

## Q&A with Robinson & Cole's Megan Naughton

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*Law360, New York (April 29, 2013, 12:02 PM ET)* — [Megan Naughton](#), co-chairwoman of the immigration practice group at [Robinson & Cole LLP](#), practices primarily in the area of U.S. immigration law, focusing on business immigration. Her clients include startups, multinational companies and colleges and universities. Naughton serves as outside immigration counsel for the Connecticut Center for Children's Advocacy Center.

### **Q: What is the most challenging case you have worked on and what made it challenging?**

A: As a business immigration attorney, the most challenging and rewarding cases that I work on are pro bono cases involving foreign-born children in the U.S. without status who have escaped abuse or neglect from one or both parents. U.S. immigration laws offer a path to permanent residence for children who qualify as special immigrant juveniles. It can be a challenge to obtain the best evidence to present in these cases and to hold the hope of a child in your hands while working in an immigration system that can be unpredictable.

I had one case where the child's petition had been denied, and we had to refile before she turned 21. It was her last chance. We discovered at the last moment before refiling that the birth certificate provided to her by her abusive father, who abandoned her in the U.S., was fraudulent and that her mother's name was actually a name she had never heard before. The name on the fraudulent birth certificate was the name of the woman who accompanied her father to the U.S. when she was brought here as a young child.

This new evidence was able to legitimize my client's claim all along that her real mother had died when she was born and that she was abandoned in the U.S. by her father (the U.S. Citizenship and Immigration Services previously believed she lied because it had proof that the woman named on the fraudulent birth certificate had accompanied my client and her father to the U.S.). Ultimately, the case was approved, and this amazing young woman has been able to move on with her life and live legally in the U.S.

### **Q: What aspects of your practice area are in need of reform and why?**

A: At this time, I can file three identical cases and receive three different responses/outcomes from the [USCIS](#) or the U.S. [Department of Labor](#). We need more clarity in the DOL and immigration regulations regarding eligibility requirements. While there have been attempts at uniformity through informal agency guidance, FAQs and field manuals, as a practical matter, these have been applied inconsistently.

The body of case law is small in the business immigration area, specifically because it is too costly and time-consuming to fight the system when it is often easier and cheaper to refile, which could result in a different adjudicator and an approval. Based on statistics regarding approval and denial rates, it appears that there is a bias against beneficiaries and businesses based in certain countries (for example, India). Anecdotally, I have seen greater scrutiny applied to the cases of Indian nationals than I have for nationals of European countries.

We need clear regulations that these government agencies can follow so that there is less of an

appearance of bias in the system.

**Q: What is an important issue or case relevant to your practice area and why?**

A: Reform is finally on the table for the U.S. immigration system, and it is high time. We currently have a system that discourages U.S. graduates of our U.S. colleges and universities from remaining in the U.S. to work or start a business, especially those from China and India.

On a daily basis, I have meetings with bright, talented young people who attended U.S. institutions, and I must tell them that despite their education, it will take them five to 10 years to have any permanence to their legal status in the U.S. This is five to 10 years where they will live in flux in the U.S. and will not be able to easily establish roots (for example, buy a house).

More immigrant visas (green cards) need to be available for these legal immigrants so that their wait for a green card is reasonable and so that they are not dissuaded from staying in the U.S.

**Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.**

A: Senior counsel at Pro-Link GLOBAL, Andrea Elliott, is an attorney in the field of immigration who greatly impresses me. She has taught me a lot, and I thoroughly enjoy working with her and her team. She listens so well to her clients. She seeks their feedback, and then, based on their input, she works to constantly improve her service model. Andrea also introduced me to the idea of process improvement (Six Sigma). This has been a terrific tool for my practice. Andrea is always finding new and better ways to do things, and I admire her greatly.

**Q: What is a mistake you made early in your career and what did you learn from it?**

A: Because my field involves where people live their lives and how they build their career, and the immigration system can be unforgiving, mistakes can have dire consequences. Checking the wrong box on an application can result in a denial, which can send an entire family abruptly out of the U.S., perhaps without a way to return. At the very least, mistakes cost people time and money. We all make mistakes. That is a given. Applications can get sent to the wrong address, and emails can get lost.

Early in my career, I was terrified of mistakes, and I thought that fear would keep them happening. Of course, it did not. Later, I realized that I could put into effect various checklists and foolproof ways to make sure these mistakes would happen less and less. I learned that fear of mistakes was not enough. Action was required. Even with every caution we take, mistakes can still happen because we cannot predict every one. We can only learn from the mistake and take action to ensure that it does not happen again.

From all of my mistakes, I have learned that how we are accountable and how we seek to correct our mistakes is extremely important. I have learned that when a mistake is made, it is important to disclose it quickly and to present a plan for a remedy, being as honest as possible about the likely outcomes. Even with a mistake, if we can remedy the situation and still exceed expectations, we have succeeded.

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