

# EB5 Attorney Consultation: Preparation Guide

A comprehensive guide from EB5 Attorneys

---

Preparing for an immigration attorney consultation means gathering your identity documents, immigration records, prior court or USCIS notices, and any prior visa stamps before the meeting. A prepared client gets a more useful analysis. Consultation fees typically run \$100 to \$350. This guide covers exactly what to bring, what questions to ask, how to describe your immigration history accurately, and what happens after the meeting.

## Contents

---

1. Documents to Gather Before the Consultation
2. How to Describe Your Immigration History Accurately
3. What the Attorney Will Assess
4. Questions to Ask the Attorney
5. Red Flags During the Consultation
6. Free Consultation vs Paid Consultation: Trade Offs
7. Typical Consultation Fees in 2026
8. Follow Up Steps After the Consultation
9. Frequently Asked Questions

## Documents to Gather Before the Consultation

---

Arriving at a consultation with organized documents allows the attorney to give you an accurate legal assessment rather than a general overview based on incomplete facts. The documents that matter most are the ones that establish your identity, your immigration history, and any legal proceedings involving your case.

**Identity Documents:** Bring all current passports (including expired ones if you have used them for travel to the United States), any government issued photo identification (state driver's license, national identity card), birth certificate with certified translation if not in English. Bring originals if possible; attorneys typically want to see originals and can work from copies.

**Form I 94 Arrival Departure Record:** Your I 94 is the official record of your most recent entry into the United States and your authorized period of stay. U.S. Customs and Border Protection (CBP) moved I 94 records online in 2013. Print your current I 94 at [i94.cbp.dhs.gov](http://i94.cbp.dhs.gov) before the consultation. It shows your entry date, entry class of admission (the visa category under which you entered), and your authorized stay expiration. This is one of the most critical documents for the attorney to review.

**Prior Visa Stamps:** Your passport pages showing prior U.S. visa stamps tell the attorney what categories you have previously held, when those visas were issued, and whether there are any notations that might be relevant to your current case.

**Prior USCIS Approval Notices and Receipt Notices:** Bring all Forms I 797 (approval or receipt notices) for any prior petitions or applications filed with USCIS. These notices establish what petitions have been filed on your behalf, approval dates, and prior authorized categories.

**Employment Authorization Documents:** If you currently hold or have previously held an EAD, bring copies. The category printed on the EAD indicates the basis for your work authorization.

**Prior Visa Denials or USCIS Denials:** If you have been denied a visa at a consulate or a petition has been denied by USCIS, bring the denial notice. The denial notice explains the grounds for refusal, which the attorney must know to advise you on your current options.

**Immigration Court Notices and Orders:** If you have ever had a hearing in immigration court, bring any court notices, orders, or decisions you have received. An order of removal, voluntary departure order, or grant of relief from removal are all critical facts that affect your current eligibility for many immigration benefits.

**Any Prior Petitions Filed on Your Behalf:** If a prior employer or family member has ever filed an immigration petition for you (I 130, I 140, I 526E, labor certification), bring whatever documentation you have about those petitions and their current status.

## How to Describe Your Immigration History Accurately

---

Accuracy in describing your immigration history is the most important thing you can do in a consultation. Immigration attorneys cannot advise you well on incomplete or inaccurate facts. USCIS and consular officers have access to extensive databases of immigration records; facts that you omit or misstate will surface later, often at the worst possible time. Common areas where clients underreport or misstate facts include: Prior entries to the United States. List every entry you can recall, including dates, ports of entry, and the visa or basis for each entry. If you entered multiple times on tourist visas, list them. If you entered once without authorization, say so. Entry without inspection (crossing without presenting at a port of entry) is a fact that significantly affects your legal options, and concealing it leads to worse outcomes than disclosing it. Periods of overstay. If you remained in the United States beyond your authorized period of stay, describe when your authorized stay ended and when you departed or if you are still here. Overstays affect unlawful presence calculations and may trigger bars to reentry. Criminal history. List every arrest, charge, and conviction, including minor offenses, traffic violations that resulted in a court appearance, juvenile adjudications, and expunged records. Immigration law treats many offenses differently than criminal law does; an offense that was expunged under state law may still have immigration consequences. Prior immigration applications, denials, and appeals. List every application filed, including visa applications at consulates, USCIS petitions filed by yourself or on your behalf, and any administrative or judicial appeals. Prior removal proceedings or voluntary departure. If you have ever received an order of removal, a notice to appear (NTA) in immigration court, or a voluntary departure order, these facts are critical and must be disclosed. Name changes or aliases. If you have used any other names (maiden name, alias, name change), disclose them. USCIS records are searched by all known names.

## What the Attorney Will Assess

---

A skilled immigration attorney uses the consultation to conduct a legal intake: gathering facts, identifying applicable law, and assessing what options are available and what obstacles exist. The attorney will evaluate your current status: what category you are in, when it expires or expired, and whether you are currently in lawful or unlawful status. They will assess your entry history: how you entered, when, and under what category, because adjustment of status eligibility under INA section 245(a) depends on a valid inspection and admission or parole. They will look for grounds of inadmissibility or deportability under INA sections 212 and 237. Common grounds include unlawful presence, prior removal orders, criminal convictions, misrepresentation on prior immigration applications, failure to maintain nonimmigrant status, and prior visa overstays. They will evaluate your qualifying relationships: for family based immigration, who are your qualifying relatives and what is their immigration status? For employment based immigration, is there a sponsoring employer, what category might apply, and what are the labor certification implications? They will assess waiver availability: if grounds of inadmissibility exist, what waivers might apply, what standard applies (extreme hardship, consent to reapply, etc.), and what is the realistic prospect of waiver approval? They will consider timing: is there an immediately available visa number for your category, or is there a backlog? What are current USCIS processing times for the forms you need to file? They will identify risks: what could go wrong, what potential complications are foreseeable, and how would they address those issues if they arose?

## Questions to Ask the Attorney

---

The consultation is your opportunity to evaluate the attorney as much as they are evaluating your case. Come with written questions so you do not forget anything under the time pressure of the meeting. Based on what I have described, what options are available to me? A good answer names specific visa categories, petition types, or relief forms and explains why each applies or does not apply to your facts. What complications do you see in my case? Every case has potential weaknesses. An attorney who only describes the strengths and not the risks is not giving you a complete picture. What would your recommended strategy be, and why? This tests whether the attorney has thought specifically about your case. What is a realistic timeline? Ask for a range, not a guarantee. What USCIS processing times apply, and what steps are within our control to accelerate? What are your fees for this type of case, and what is and is not included? Get a specific description of the fee structure and what additional costs may arise. Who in your office would work on my case? At larger firms, the attorney you meet with in the consultation may not be the one handling your day to day paperwork. Ask who does the work and who supervises it. What is your communication policy? How often will I receive updates, and how should I reach you with questions? Have you handled cases similar to mine in the past two years? How many, and what were the outcomes? What are the risks if we do nothing? Sometimes immigration status creates urgency; sometimes waiting is safer. Understanding the consequences of inaction helps you make an informed decision.

## Red Flags During the Consultation

---

Pay attention to how the attorney conducts the consultation, not just what they say. How an attorney behaves when they want your business tells you a great deal about how they will behave when they have it. An attorney who does not ask about your prior immigration history, criminal history, prior petitions, or entry history is not conducting a proper intake. Immigration eligibility depends on these facts. A practitioner who launches into a pitch without gathering facts is either not competent or is not taking your case seriously. No attorney can guarantee that USCIS will approve your petition or that a consular officer will issue your visa. A guarantee of outcome is either ignorance of immigration law or deliberate misrepresentation. An attorney who says your case is "easy" or "straightforward" without understanding the full facts is oversimplifying. Most immigration cases have at least some complexity, and an attorney who dismisses this is not setting realistic expectations. An attorney who cannot explain their recommended strategy in plain language is either not communicating well or does not have a well reasoned strategy. You should be able to understand why they are recommending a specific path. Legitimate practitioners do not need to pressure you to sign an engagement agreement at the end of a first consultation. High pressure tactics suggest the attorney is prioritizing the retainer over your interests. If the attorney cannot tell you their state bar number and you cannot verify their license independently, do not retain them. Verify licensing before you pay any money. If you feel rushed, dismissed, or condescended to during the consultation, note this. Immigration cases involve sensitive facts and months or years of communication. A difficult working relationship from the start will not improve under the pressure of a real case.

## Free Consultation vs Paid Consultation: Trade Offs

---

Many immigration attorneys offer free initial consultations; many charge a consultation fee of \$100 to \$350. Both models exist for legitimate reasons, and the presence or absence of a consultation fee does not reliably indicate case quality. Free consultations are common at firms with high consultation volume or at firms that recoup the cost by retaining a high proportion of consultation clients. Free consultations may be briefer and less detailed than paid consultations. The attorney may spend less time reviewing documents in advance and more time gathering general information. The risk with free consultations is that you may receive general information rather than specific legal analysis. Paid consultations typically involve a more thorough intake. The attorney charges because they are providing genuine legal advice, reviewing your specific documents, and giving you an opinion about your legal situation. A paid consultation fee of \$150 to \$350 for an hour of specific legal analysis is often well spent if it provides a clear roadmap or identifies a significant issue you were unaware of. Some attorneys credit the consultation fee toward the retainer if you hire them; others do not. Ask before the consultation. Free consultations are valuable for gathering general information about a firm and its approach. Paid consultations are more likely to result in specific, documented legal analysis. For complex cases, a paid consultation with a specialist is usually worth the cost. For straightforward cases (simple renewal, standard family petition with no complications), a free consultation from a competent attorney may be sufficient. Whichever model applies, the consultation should result in: a summary of your legal situation, the attorney's recommended path forward, a description of potential obstacles, a fee quote for representation, and a timeline estimate.

## Typical Consultation Fees in 2026

---

Consultation fees in immigration law typically range from \$0 (free) to \$350 for a standard one hour consultation with an experienced attorney. Geographic market and attorney seniority affect consultation fees. Attorneys in major metropolitan areas (New York, Los Angeles, San Francisco, Miami, Chicago) tend to charge more than those in smaller markets. Solo practitioners and smaller firms often charge lower consultation fees than large immigration firms or national practices. Typical ranges as of 2026: free consultations are common at volume oriented practices, legal aid organizations, and firms using consultations as a primary client acquisition channel. Consultations priced at \$75 to \$150 are common at small to mid sized firms with moderate consultation volumes. Consultations priced at \$150 to \$250 are typical at established practices where the attorney spends substantive time reviewing your situation. Consultations priced at \$250 to \$350 or more are common for highly specialized attorneys (EB 5, O 1, national security clearance related matters) or attorneys with significant track records in complex matters. Some attorneys apply the consultation fee to the retainer; others treat it as a standalone charge for professional time. When scheduling the consultation, ask whether the fee applies to the retainer. For EB 5 investor cases, consultation fees at the higher end of the range are common because the legal analysis required is more complex and the stakes are higher. A thorough EB 5 consultation may cost \$300 to \$500 and cover not only immigration eligibility but also investment structure, source of funds documentation requirements, and project risk factors.

## Follow Up Steps After the Consultation

---

The consultation should produce a clear next step for you. If it does not, ask the attorney directly: what would you recommend I do next, and by when? After the consultation, take these steps before committing to representation. Review your notes and any written summary the attorney provided. If the attorney did not provide a written summary, write your own notes from memory immediately after the meeting. If you consulted with more than one attorney, compare their assessments. Do the attorneys agree on the applicable law and recommended strategy? If they disagree significantly, understand why before deciding. If you are ready to retain the attorney, request the engagement letter in writing before signing or paying. The engagement letter should describe the scope of representation, fees, what is included and excluded, communication expectations, and terms for ending the representation. If you received a referral to a specialist or were told your case does not currently qualify for a particular remedy, follow through on those referrals before deciding that nothing can be done. Immigration law is complex; a second opinion from a different specialist sometimes reveals options the first attorney did not identify. If the attorney identified documents you need to gather, begin gathering them immediately. Immigration applications require civil documents (birth certificates, marriage certificates, police certificates) that can take weeks or months to obtain from foreign government agencies. Start early. If your current immigration status has an expiration date, ask the attorney about the risk of your status expiring before you can file whatever petition they recommend. Timing matters in immigration, and status gaps can have serious consequences.

# Frequently Asked Questions

---

## 1. What should I bring to an immigration consultation?

Bring all passports (current and expired), your current Form I 94 printout from [i94.cbp.dhs.gov](http://i94.cbp.dhs.gov), any prior USCIS approval or denial notices, prior immigration court notices or orders, employment authorization documents, prior visa stamps, and your birth certificate with certified translation if not in English. Also bring any criminal court records if applicable and documentation of any prior petitions filed on your behalf. Organized documents allow the attorney to give you specific advice rather than general information.

## 2. How much does an immigration attorney consultation cost?

Consultation fees range from free to \$350 depending on the attorney, firm size, geographic market, and case complexity. Free consultations are offered by many volume oriented practices, legal aid organizations, and some private attorneys. Paid consultations at \$100 to \$350 typically involve more thorough individual analysis of your specific documents and situation. For complex matters like EB 5 investor cases, consultations may run \$300 to \$500. Some attorneys apply the consultation fee toward the retainer if you hire them.

## 3. What questions should I ask at the immigration consultation?

Ask: What immigration options are available to me based on my situation? What complications do you see? What is your recommended strategy and why? What is a realistic timeline? What are your fees and what is included? Who in your office will work on my case? How do you communicate with clients and what is your response time? How many cases like mine have you handled and what were the results? What happens if my case receives a Request for Evidence?

## 4. Should I tell the attorney about negative facts in my immigration history?

Yes, always. Disclose all negative facts including prior unlawful presence, prior visa denials, overstays, criminal history, prior removal proceedings, and any misrepresentation on prior applications. Attorney client privilege protects what you tell your attorney; nothing you disclose in a consultation can be used against you by the government. Concealing negative facts from your attorney prevents them from giving you accurate advice and can lead to catastrophic surprises when those facts surface during USCIS processing or a consular interview.

## 5. Can I bring a family member or friend to the consultation?

Generally yes, with some important caveats. If you bring someone to translate, the attorney client privilege extends to the conversation even with a translator present. However, be cautious about bringing family members who have their own immigration status concerns that create a conflict with your interests. Also note that if a third party is present and the consultation is later contested (for example in a malpractice claim), the presence of a third party can complicate attorney client privilege arguments. Ask the attorney before the consultation whether having a third party present creates any concerns in your specific circumstances.

## 6. What if the attorney I consult with cannot help me?

An attorney who cannot help you with your particular case should be able to refer you to a practitioner who can. Ask for referrals. If you need a specialist (removal defense, asylum, EB 5, VAWA), a general immigration practitioner may refer you to someone with deeper expertise in that area. If the attorney says your case does not qualify for any immigration relief, consider a second opinion from a different attorney, particularly one who specializes in the specific area of law most relevant to your situation. Not qualifying under one category does not always mean no options exist.

---

**Disclaimer:** This guide is provided for general informational purposes only and does not constitute legal advice. Every immigration case is unique. Consult a qualified immigration attorney for advice specific to your circumstances.

© 2026 EB5 Attorneys. All rights reserved.

Source: <https://eb5attorneys.com/guides/immigration-consultation-preparation>