania, where he's practiced for the past seven years, for 135-lawyer Norris McLaughlin & Marcus, headquartered in Bridgewater, New Jersey. One of his B&B partners, two paralegals, a legal assistant and an administrative director are coming with him to expand his new firm's immigration practice. As far as Lahoud is concerned, the additional support he expects to enjoy can't come soon enough. He was already busy before the Trump administration ramped up enforcement. Recently his office has been overwhelmed. This interview has been edited for length and style.

MCC: What made NMM decide to grow the practice?

Lahoud: This is the time. Immigration is a red-hot-button concern that impacts so many, including undocumented individuals, employers, foreign students, visitors, professionals and foreign investors, among others. And now, with the Trump executive orders, the practice of immigration law is ever more necessary. In the political climate that exists today, I think that there will be many issues related to policy making at local, state and federal levels. Add to this the potential litigation related to sanctuary cities. Additionally, there's a growing need for immigration counsel in terms of foreign direct investments and the EB-5 investor visa program [See "Investing in Immigration," page 13], and the global migration of employees.

Raymond Lahoud is a member of Norris McLaughlin & Marcus and chair of the firm's immigration practice, which is dedicated to immigration law and deportation defense for individuals and corporations. He can be reached at rqlahoud@nmmlaw.com.



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MCC: What made you decide that this was the right place for your practice?

Lahoud: It's a perfect fit, in terms of NMM's atmosphere, its dedication toward providing the most comprehensive legal services to its clients. With the growth of immigration law, the firm recognized that it needs to act quickly because client demand is exploding. And the firm has a wealth of resources. This will give me the ability to offer expanded services to new and existing clients.

MCC: What Norris office will you be working primarily out of?

Lahoud: The thing with immigration law is that it's all federal. With immigration ports in Philadelphia and York, Pennsylvania, and Newark and Elizabeth, New Jersey, our goal is essentially to provide the services in all three offices immediately. My base is going to be, initially, in New York, but I know that I will always be on the road.

MCC: Which is where you are right now, correct?

Lahoud: Yes, which is where I am right now. I'm driving to immigration court in York, Pennsylvania. I have a 1 p.m. hearing.

MCC: Who will your primary clients be as you picture them now?

Lahoud: Hospitals, universities, colleges, small businesses, EB-5 investors and regional centers. Also students here and abroad who are trying to come over here, as well as a substantial amount of removal defense in terms of litigation – which takes us to Pennsylvania, New Jersey, New York and beyond. Immigration law is broad in its reach and scope. There are a lot of immigration enforcement actions with respect to employers and their compliance with federal immigration laws. Employers are at the top of the list when it comes to immigration enforcement. That is the Trump administration's position right now.

MCC: What are you referring to?

Lahoud: The Trump immigration enforcement priorities. The local county district attorneys have the ability to conduct workplace raids, if there is some information that is amiss. But if the employer is being proactive, in terms of doing random audits on the documents, and we review the documents and there is a record of being proactive in there, essentially that is where your protection lies. The fines are substantial for companies that fail to properly verify an employee's ability to work in the United States.

MCC: Tell me what "substantial" means.

Lahoud: It depends on the underlying circumstances. I actually wrote a blog post on it, which you can find on the firm's website [www.nmmlaw.com]. We have worked with employers over the years that have been fined

from a few hundred dollars to penalties as high as two or three hundred thousand dollars. This is aside from the possible criminal penalties that immigration authorities may very well enforce against employers directly.

MCC: *It sounds like you are picturing a fairly broad immigration practice with different clients, involved in different kinds of issues. It sounds like a lot of work.*

Laboud: Yes, but we are up to the task ahead.

MCC: *How many lawyers do you imagine you will have?*

Laboud: That's why I'm going to NMM. We have the ability to bring in new attorneys who are well vetted, and we can teach the area of law very, very quickly. Are we ready to bring on more attorneys? Honestly, yes, we are. And a bunch of paralegals.

MCC: *There is an amazing buzz in immigration – more has happened in the last six weeks in this area ...*

Laboud: I know!

MCC: *Than in years!*

Laboud: We had 30 people in our office yesterday. It was insane! It was because of raids. They were driving to work, and ICE caught them. We had to bring the employer in. The employer is looking at liability there. I wasn't avoiding you! [Laughs]

MCC: *That's what my question was going to be. Yesterday, we scheduled this interview, and it seemed as if all hell broke loose right about the time we were scheduled to talk. What happened?*

Laboud: The Department of Homeland Security arrested a large number of people, 20 people overall just in Allentown and in Reading, Pennsylvania. ICE came in and they pulled over a van, and it had 12 individuals who were without documents, without proper documentation. Technically I can't say they were going to work. They were actually in a van, and they were going to a farm. Immigration pulled them over and they let a couple out, but they arrested several of them, and there was another pulled over in Allentown by ICE that took in six individuals there. The telephones went crazy, and family members came in, employers came in. I had to go up there and meet with the employers.

MCC: *And these employers were farmers? These employers owned farms?*

Laboud: I have to be careful on this here, because I can't talk about that. If I say they are working right now, if I say they were going to work, I'm sorry, I'm throwing my client out under the ...

MCC: *Under the van, as it were ...*

Laboud: Yes, please, I'm sorry. They were going somewhere, and they got pulled over, and we got swarmed. We had to be ready to help them right away – calm them down and find out where they were being taken. Get everything done, and go over everything with them. We don't like to play games. We fight. We fight really, really hard. But we are very up-front.

MCC: *What do you expect will happen in this area in 2017? I mean, there has already been so much activity, and we are just two months into the new administration.*

Laboud: Right now the law is written the way it is written. They are going to continue enforcing it. That was the Trump administration's commitment. And there are ways of resolving it in terms of individuals, but we have to be proactive at this point. Employers or individuals or families, whatever the case, they are going to have to be proactive. I think the courts are going to get jammed up. It is going to get serious.

But we are ready. We have been fighting this for years. This whole situation with this travel ban – the role of the president. He has an extreme amount of power when it comes to controlling the entry of individuals at border crossings and the border entry point. And it is discretionary power. And it is something that we've been fighting since the day after I started practicing law. It is a legal fiction called the Entry Doctrine. It is a problem that has been around for a long time.

MCC: *Tell me what you mean when you say, "The Entry Doctrine is a legal fiction."*

Laboud: If you are requesting to come into the United States, like at the airport, you have to go through Customs and Border Patrol agents. If you are coming from a different country, potentially you are asking for entry into the country. And until you are actually granted what is called admitted or inspected, even though you are on U.S. soil, you are technically not admitted for purposes of immigration law. And, therefore, your due processes are very, very limited.

If they say that you are inadmissible because something is wrong or something happened or there is an issue – even if you are a lawful and permanent resident, and you just went abroad for a vacation – because of a certain crime you may have committed without conviction, a violation or something, Customs and Border Patrol has the ability to turn you away. It is a discretionary ability. Or, they could put you into proceedings.

In immigration court you are subject to what is called "mandatory detention" without review of a court. No bond until the whole case is done. So you can have people sitting in jail for years because of that. The way I have been fighting it is to ask, "How can you not give them rights? It doesn't make sense." The legal fiction is that you are on U.S. soil. You are in a U.S. jail, but technically speaking, the Customs and Border Patrol, the executive branch, has denied you entry. So, it is a legal fiction. It's crazy!

MCC: *There has been a lot of uncertainty about the future of immigration for a long time. Can you think of a time when there was this much uncertainty about the future of immigration in the United States?*

Laboud: With the Trump administration, he is saying, "I am following the book the way it is written right now, and everybody is a priority. I don't care who you are, where you are, or whatever, if you are in the country without documentation or have some immigration issue, we are going to fight it regardless. While during both Bush administrations, as well as the Clinton and Obama administrations, those enforcement policies were completely different. We are talking a really long time ago ... I mean, the way he talks – the guy has referenced what is called "Operation Wet-back." Now is a bad time in our history. This isn't the time to be political. It is the time to do what is right.

MCC: *Is it hard for you to avoid being political right now?*

Laboud: I think my biggest regret is that we all relied on the president that was there, you know? And I think the mess-up was that people didn't recognize that the law – it was there. I am not saying that people are going to end up leaving the country, because there are ways to keep people here. It is not a bad thing to go through immigration court proceedings. But the law has been there. I am looking at it the other way. There is the opportunity to take action through comprehensive immigra-

tion reform. But the people just kind of sat idle and didn't do anything. It's crazy. I tried to call attention to this years ago.

I had a client that was detained for three years. He lost his business. After that he lost his family. They had their mortgage paid off. He was a lawful, permanent resident. He was coming back from the Dominican Republic after a week's vacation, and they stopped him because he had a conviction 17 years ago in New York. He had been a resident for 20 some years, married, U.S. citizen, wife, three kids, business, making millions. Making millions, I'm telling you. He had a transmission franchise. He spent three years in custody because they said he was inadmissible. They invoked the legal fiction.

MCC: *You are the son of immigrants yourself, right?*

Laboud: Yes.

MCC: *How much did that influence your direction as a lawyer?*

Laboud: Completely, 100 percent.

MCC: *Your father died when you were only 5.*

Laboud: Yes.

MCC: *Your mother was one of those unsung heroes who worked three jobs to create a better life for her children. How does she feel about your career choice?*

Laboud: She is extremely proud. It is because of her. Because of my [Lebanese] community. She taught me hard work, too. I used to go cleaning with her when I was 7 years old. I used to go clean offices with her on Saturdays and Sundays. I wasn't playing baseball, but she always pushed education and stuff like that. She always pushed hard work.

MCC: *You had mentors who inspired and instructed you. Who were they?*

Laboud: I had George Baurkot [who founded the firm that Laboud is leaving]. He is a very

well-respected person and practiced immigration law for over four decades. George was also instrumental in former congressman Francis E. Walter's work, drafting the very law that I now practice. It was also George and his well-respected father who brought so many of our Lebanese community to the United States – helping each of them build their own American Dream. I always say that I learned more about the practice of law from George than any law school could ever teach.

Also Judge Stephen Baratta of Northampton County, Pennsylvania. When he ran for judge, I was 13, and I walked into his office wanting to work on his campaign. He put me on the committee, and he ended up winning. From day one, Judge Baratta has been a mentor, always there to talk, to give advice, to be a friend.

And, of course, I can never forget the other Ray LaHood. Yes, same name, spelled a bit different Ray served for decades as a member of Congress. He's Lebanese, and I met him when I went down for his congressional inauguration in 1997. When I was 16, Ray sponsored me to serve as a congressional page. I had the honor of living in Washington, D.C., for a year, my junior year of high school, working on the floor of the House of Representatives, attending President Clinton's final State of the Union address – an unreal experience for someone who came from a small town in Pennsylvania. It was incredible.

MCC: *He is no relation to you, correct?*

Laboud: No, no relation. He was a congressman, and then he later became President Obama's secretary of transportation.

MCC: *When did you first decide you wanted to be a lawyer?*

Laboud: I was 13 years old. I used to go to the courthouse, which was down the street from my home. We didn't have Xbox or Nintendo back then, so I used to ride my bike just down the street, and I would go to the library and just look up something. And I would go and watch trials and hearings. One of the first big ones that I watched was when I was like 14 or 15, and it was a double murder trial.

That kind of pushed me. But when I was younger, after my father passed away – he left a lot of debt that my mom was cosigned on with him. She did not speak much English. She didn't write or read it. She would just make payments on these debts. And we are talking like \$70,000 or \$80,000 in debt. And she just couldn't do it anymore. I think I was 13, and I was in the law library, and I started asking about bankruptcy. This was when it was easy to do it. I took my mom to a lawyer, and he wanted \$1,000, and we didn't have that. So I bought one of those "pro se bankruptcy kits" from Staples, filled it out and sent it in. My mom was making like \$7 an hour at her job. She was completely insolvent, there was no property. We didn't have Social Security, because my dad didn't work for credit. It was a mess. I filed it, and we got a letter saying that there was going to be a meeting of the creditors. So I went with her, and I was her translator. The judge just looked at her and at the numbers and said, "OK, we are discharging this."

MCC: *That was your first case?*

Laboud: I don't want to say that because I was 13, but it was pro se.

MCC: *You've been interested in politics for a long time. But in this ultrapartisan environment, can political involvement hurt a lawyer?*

Laboud: I think the role of the attorney is not to necessarily promote certain political agendas. At this point, my political involvement is limited to issues of policies, and the laws, as written. I believe that, yes, there will be comprehensive immigration reform. These reforms must be studied and thought out to prevent a recurrence of our current immigration situation. As with most comprehensive reforms of federal laws, policies and programs, any comprehensive immigration reform needs input from attorneys. Legislation is drafted and redrafted many times over, with regulations, department policies and the like following. When it comes to politics, my participation is immigration and working to help shape the future of the American immigration legal system.