

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 05- **9048**

**APPROVAL OF AMENDMENTS TO THE  
STANDARDS FOR ATTORNEY CERTIFICATION  
OF THE TEXAS BOARD OF LEGAL SPECIALIZATION**

**(STANDARDS FOR CERTIFICATION IN IMMIGRATION & NATIONALITY LAW)**

**ORDERED** that:

The following amendments to the Standards for Attorney Certification of the Texas Board of Legal Specialization concerning standards for certification in Immigration and Nationality Law are approved.

In Chambers, this 7th day of March, 2005.

  
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Wallace B. Jefferson, Chief Justice

  
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Nathan L. Hecht, Justice

  
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Priscilla R. Owen, Justice

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Harriet O'Neill, Justice

*J. Dale Wainwright*

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Dale Wainwright, Justice

*Scott Brister*

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Scott Brister, Justice

*David M. Medina*

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David M. Medina, Justice

*Paul W. Green*

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Paul W. Green, Justice

**PART II**  
**SPECIFIC AREA REQUIREMENTS**  
**FOR**  
**IMMIGRATION AND NATIONALITY LAW**

**SECTION I**  
**SUBSTANTIAL INVOLVEMENT AND SPECIAL COMPETENCE**

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. It 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 ~~Consular Officers of the Department of State, the Immigration and Naturalization Service~~ the Department of State, the Department of Labor, the Department of Justice, the Department of Homeland Security, and the Public Health Service; naturalization proceedings; citizenship proceedings; ~~exclusion proceedings~~; asylum applications; ~~deportation~~ removal proceedings and related applications for relief; bond and custody proceedings; rescission proceedings; registry proceedings; administrative fine proceedings; all administrative and judicial review of the above; and original proceedings in immigration matters in judicial courts. For the specific area requirements please refer to the sections below.

B. **Substantial Involvement for Certification**

Certification applicants must show substantial involvement and special competence in immigration and nationality law practice during each of the 3 years immediately preceding application by providing such information as may be required by the TBLS.

1. Certification applicants must show that during each of the 3 years immediately preceding application they have devoted a minimum of 25% of their time practicing immigration and nationality law as defined in Section I,A of the Specific Area Requirements for Immigration and Nationality Law.
2. Certification applicants must show their substantial involvement and special competence in immigration and nationality law within each of the 3 years immediately preceding application by providing such information as may be required by the TBLS regarding immigration law matters participated in by the applicant in the following:
  - a. Administrative Hearings  
Representation of clients before Immigration Judges in removal, bond redetermination, and other administrative matters in at least 9 contested matters.

In addition, certification applicants must meet 4 of the following 6 categories within the 3 years immediately preceding application listed hereafter.

- b. Petitions and Applications  
Representation of clients before the ~~Immigration Service~~ Department of Homeland Security and the State Department in the filing of petitions and applications.

- c. Alien Labor Certifications  
Representation of employers and/or aliens before the various state employment services, U.S. Department of Labor, and ~~Immigration Service~~ Department of Homeland Security in alien labor certification cases, including appeals.
- d. Naturalization  
Representation of clients before the ~~Immigration Service~~ Department of Homeland Security and judicial courts in naturalization matters.
- e. Administrative Appeals  
Representation of clients in appeals taken before the Board of Immigration Appeals, Administrative Appeals Unit, Board of Labor Certification Appeals, and the State ~~Deportation~~ Department Board of Appellate Review.
- f. 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.
- g. Employer Sanctions, Bond and Custody, Rescission, Registry, and Fine Proceedings  
Representation of clients in these matters.

# TEXAS BOARD OF LEGAL SPECIALIZATION

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January 7, 2005

JUSTICE J. DALE WAINWRIGHT  
SUPREME COURT OF TEXAS  
PO BOX 12248  
AUSTIN, TX 78711

RE: AMENDMENTS TO THE IMMIGRATION AND NATIONALITY LAW STANDARDS

Dear Justice Wainwright:

At its December 14, 2004 meeting, the Texas Board of Legal Specialization approved amendments to the Standards for Certification in Immigration and Nationality Law. These amendments were recommended to TBLS by the Immigration and Nationality Law Advisory Commission. The attorneys who serve on the Commission are all active practitioners in the Immigration area and one of the responsibilities of the Commission is to advise TBLS of changes in the law in its specialty area.

The purpose of the changes recommended by the Commission is to conform the Standards for Certification to current federal law. This area is largely governed by various portions of the United States Code. Congress has taken action to eliminate the Immigration and Naturalization Service, to create the Department of Homeland Security and to shift responsibilities of other agencies. The Standards for Certification in this area accordingly need to be amended to reflect those changes. The proposed changes do not change any aspect of the experience required in order to be certified in this area. They merely change the nomenclature so that it accurately reflects the pertinent aspects of the United States Code.

I have attached a proposed order for the Court to sign to implement these changes. If you have any questions about this matter, please feel free to contact me.

Yours truly,

Gary W. McNeil  
Executive Director