

David W. Leopold

Partner | Group Leader, Immigration



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Practices/Industries

- Immigration
- Employment & Labor
- Litigation & Dispute Resolution

Education

University of Michigan
(B.A., 1980)

Case Western Reserve
University School of Law
(J.D., 1985)



Overview

David Leopold's diverse immigration, visa, and citizenship practice focuses on employment- and family-based immigration, the representation of employers in Form I-9 compliance matters, complex removal cases including administrative trials and appeals, and federal court litigation. David is the past President and past General Counsel of the Washington, D.C.-based American Immigration Lawyers Association (AILA), the premier bar association of immigration lawyers and professors in the U.S. A nationally recognized immigration reform advocate, writer, and public speaker, David has testified as an immigration law expert before the U.S. Congress and frequently writes for MSNBC.com, CNN.com, TPM.com, *USA Today*, *The Hill*, and *Huffington Post*. His analyses of cutting-edge immigration issues frequently appears in major media outlets including *The New York Times*, *The Washington Post*, *The Los Angeles Times*, *Politico*, *Mother Jones*, and CNN.

Experience

David has extensive experience in all areas of immigration, visa, citizenship, consular practice, and deportation defense including:

- Employment-based nonimmigrant and immigrant visas for highly skilled foreign professionals, including corporate managers and executives, engineers, computer professionals, artists and entertainers, physicians, scientists, and other professionals.
- Alien employment certification (PERM) for companies seeking to permanently retain foreign professionals and skilled workers.
- Waivers of the J-1 two-year foreign residence requirement for foreign medical graduates including Conrad 30 and interested federal government agency waivers.
- Consular representation at U.S. Embassies and Consulates worldwide, including applications for immigrant and nonimmigrant visa waivers.
- Complex naturalization matters, including initial N-400 applications, N-336 appeals, and federal court litigation.
- Advising companies on employment verification compliance in anticipation of mergers and acquisitions.
- Counseling and representing companies regarding compliance with employment authorization verification requirements, including internal Form I-9 audits and employer sanctions defense.
- Complex deportation matters, including administrative trials and appeals and federal immigration litigation.
- Representation of clients charged with immigration related crimes, including visa fraud, illegal procurement of citizenship, and illegal reentry.

A respected authority on immigration law, David has extensive national immigration policy experience, including:

- Serving as a member of the Biden-Harris transition team's Homeland Security Working Group, where he provided counsel to the incoming administration on immigration and border security issues.

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Experience (Cont)

- Serving as a member of the Biden-Harris presidential campaign's Immigration Working Group, where he developed immigration policy proposals for senior advisors.
- Chairing the Hillary for America Immigration Working Group's Interior Enforcement subgroup, where he oversaw the development of a comprehensive policy memorandum on interior enforcement.
- Serving on the National Platform Committee of the Democratic Party in 2016 and 2020.

David's analyses and opinions on immigration law frequently appear in major media outlets, including:

- Contributing frequent opinion pieces to major media outlets including, *The Boston Globe*, MSNBC.com, TPM.com, *The Cincinnati Enquirer*, *The Cleveland Plain Dealer*, Bloomberg Law, CNN.com, *The Boston Globe*, MediaMatters.com, Medium.com, HuffingtonPost.com, FOXNews.com, and FOXNewsLatino.com.
- Appearing as an on-air legal analyst for major national and international networks including MSNBC, CNN, FOX News, NPR, BBC, and CGTN TV.
- Serving as a "go-to" analyst of cutting-edge immigration issues for national and international print and online outlets including *The New York Times*, *The Washington Post*, *The Los Angeles Times*, *USA Today*, *Newsweek*, *The Miami Herald*, *The Houston Chronicle*, *Associated Press*, *Reuters*, *Politico*, *Huffington Post*, *McClatchy News*, *Mother Jones*, and *The Guardian*.

Reported Cases

- *Mendieta-Robles v. Gonzales*, 2007 FED App. 0387N (6th Cir.2007)
- *Tilley v. Gonzales*, 2007 FED App. 0295N (6th Cir.2007)
- *Pak v. Reno*, 196 F.3d 666 (6th Cir. 1999)
- *Pulice v. INS*, 218 F.3d 505 (6th Cir. 2000)
- *Roman v. Ashcroft*, 340 F.3d 314 (6th Cir. 2003)
- *Rosales-Garcia v. Holland*, 322 F.3d 386 (6th Cir. 2003)(en banc)
- *Roman v. Ashcroft*, 181 F. Supp. 2d 808 (N.D. Ohio 2002)
- *Denko v. Ashcroft*, 351 F.3d 717 (6th Cir. 2003)
- *Cline v. Catholic Diocese*, 206 F.3d 651 (6th Cir. 1999)
- *Independence Local School District Board of Education v. State Employment Relations Board et al.* 62 Ohio St. 3d 134 (1991)
- *Board of Education of the Strongsville City School District v. Theado*, 57 Ohio St. 3d (1991)
- *Mackey v. Steve Barry Ford, Inc.*, 1991 Ohio App. LEXIS 2574 (May 30, 1991)
- *Theodore T. Theodore v. Geo Churchill, Inc.*, 1990 Ohio App. LEXIS 5961; *Noll v. Nezbeth*, 63 Ohio App. 3d 46 (1990)
- *D'Ambrosi v. Vicorp Specialty Restaurant, Inc.*, 1989 Ohio App. LEXIS 628
- *Lazar v. Korman*, 1987 Ohio App. LEXIS 9215
- *Dalzell-Milstein v. Midwestern Indem. Co.*, 1986 Ohio App. LEXIS 8631
- *Republic Steel Corp. v. Hailey*, 30 Ohio App. 3d 103 (1986)

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Presentations

David is a frequent speaker on a wide range of immigration topics. The following is a selection of his many presentations:

- “U.S. Immigration Update,” Ulmer Webinar (October 2021)
- “O Brave New World When Will the Trump Administration’s Business Immigration Policies Be Undone?” AILA National Midwinter Conference (March 2021)
- “Immigration Under a Biden/Harris Administration,” American Bar Association International Law Section Immigration & Naturalization Committee Webinar (January 2021)
- “DACA, Immigration, and Legal Rights: What All International Students Need to Know,” Case Western Reserve University Webinar (July 2020)
- “What the Suspension of Entry for Foreign Nationals on H-1B, H-2B, L, and J Visas Means for Your Business and Employees,” Ulmer Webinar (June 2020)
- “Can We Help Those Most at Risk for COVID 19: Falling Between the Cracks,” AJC Westchester/Fairfield Virtual Program (June 2020)
- “What Employers Need to Know About COVID-19 and H-1B Workers,” Ulmer Webinar (April 2020)
- “The New Restrictive World of Business Immigration: Strategies to Hire and Maintain Foreign Talent,” Ulmer Webinar (January 2020)
- “What the Civil Defense Litigator Should Know About Immigration,” Ohio Association of Civil Trial Attorneys Annual Meeting and Conference (November 2019)
- “The Immigration Crisis in Our Own Backyard: How Current Policies are Impacting Cleveland Families,” Park Synagogue East (November 2019)
- “I-9 Audits and Enforcement,” AILA Annual Fall Ohio Conference (October 2019)
- “Denaturalization in the Wake of ‘Operation Janus’ and ‘Operation Second Look,’” AILA Annual Conference on Immigration Law (June 2019)
- “Wrench in the Plan: How to Navigate the New Age of Enforcement when ICE Comes Knocking,” Ulmer Immigration Dialogue Series (June 2018)
- “Toolkit Inventory: Employee Travel in the Age of ‘Extreme Vetting,’” Ulmer Immigration Dialogue Series (May 2018)
- “A Brave New World: Immigration in the Age of Donald Trump,” Rotary Club of Toledo (May 2018)
- “Nuts & Bolts: How to Hire & Retain Foreign Professionals,” Ulmer Immigration Dialogue Series (April 2018)
- “A Brave New World: Critical Issues Corporate Counsel Must Consider Before Foreign Personnel Travel Abroad,” Northeast Ohio Association of Corporate Counsel CLE Seminar (August 2017)

Publications

- “USCIS Announces Initial H-1B Cap Registration for FY 2023 To Run March 1-18,” Ulmer & Berne LLP *Client Alert* (January 2022)
- “The White House Announces Immigration Actions to Attract STEM Talent and Update O-1 ‘Extraordinary Ability’ and National Interest Waiver Standards,” Ulmer & Berne LLP *Client Alert* (January 2022)
- “USCIS Releases Guidance on Expedited EADs for Health Care Workers,” Ulmer & Berne LLP *Client Alert* (December 2021)

Publications (Cont)

- “White House to Lift COVID-19 Travel Bans Effective Nov. 8, 2021,” Ulmer & Berne LLP *Client Alert* (October 2021)
- “USCIS to Require COVID-19 Vaccinations for Green Card Applicants,” Ulmer & Berne LLP *Client Alert* (September 2021)
- “President Biden Expected to Impose Travel Restrictions on India,” Ulmer & Berne LLP *Client Alert* (April 2021)
- “USCIS Removes a Trump Era Hurdle To Naturalization,” Ulmer & Berne LLP *Client Alert* (February 2021)
- “How Has President Biden Changed Immigration During His First Week?” Ulmer & Berne LLP *Client Alert* (January 2021)
- “Department of Homeland Security Pauses Deportations for 100 Days and Sets Interim Guidelines for ICE Enforcement,” Ulmer & Berne LLP *Client Alert* (January 2021)
- “President Trump Extends Ban on H-1B, H-2B, L, and J Visa Applicants Through March 31, 2021,” Ulmer & Berne LLP *Client Alert* (January 2021)
- “Trump Administration Ends Exemption for Foreign Students Taking Full-Time Online Course Load in U.S. During COVID-19 Pandemic,” Ulmer & Berne LLP *Client Alert* (July 2020)
- “Presidential Proclamation Suspends Entry of Foreign Nationals on H-1B, H-2B, L and J Visas,” Ulmer & Berne LLP *Client Alert* (June 2020)
- “U.S. Supreme Court Rejects Trump Administration’s Attempt to End DACA Program,” Ulmer & Berne LLP *Client Alert* (June 2020)
- “USCIS to Resume Premium Processing for H-1B Specialty Occupation and I-140 Immigrant Visa Petitions,” Ulmer & Berne LLP *Client Alert* (May 2020)
- “President Trump’s Proclamation Suspending the Entry of Immigrants,” Ulmer & Berne LLP *Client Alert* (April 2020)
- “What Employers Need to Know About COVID-19 and H-1B Workers,” Ulmer & Berne LLP *Client Alert* (April 2020)
- “ICE Temporarily Relaxes 1-9 Employment Verification Rules Due to COVID-19 Crisis,” Ulmer & Berne LLP *Client Alert* (March 2020)
- “Complying with Department of Labor Notice Requirements for H-1B Employees During a Quarantine,” Ulmer & Berne LLP *Client Alert* (March 2020)
- “USCIS Announces Temporary Suspension of Premium Processing for All I-129 and I-140 Petitions Due to the Coronavirus Pandemic,” Ulmer & Berne LLP *Client Alert* (March 2020)
- “USCIS Cancels All In-Person Interviews to Combat COVID-19; EOIR Postpones Immigration Hearings Nationwide,” Ulmer & Berne LLP *Client Alert* (March 2020)
- “Trump Administration Suspends Most Travel from Europe,” Ulmer & Berne LLP *Client Alert* (March 2020)
- “Initial H-1B Period Now Open Through March 20,” Ulmer & Berne LLP *Client Alert* (March 2020)
- “USCIS to Implement Public Charge Inadmissibility Rule in February,” Ulmer & Berne LLP *Client Alert* (February 2020)
- “USCIS Announces New Pre-Filing Registration System for 2020 H-1B Filing Season,” Ulmer & Berne LLP *Client Alert* (December 2019)
- “Bearing Witness at the Southern Border,” Medium (September 2019)

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Publications (Cont)

- “Immigration Enforcement Under Trump Neglects Rule of Law,” *Law360* (May 2019)
- “Trump’s Hard Line Includes Business Immigration,” *Today’s General Counsel Magazine* (March 2019)
- “Judge Says Canadian Physicians Are Eligible for H-1B Admission Regardless of the J-1 Two-Year Foreign Residency Requirement,” *Ulmer & Berne LLP Client Alert* (March 2019)
- “Divided Supreme Court Rules Some Immigrants Not Entitled to Bond Hearings,” *Ulmer & Berne LLP Client Alert* (March 2019)
- “H-1B Cap Season is Here. Is Your Company Ready?,” *Ulmer & Berne LLP Client Alert* (March 2019)
- “USCIS Resumes Premium Processing for All H-1B Petitions,” *Ulmer & Berne LLP Client Alert* (February 2019)
- “What to Consider as DHS Moves to Rescind H-4 Employment Authorization Document Rule,” *Ulmer & Berne LLP Client Alert* (February 2019)
- “USCIS Expands ‘Unlawful Presence’ for F, J, or M Foreign Students and Exchange Visitors,” *Ulmer & Berne LLP Client Alert* (May 2018)
- “Plan to Eliminate H-4 Employment Authorization Delayed – At Least Until June 2018,” *Ulmer & Berne LLP Client Alert* (March 2018)
- “The Short H-1B Filing Window is Fast Approaching,” *Ulmer & Berne LLP Client Alert* (February 2018)
- “Syrian Temporary Protected Status Re-Registration Period Now Open for Syrians Through May 4, 2018,” *Ulmer & Berne LLP Client Alert* (February 2018)
- “U.S. Extends Temporary Protected Status for 7,000 Syrians Living In the U.S.,” *Ulmer & Berne LLP Client Alert* (February 2018)
- “USCIS Resumes Accepting DACA renewals,” *Ulmer & Berne LLP Client Alert* (January 2018)
- “A Vote to Pass Year-end Budget is a Vote to Deport Dreamers,” *The Hill* (Op-ed, November 2017)

Involvement

Professional Affiliations

- American Immigration Lawyers Association (AILA) (*President, 2010-2011; General Counsel, 2012-2013; Vice President, 2007-2009; National Treasurer, 2006-2007; National Secretary, 2005-2006*)
- Law360 Immigration Editorial Advisory Board (2021)
- Leadership Cleveland (*Member, Class of 2019*)
- AILA Administrative Litigation Task Force (*Member, 2018-2019*)
- American Immigration Council (*Board of Directors, 2009-2011; Faculty and Co-Founder—AIC Litigation Institute*)
- Adjunct Professor of Immigration Law, Cleveland State University (2004-2012)
- Director of Immigration Law Curriculum and Adjunct Professor of Law, Case Western Reserve University School of Law (1997-2011)
- National Association of Criminal Defense Lawyers (1999-2005)
- Cleveland Metropolitan Bar Association

Community Involvement

- America’s Voice (*Immigration Counsel, 2018-present*)

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Involvement (Cont)

Community Involvement (Cont)

- Latino-Jewish Leadership Counsel, American Jewish Committee (*Founding Member, 2017-present*)
- American Jewish Committee (*Board of Trustees, 2009-present; National Immigration Task Force, 2010-present*)
- Global Cleveland (*Board of Directors, 2020-present; Advisory Board, 2010-2014*)
- National Platform Committee for the 2020 Democratic National Convention (*Committee Member, Ohio Delegation*)
- Ohio Democratic Party (*Volunteer Voter Protection Attorney and Precinct Supervisor, 2004, 2008, 2012, 2016*)
- Ishmael & Isaac (*Board Member, 2006-2009*)
- City Cable Commission, Beachwood, Ohio (*Associate Commissioner, 1999-2004*)
- Legal Aid Society of Cleveland (*Trustee, 1988-1991*)

Honors & Distinctions

- Ranked in Band 1 for Immigration in Ohio by Chambers USA: America's Leading Lawyers for Business (2021)
- Ranked internationally in Immigration by Chambers Global (2021; 2022)
- Ranked nationally in Immigration by Chambers USA (2020; 2021)
- Named to *The Best Lawyers in America*, Immigration Law (2005-2022)
- Named to the Ohio Super Lawyers list (2004, 2005, 2007-2022)
- Named to the *National Law Journal's* Immigration Trailblazers (2018, 2020)
- Named to the Cleveland Jewish News list of "18 Difference Makers" (2020)
- AILA Liaison to the Department of Homeland Security's key immigration enforcement bureau
- Named one of the top immigration experts to follow on Twitter by ABC News/Univision
- Edith Lowenstein Memorial Award for excellence in advancing the practice of immigration law, American Immigration Lawyers Association (2012)
- Listed in International Who's Who of Corporate Immigration Lawyers
- AV Preeminent Peer Review Rated – Martindale-Hubbell

Admissions

- State of Ohio
- U.S. Supreme Court
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Northern District of Ohio