

# EXAM SPECIFICATIONS FOR IMMIGRATION AND NATIONALITY LAW

The purpose of the certification examination is to require applicant to demonstrate substantial knowledge of significant legal concepts and corresponding skills in immigration and nationality law.

**DEFINITION.** Immigration and nationality law is the practice of law dealing with the Immigration and Nationality Act of 1952, as amended, and all successor and other laws and regulations dealing with immigration and naturalization. The practice includes, by way of definition and not limitation, all aspects of securing an immigrant or non-immigrant visa or other documentation to enter the United States, including all petitions and applications filed with the U. S. Department of State, the U. S. Department of Labor, the U. S. Department of Justice, the U. S. Department of Homeland Security, and the U. S. Public Health Service; naturalization proceedings; citizenship proceedings; asylum applications; removal proceedings and related applications for relief; bond and custody proceedings; rescission proceedings; registry proceedings; administrative proceedings not listed above relating to immigration and nationality law before government agencies of competent jurisdiction; all administrative and judicial review of the above; and original proceedings in immigration matters before judicial courts.

**KNOWLEDGE.** Applicant must have knowledge of the following: **(Not all of the following exam topics will be covered on the exam. Applicant will be tested on all laws currently in effect at the time of the exam.)**

- I. Admission/Status
  - A. Nationality and citizenship
  - B. False claims to U. S citizenship
  - C. Immigrant status (family based, employment based, diversity lottery visas)
  - D. Non-immigrant status
  - E. Adjustment of status
  - F. Temporary protected status
  - G. Unlawful presence and INA 212(a)(9)
  - H. Admission issues (withdrawal of application for admission, record of intercept, and errors on I-94s)
  - I. Revocation of LPR and non immigrant status
  - J. Expedited removal
  - K. Grounds for and waivers of, inadmissibility and removal
  - L. NSEERS, US VISIT, and WHTI
- II. Relief from Deportation
  - A. Adjustment of status
  - B. Cancellation of removal (various kinds)
  - C. INA 212 (c)
  - D. Voluntary departure

- E. Motions to re-open
  - F. Withholding of removal
  - G. Convention against torture claims
  - H. Parole
  - I. Deferred inspection
  - J. Voluntary return
  - K. INA 212(h)
  - L. Asylum
- III. Administrative Proceedings
- A. Consular processing
  - B. EOIR hearings
    - 1. Bond redetermination
    - 2. Removal
  - C. Administrative appeals (BALCA, AAU, BIA, BAR, OCAHO)
  - D. Deportation and exclusion proceedings commenced pre-IIRIRA
  - E. Administrative removal (of aggravated felon no-LPRs)
  - F. Reinstatement of removal orders
- IV. Federal Court
- A. Litigation (habeas, mandamus, and declaratory actions)
  - B. Appeals
- V. Immigration Consequences of Criminal Conduct
- A. Aggravated Felonies
  - B. Drug Related Offenses
  - C. Bond and Custody
  - D. Document fraud
  - E. Vehicle seizures
  - F. CIMTs (including effect of Silva-Trevino)
  - G. Family violence
  - H. Alien smuggling and related offenses
  - I. Effect of crimes on good moral character
- VI. Employer Sanctions
- A. Worksite enforcement actions
  - B. Social security mismatch letters
  - C. IMAGE program
  - D. E-verify program
- VII. Administrative Agency Jurisdiction
- A. ICE
  - B. CBP
  - C. CIS (U. S. Department of Homeland Security)
- VIII. Labor Certifications
- IX. Naturalization

X. Other Issues Related to Immigration and Nationality Law

- A. Registry
- B. Asylum and refugees
- C. Taxation of aliens
- D. EWI issues (1325, 1326, 245(i))
- E. Social security issues
- F. Driver's license issues
- G. Security advisory opinions and advisory opinions
- H. Legalization and Family Unity, NACARA, HRIFA
- I. Anti-discrimination
- J. 245(i) grandfathering rules
- K. CSPA
- L. Retaining priority dates
- M. Western Hemisphere program
- N. Refugee status (INA 207)
- O. I-730s (following to join refugee/asylee)
- P. Public charge considerations and I-864s

XI. The Texas Disciplinary Rules of Professional Conduct

The ethics questions regarding this topic will involve an array of hypothetical fact situations which will cover several different aspects of ethical issues that arise in the practice of law. The questions will not be limited to the practice of any one specialty area, and consequently, an applicant is advised to be familiar with all provisions of the TDRPC.

**SKILLS.** Applicant must demonstrate the:

1. Ability to communicate effectively to a variety of audiences (e.g., communications addressed to clients, counsel, courts, administrative agencies, etc.)
2. Ability to develop and evaluate strategies for solving a problem or accomplishing an objective
3. Ability to analyze and apply legal rules and principles
4. Ability to analyze, sort and use facts, and to plan and direct factual investigations
5. Ability to organize and manage a legal task efficiently within time constraints
6. Ability to represent a client consistent with applicable ethical standards
7. Ability to invoke and utilize the procedures normally required in the area of specialty including pleadings and filings

**STUDY MATERIALS.** Past experience has shown that most successful applicants will spend considerable time in preparation for the exam. This preparation should include attendance at appropriate CLE conferences and sustained study during the months preceding the exam. Most immigration practitioners tend to concentrate on a few areas of immigration and nationality law. Successful applicants find that it is especially useful to concentrate on areas in which applicant does not regularly practice.

Suggested sources of information (not intended to be exclusive or complete, but rather to be used as a guide to preparation for the examination) are:

1. Register for BIA precedent decisions automatic update emails
2. Register for U.S. Court of Appeals for Fifth Circuit decisions automatic update emails (to get immigration-related published and unpublished decisions)
3. Read the web sites of USCIS, ICE, CBP and DHS to keep abreast of current practices and procedures.
4. Recommended that applicant have access to the American Immigration Lawyers Association daily update web mails
5. Study INA and CFR in all immigration-related titles of both the statutes and the regulations
6. Follow U.S. Supreme Court decisions relating to immigration law
7. Review the latest edition of Kurzban's Immigration Law Sourcebook
8. Recommended that applicant attend a variety of immigration conferences and build a network of colleagues to discuss immigration matters and how to study for this examination