

# TEXAS BOARD OF LEGAL SPECIALIZATION

## STANDARDS FOR ATTORNEY CERTIFICATION

### PART II

#### SPECIFIC AREA REQUIREMENTS

These are specific requirements that apply the specialty area listed below. The specific requirements include the definitions, substantial involvement, reference, and other certification and recertification requirements for the specialty area. You will also need to refer to the Standards for Attorney Certification, Part I – General Requirements for requirements that apply to all specialty areas.

#### SECTION VII

#### IMMIGRATION AND NATIONALITY LAW

*(Area ID: IM / Year Started: 1979)*

- A. **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.
- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in immigration and nationality law practice by providing such information as may be required by TBLS.
1. **Certification.**
    - a. **Percentage of Practice Requirement.** Applicant must have devoted a minimum of 25% of his or her time practicing immigration and nationality law during each year of the 3 years immediately preceding application as defined in Section VII, A of the Specific Area Requirements for Immigration and Nationality Law.
    - b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in immigration and nationality law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.
      - (1) **Administrative Hearings.** Representation of clients before Immigration Judges in removal, bond redetermination, and other administrative matters in at least 9 contested matters within the 3 years immediately preceding application.

- (2) In addition, applicant must show substantial involvement in 4 of the following 6 categories within each of the 3 years immediately preceding application listed hereafter.
  - (a) Petitions and Applications. Representation of clients before the U. S. Department of Homeland Security and the U. S. Department of State in the filing of petitions and applications.
  - (b) Alien Labor Certifications. Representation of employers and/or aliens before the various state employment services, U. S. Department of Labor, and U. S. Department of Homeland Security in alien labor certification cases, including appeals.
  - (c) Naturalization. Representation of clients before the U. S. Department of Homeland Security and judicial courts in naturalization matters.
  - (d) Administrative Appeals. Representation of clients in appeals taken before the Board of Immigration Appeals, Administrative Appeals Unit, Board of Labor Certification Appeals, and the U. S. Department of State Board of Appellate Review.
  - (e) Administrative Proceedings and Review in Judicial Courts. Representation of clients in judicial matters such as applications for habeas corpus, mandamus and declaratory judgments, and criminal matters involving the immigration law, and petitions or review in judicial courts, and ancillary proceedings in judicial courts.
  - (f) Employer Sanctions, Bond and Custody, Rescission, Registry, and Fine Proceedings. Representation of clients in these matters.
2. **Recertification.** Applicant must have devoted a minimum of 25% of his or her time practicing immigration and nationality law during each year of the 5 year period of certification as defined in Section VII, A of the Specific Area Requirements for Immigration and Nationality Law except as provided for in Part I—General Requirements, Section VI, C,1(b).

C. **REFERENCE REQUIREMENTS.** Applicant must submit a minimum of 5 names and addresses of persons to be contacted as references to attest to his or her competence in immigration and nationality law. These persons must be substantially involved in immigration and nationality law, and be familiar with applicant's immigration and nationality law practice.

1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving immigration and nationality law matters within the 3 years immediately preceding application.
2. **Recertification.** Applicant must submit names of persons with whom he or she has had dealings involving immigration and nationality law matters since certification or the most recent recertification.
3. **Reference Types.** Applicant must submit the following types of references:
  - a. Three attorneys who are substantially involved in immigration and nationality law.
  - b. One of the following:
    - (1) An attorney with or against whom applicant has tried an immigration and nationality law matter, or
    - (2) An attorney from a U. S. Department of State consular office, or
    - (3) A U. S. Department of Homeland Security officer whom has adjudicated a matter by applicant and reviewed and/or made a decision on applicant's filing.
  - c. One of the following judges as described below:
    - (1) One judge of any court of record before whom applicant has appeared as an advocate in an immigration and nationality law case, or
    - (2) An immigration judge before whom applicant has appeared in an administrative hearing.