

MOUNTAIN STATES

Super Lawyers®

2024

FIRST AMENDMENT DEFENDER

David Reymann protects
freedom of speech and
the press

Immigration attorney
Shahid Haque is working to
build his father's America

Gina Bongiovi brings
dogs in need into her pack



Left: Haque was in the studio for a Missoula, Montana radio program about immigration issues in the state.

Shahid Haque

Border Crossing Law Firm; Immigration; Helena, Montana

The America His Father Believed In

Shahid Haque's fight for a more equitable Montana for immigrants

BY AMY WHITE

In 2008, Shahid Haque did something that many might not have expected—he opened an immigration firm ... in Montana. “There was no one specializing in immigration in Montana at the time, and it is worth noting that Montana has some of the fewest numbers of immigrants per state capita in the country,” says Haque, founder of Border Crossing Law Firm. “But I felt there was a need.”

His first experience in the practice area was as a student at Chicago-Kent College of Law, he worked asylum cases after an overloaded docket caused problems. “There were so many people arriving at O’Hare seeking asylum that law students were being asked to pitch in,” he says. “I thought it was rewarding work, and I noticed how much it made a difference for these asylum applicants to actually have an attorney help tell their stories.”

Telling those stories is important to Haque, who is the son of Pakistani

immigrants. His father, who grew up in a rural village, was one of few in the region to go to medical school in the U.K. before obtaining a visa to come to the U.S. in the mid-’70s. “He was a big believer in Reagan-era politics, the idea that we are a melting pot, and that immigration was improving the country,” Haque says. “We’ve lost sight of that, but my dad really believed in a land of opportunity where people of all races and cultures come together.”

After working in large law, Haque kept an active pro bono asylum practice, but the bulk of his work wasn’t fulfilling. “In other areas of law, you’re representing companies or clients who sometimes you may not believe in their cause, or you may not be emotionally connected to it,” he says. “But with immigration, you’re helping people find safety or security in the United States; you’re helping somebody establish a life.”

Or you’re establishing state law—twice.

“I’m always monitoring what’s happening at the Legislature,” Haque says. “And even though immigration is not a problem in Montana, certain segments of the Legislature have always been focused on the issue.”

LR-121, Haque says, was a bill the state wanted to put on the ballot that would deny state services to “illegal aliens.” “They actually used that language. I was testifying against it and pointing out all the problems with it, but they passed it anyway,” he says. “There were just so many problems with this bill, but the biggest is that the state was not equipped to determine who was or was not an ‘illegal alien’, as they put it. You can’t just ignore the complexities of immigration law.”

To challenge the bill, Haque asked former clients to submit affidavits to the court describing their cases; more than a dozen agreed. “I think the judge thought I’d have a very ambiguous case,” he says. “But we were able to show that the state couldn’t accurately determine who was or wasn’t ‘illegal.’ I had clients who had entered illegally, and the state declared, ‘If you entered illegally, you’re an illegal alien.’ But I was able to show that clients who entered illegally now had green cards. So does entering illegally make you ineligible? By any definition they tried to use, none would work because it’s possible, through our complex immigration system, for somebody to have a form of valid legal status. The state was delving into federal territory that it had no business delving into.”

Haque won on summary judgment, the state court appealed, and the Montana Supreme Court unanimously affirmed that the bill was unconstitutional. “They’ve never tried it again,” Haque says. “I feel pretty good about the difference that made. That law would still be on the books, causing confusion and problems for all immigrants in the state; instead, it’s been stricken.”

In 2013, Haque took on the Montana Highway Patrol, which was, according to clients, pulling drivers over for speeding but then interrogating them about their immigration status.

“As a highway patrol officer, you have the authority to stop somebody for a crime if you believe a crime is being committed,

CONTINUED ON PAGE 15

PRACTICE SESSION CONT'D FROM PAGE 7

and then to hold them for as long as necessary to resolve the crime for which you stopped them," Haque says. "It's a Fourth Amendment issue where you can't hold somebody longer than necessary for you to resolve whatever crime it is that you think they've committed. Being out of status is not a crime that highway patrol officers can enforce. They were brazenly violating the law." Haque brought a class action on behalf of Latinos in the state. "The state fought us pretty hard, but we continued forward," he says. "And in the course of discovery, we got hundreds of hours of camera footage of these stops, and it was really overwhelming."

Sensing a probable defeat, the state made a settlement offer that included a new chapter added to the state patrol's handbook, which Haque helped draft and edit. "These flagrant Fourth Amendment violations have stopped," he says. Montana is one of a few states with a clear policy prohibiting such conduct.

Currently Haque has about 100 open cases, including helping a number of Afghani refugees after the fall of Kabul and rise of Taliban rule in 2021. He's also bracing for a turbulent election cycle. "I'm preparing for an increase in the number of clients who are in removal and deportation proceedings," he says. "I'm guessing laws will become more restrictive and that we're going to be in the trenches fighting it out."

But he's noticed that people are often against immigration in the abstract only. "They're against some unknown enemy they're told exists," he says. "But once they actually meet somebody, things change. I have farmers and ranchers as red as you can get who call me and want to talk about how we can help somebody through the immigration system because they know this person to be a hardworking, honest family man of good character. And what they're surprised to learn is that oftentimes, there's no good pathway to help because our immigration system doesn't have an option.



Shahid Haque in front of the U.S. Department of Homeland Security's Northwest Detention Center.

I'd like us to get back to the real issue: Why are our immigration laws so restrictive? Why can't we pass reform so that we can actually help people who would be a benefit to our country? I'd love to see the United States my father believed in." **SL**

GOOD WORKS

GOOD WORKS CONT'D FROM PAGE 8

founders, Shari Dale, has continued her work through Shari's Shepherd Sanctuary.

Many people are intimidated by German shepherds—sometimes for good reason, Bongiovi says. But an adoptable dog's behavior isn't just a product of its breed or genetics. When she began working with rescues, Bongiovi learned that dogs may experience kennel aggression, in which an animal lashes out because of sensory overload while in a shelter or boarding environment.

Bongiovi compares a dog being in a noisy, unfamiliar, stressful shelter environment to herself, an introvert, being forced to spend time in a nightclub. "People would characterize that animal as unadoptable, but you get him into an environment that's much more calm and quiet and serene—perfect animal," she says.

These days, Bongiovi's pack is small. She currently shares her home with two dogs: Rigby, a 9-year-old English bull terrier; and Archer, a 6-year-old pit bull-husky mix.

And she remains motivated by knowing she is quite literally giving a voice to the voiceless.

"I wish they could, but they can't talk. They can't express what's wrong with them,

what's hurting them," she says. "So it's just trying to have compassion for those who don't get a choice in the situations they find themselves in." **SL**



At the peak of her rescue days, Bongiovi had seven dogs at once. Pictured here is the full pack at that time.