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MESSAGE FROM THE SPECIAL EDITORS

With the 2016 presidential race, the topic of immigration law was catapulted to the forefront of the news and continues to be one of the most hotly debated issues moving forward in 2017. Immigration issues take many forms, and the articles in this edition offer a comprehensive review of some of the most timely topics in immigration law today, including removal proceedings and lack of access to counsel, naturalization, birthright citizenship, federal investigations, foreign worker employment, the child migrant crisis, immigrant right to education, immigration issues in criminal law and domestic violence cases, bail reform effects on immigrants, marriage and permanent residency, and executive orders and immigration reform.

Like many topics we cover in the *New Jersey Lawyer*, immigration generates strong feelings among advocates for immigrants, especially asylum seekers. As several of the authors in this edition discuss, despite important steps that have been taken in this area to help those in need, many feel more needs to be done to help immigrants. Other authors share their insights in immigration law, from tips and tools for practitioners to commentary on emerging legal issues.

To start the edition, Farrin Anello, a visiting assistant clinical professor with the Immigrants' Rights/International Human Rights Clinic at Seton Hall University School of Law, and Lori A. Nessel, a professor of law and director of the Center for Social Justice at the Seton Hall University School of Law, review the impact of having legal counsel in removal proceedings and examine ways to increase immigrant representation in New Jersey. Amy



James J. Ferrelli

Mary Frances Palisano

Gottlieb, the associate regional director of the American Friends Service Committee's (AFSC) Northeast Region, and Nicole Polley Miller, the legal services director of AFSC's Immigrant Rights Program, further discuss the immigration process in New Jersey and the state's failure to provide court-appointed attorneys, even if an immigrant is facing removal proceedings.

Angie Garasia focuses her article on the naturalization process and the many pitfalls to avoid as a practitioner. Cesar Martin Estela discusses the history of birthright citizenship in the American legal system and its possible demise. The Honorable Dorothy Harbeck provides an insightful view from the bench on effective direct and cross examination testimony in immigration proceedings. Lauren Anselowitz and Daniel Weiss consider collaborative efforts between attorneys and mental health professionals in the context of immigration applications and success in those proceedings.

Valentine Brown provides practical advice for immigration-related federal investigations. Scott R. Malyk and Anthony F. Silialo offer tips to effectively recruit, retain and terminate foreign workers.

Joanne Gottesman, Anju Gupta, and Randi Mandelbaum explain the need for attorneys to represent children in immigration cases and what is

being done in New Jersey to meet this need. Alexander Shalom discusses the right to a public school education for immigrant students. Alan J. Pollack focuses his article on recent developments in the treatment of crimes of domestic violence under the new immigration law.

Jillian Stein offers considerations for criminal practitioners in cases involving noncitizens and possible alternatives to avoid unwanted immigration consequences. Michael Noriega offers a commentary piece that discusses bail reform and its effects on immigration law.

Edward Shulman considers the consequences of marital separation on conditional permanent residency. Susan Roy discusses issues that can arise in birthright citizenship cases and the current state of the law in this area.

Finally, George Tenreiro reviews executive action and immigration reform moving forward in 2017.

We are grateful to each of the authors for sharing their knowledge and time in making this edition diverse and topical.

We would also like to thank Cheryl Baisden, our managing editor, for her dedication, unwavering commitment and helpful insights.

Undeniably, immigration issues are a very hot topic in New Jersey as well as the country and throughout the world. There is no shortage of ideas on how to fix the system. It will be interesting to see what changes the future brings as 2017 progresses. ☪

James J. Ferrelli is a partner in the trial practice group of Duane Morris, and focuses his practice on complex business and commercial litigation, healthcare litigation, and product liability, mass torts and class actions. He has represented public and private companies and their owners, officers, and directors, governmental entities, and individual clients in a broad range of proceedings, including business torts, contracts, acquisitions or sales of businesses, restrictive covenants, trade secrets, franchises and distributorships, Lanham Act, unfair competition, antitrust, real estate, employment, copyright and trademark, consumer

fraud, corporate governance, and fiduciary duties. He is a member and past chair of the New Jersey Lawyer Editorial Board, chair of NJSBA Continuing Legal Education (CLE) Advisory Committee, a trustee of the New Jersey State Bar Foundation, a past trustee of the New Jersey State Bar Association, and a past president of the Burlington County Bar Association. **Mary Frances Palisano** is a director and member of the criminal defense practice group at Gibbons, P.C., and also handles education law cases and is the firm's pro bono chair and coordinator. She is a member of the New Jersey Lawyer Editorial Board, the NJSBA Continuing Legal Education (CLE) Advisory Committee, the NJSBA Pro Bono Committee, the NJSBA School Law Committee, and the vice chair of the NJSBA Criminal Law Section. She focuses her practice on litigating and counseling clients in all phases of federal and state criminal proceedings and quasi-criminal matters, including state charges, white-collar crimes, internal and government investigations, subpoenas, juvenile proceedings, municipal matters, and handling special education matters.

PRESIDENT'S PERSPECTIVE

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is often a disaster for foreign nationals. And that expungement that helps many Americans obtain a clean slate has little to no impact for foreign nationals, other than destroying critical police records that may be necessary for your clients in immigration agencies and courts.

As you study the articles included in this edition of *New Jersey Lawyer*, please keep in mind that this is but a start to help you understand the important interplay of practice areas with immigration law. The NJSBA is committed to informing and guiding its members about how to best represent clients in the most proactive ways possible, and I hope this offers a meaningful contribution to that education. ☪

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