



National Board of Trial Advocacy(NBTA)
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General Principles for NBTA Certification of Immigration Law Advocates

- (A) No standards shall in any way limit the right of an Immigration Law advocate to practice law in all fields.
- (B) No attorney shall be required to obtain a certificate in Immigration Law advocacy before he or she can practice in the field.
- (C) Certification is individual and voluntary. Certification is open to all who qualify. (D) An attorney may have more than one certification from other specialty areas of the National Board of Trial Advocacy ("NBTA"), or other attorney board certification programs accredited by any state or the American Bar Association. (E) Certification shall be for five years, after which time the certificate cannot be used unless the attorney is recertified. Certification may be revoked at any time for violations of these General Principles or Standards.
- (F) Application will be made to the NBTA, on the forms supplied by the NBTA, and accompanied by the appropriate fee.
- (G) Applicant must complete all requirements, including the examination, within two years of application. If the certification process is not satisfactorily completed within the two-year period, the applicant will need to reapply and re-submit all required fees. An application can be denied at any time within the two-year application period for failure to successfully meet the requirements for certification.
- (H) A certificate will be issued upon a showing by the applicant, and by the Specialty Commission and NBTA's own investigation, that the applicant complies with the standards and regulations for certification.
- (I) All applications and other information submitted to the NBTA shall be privileged and confidential, except as compelled by law and, except that the NBTA may reveal the fact of an application for the purpose of verifying information submitted by the applicant, and for the purpose of making such inquiries with respect to the character and professional reputation of the applicant as may be authorized by its rules.
- (J) The NBTA does not discriminate against any attorney seeking certification on the basis of race, color, national origin, ancestry, sex, sexual orientation, gender identity or expression, religion, age, pregnancy, disability, covered veteran status, political ideology, genetic information, marital status, any other factor, or other status protected by applicable national, federal, state or local law.
- (K) The NBTA is dedicated to the identification of attorneys who possess an enhanced level of skill and expertise in Immigration Law advocacy, and have demonstrated integrity and dedication to the interests of their clients, thereby improving the professional competence of attorneys.

Standards for Immigration Law Certification-rev.6/2024

A. Good Standing and Period of Practice

1. The applicant shall furnish evidence of his or her good standing in the state of his or her admission(s), or if admitted in more than one state, in the state of his or her principal practice.
2. Immediately preceding the application, the applicant must have spent five years in the actual practice of Immigration Law.

B. Substantial Involvement

1. The applicant must make a satisfactory showing of substantial involvement in Immigration Law, with at least sixty percent of his or her time spent practicing Immigration Law during each of the three years preceding the filing of the application.
2. A showing of substantial involvement in the area of Immigration Law is made by completing an application form entitled Substantial Involvement – Immigration Law (Section B of the Standards).

Within my career, I have accumulated a minimum total of **1500 points in the following Qualifying Activities:**

Qualifying Trial Activities (Minimum 300 / Maximum 1000 cumulative points in this category)	Number	Points	Total	Max. Pts
Attorney of record Tried bond or custody hearing in immigration court		x 50 =		150
Attorney of record Tried merits hearing on application for asylum, withholding of removal, and/or CAT in immigration court		x 150 =		450
Attorney of record Tried merits hearing on 42A application for cancellation of removal or 212(c) waiver application in immigration court		x 100 =		300
Attorney of record Tried merits hearing on 42B application for cancellation of removal in immigration court		x 150 =		450
Attorney of record Tried merits hearing on I-485 application to adjust status in immigration court		x 100 =		200

Attorney of record Tried merits hearing on 212(h) or 212(i) waiver application in immigration court		x 100 =		300
Attorney of record Tried merits hearing on 237(a)(1)(H) waiver in immigration court		x 150 =		300
Attorney of record Tried merits hearing on I-751 petition to remove conditions on residence in immigration court		x 100 =		200
Attorney of record in Motion to Reopen before the immigration court or Board of Immigration Appeals		x 75 =		150
Attorney of record in motions, writs, or pleas in criminal cases relating to collateral immigration consequences in federal or state courts		x 50 =		200
Attorney of record in Federal District Court on immigration related mandamus action		x 100 =		200
Attorney of record in dependency proceedings in state court for SIJ purposes		x 50 =		150
Attorney of record at a master calendar hearing in immigration		x 25 =		100
Attorney of record in immigration court for relief in the form of voluntary departure		x 25 =		75
Attorney of record Motion for Administrative Closure in Immigration Court		x 25 =		100
Attorney of record Motion to Terminate in Immigration Court		x 50 =		100

Tally of points: _____

Qualifying Appellate Activities (Minimum 300 / Maximum 1000 cumulative points in this category)	Number	Points	Total	Max. Pts.
Attorney of record in a Federal Circuit Court Appeal on Immigration issue		x 150 =		300
Attorney of record in habeas corpus action in District Court		x 100 =		200
Attorney of record in FOIA litigation in federal court		x 75 =		150
Attorney of record in administrative appeal to AAO		x 100 =		300
Attorney of record in administrative appeal of denied I-130 to BIA		x 50 =		150
Attorney of record in motion for stay of removal to Immigration Court, BIA and/or to Circuit Court		x 50 =		200
Attorney of record in appeal of immigration judge decision to the BIA		x 100 =		300
Attorney of record in BALCA appeal		x 50 =		200
Attorney of record in appeal of citizenship denial with USCIS (N336)		x 50 =		150
Attorney of record in appeal of citizenship denial in Federal District Court		x 100 =		200

Tally of points: _____

Qualifying Agency Activities (Minimum 300 / Maximum 1000 cumulative points in this category)	Number	Points	Total	Max. Pts.
Attorney of record in affirmative I-589 Application for Asylum, Withholding, CAT to include filing and representation at USCIS interview		x 100 =		300
Attorney of record in N-400 Application for Naturalization to include filing and representation at USCIS interview		x 50 =		150
Attorney of record in I-129 Petition for Nonimmigrant Worker		x 50 =		200
Attorney of record in I-539 Application to Extend or Change Nonimmigrant Status		x 25 =		100
Attorney of record in PERM Labor Certification filing		x 100 =		300
Attorney of record in I-140 Petition for Immigrant Worker based on certified PERM		x 50 =		150
Attorney of record in I-140 Petition for Immigrant Worker EB1 (A, B or C)		x 100 =		300
Attorney of record in I-140 Petition for Immigrant Worker EB2 NIW		x 100 =		300
Attorney of record in I-360 Petition for Religious Worker		x 75 =		150
Attorney of record in EB5 petitions I-526 or I-829		x 100 =		300
Attorney or record in I-924, Application for Regional Center Designation		x 150 =		450
Attorney of record in I-751 Petition to Remove Conditions on Residence		x 50 =		150
Attorney of record in I-130 Petition for an Immigrant Relative		x 25 =		100
Attorney of record on I-485 Application to Adjust Status including appearing at USCIS for interview		x 50 =		200
Attorney of record on I-360 VAWA petition or Special Immigrant Juvenile		x 50 =		150
Attorney of record in Immigrant Visa Consular Processing at the NVC and U.S. Consulate		x 50 =		150
Attorney of record in Nonimmigrant Visa Consular Processing at U.S. Consulate		x 25 =		100
Attorney of record in 212(d)(3) nonimmigrant waiver of inadmissibility application before DOS or CBP		x 50 =		200
Attorney of record in I-601/I-601A application for waiver of inadmissibility for an immigrant		x 100 =		400
Attorney of record in I-212 waiver after prior removal or deportation: permission to reapply for admission		x 100 =		200
Attorney of record in nonimmigrant visa application with CBP		x 50 =		200
Attorney of record for Parole in Place		x 50 =		150
Attorney of record in U or T petition		x 50 =		150

Tally of points: _____

Other Qualifying Activities (Maximum 500 cumulative points in this category)	Number	Points	Total	Max. Pts.
Leadership position in AILA or other approved Immigration Law specific organization		x 50 =		200
Speaker at approved Immigration Law specific CLE program(s)		x 50 =		200
Performance of a leading or critical role in a distinguished organization related to immigration law		x 50 =		200
Participation as the judge of the work of others in the field of Immigration Law (i.e. editor of immigration law publication, service on a board certification committee, etc.)		x 50 =		200
Author of book on Immigration Law		x 150 =		450
Author of book chapter on Immigration Law topic (cannot include chapter in book for which credit given above as primary author)		x 50 =		300
Author of article on Immigration Law topic in peer-reviewed publication		x 50 =		150
Taught semester of Immigration Law course (including Immigration Law Clinic) at an ABA accredited law school		x 75 =		300

Tally of points: _____

C. Educational Experience

- The applicant must demonstrate substantial participation in continuing legal education and the development of the law relevant to the field of immigration law in the three-year period immediately preceding application either:
- By attendance and/or electronic participation at not less than forty-five hours in programs of continuing legal education relevant to immigration law approved by the Commission and the Standards Committee (up to twenty (20) percent of the continuing legal education may be in ethics) as follows:
Immigrant Visas and Adjustment of Status - immediate relatives, relative preference categories; special immigrants; employment-based preferences; grounds for exclusion and waivers; adjustment of status; legalization; registry and other special programs; and consular procedures;
Non-Immigrant Visas - change or extension of nonimmigrant status, consular processing, and all categories of nonimmigrant visas;
Removal/Deportation/Exclusion Procedures- arrest, custody and bond procedures; removal/deportation/exclusion grounds and waivers; defenses; immigration and administrative law court procedures and rules;
Administrative and Judicial Review - appeals to an appellate body of the Department of Homeland Security, Department of Justice, Department of State, Department of Labor; motions to reopen and motions for reconsideration. The subject matter of Judicial Review may include; appeals to the US Court of Appeals, habeas corpus proceedings, and other district court actions; and Citizenship and Naturalization- naturalization; derivation; acquisition and loss of citizenship/denaturalization;
Humanitarian relief and special programs, including: Asylum and Refugee Status, TPS, U and T visas;
Employer Verification, employer sanctions, worksite enforcement and document fraud
Rescission and revocation
Or

Teaching courses or seminars in immigration law or ethics;
Participation as panelist, speaker, or workshop leader, at educational or professional conferences in immigration law or ethics;
Authorship of books, or of articles published in professional journals, on immigration law or ethics;
By combination of Sections a and b above.

D. Peer Review

- The applicant shall submit with the application the names of seven references who are not present partners, associates, or relatives of the applicant. These references shall be substantially involved in Immigration Law, and familiar with the applicant's practice in that field. References satisfactory to the NBTA must be received from peer practitioners, opposing counsel or judges before whom the applicant has tried a matter in a relevant field, not more than three years before application.
- The NBTA will solicit confidential statements from all persons listed as references and may solicit confidential statements of reference from other persons familiar with the applicant's practice, not specifically named by the applicant. All reference statements received will be reviewed by the NBTA to assess whether the applicant has demonstrated an enhanced level of skill and experience in the area of Immigration Law, integrity and consideration for the interests of clients.

E. Examination

The applicant must pass a written examination to test his or her proficiency, knowledge and experience in Immigration Law, so that the applicant may justify his or her representation of specialization to the public.

F. Legal Writing Document

The applicant shall submit a copy of a legal writing document, no more than three years before the date of application which he or she was the exclusive author that he or she has prepared, filed or published. The writing must be redacted to not include privileged information. This will be a substantial document in the area of Immigration Law, containing concise and accurate writing, stating facts (either actual or hypothetical), stating applicable law, analysis of how the law applies to the facts, written in an appropriately argumentative manner and well-constructed (i.e. organized, grammatically correct, demonstrative of good syntax and usage). Acceptable documents include but are not limited to: briefs (before an agency, court or appellate body); motions with legal arguments; legal arguments made in response to requests for evidence or notices of intent to deny or revoke; or articles written for law journals, law reviews and other legal publications. The quality of the legal documentation will be evaluated on those criteria and will determine whether the applicant is qualified for certification.

G. Disclosure of Conduct

1. In order to assist the evaluation of whether the applicant possesses an enhanced level of skill and expertise in Immigration Law and has demonstrated integrity and dedication to the interest of clients, the applicant shall to the extent known, disclose to the NBTA as soon as permitted by law:
 - a. The filing of any criminal charges against the applicant together with all details called for by the Disclosure of Conduct Form;
 - b. The filing or submission of any allegation of unethical or inappropriate professional conduct with any court, grievance committee or disciplinary board or body together with all details called for by the Disclosure of Conduct Form; and
 - c. The assertion of any claim of professional negligence or professional liability, whether or not suit has been filed, which is based in any part on alleged acts or omissions of the applicant or member or on the acts or omissions of any other attorney over whom the applicant or member had any responsibility together with all details called for by the Disclosure of Conduct Form.
2. The NBTA shall determine, in accordance with its standards and procedures whether the conduct is such that certification should be granted, denied, suspended or revoked, or whether action should be deferred pending receipt of additional information. The NBTA will take into consideration any findings made by other bodies concerning such conduct but is not bound by any such findings and will make its own independent assessment concerning how such conduct bears on whether an attorney is qualified to obtain or maintain certification.
3. The failure of an applicant to disclose such conduct is a material misrepresentation and may be cause for rejecting an application or refusing to grant certification, or for suspending or revoking a certificate. The applicant shall have a continuing duty to disclose such matters to the NBTA Board.

Annual Reporting

Annually, members will be required to submit a Disclosure of Conduct form and annual dues. The member's annual dues and Disclosure of Conduct (Part G of the Certification Standards) must be current before an application for recertification will be granted. Disclosure of Conduct/Liability shall be submitted to the Commission and to the Standards Committee to determine if certification should be continued.

Denial or Revocation of Certification

- A. An applicant for certification may be denied for failure to comply with any of the requirements relating to good standing, substantial involvement, educational experience peer review, examination, legal writing document, disclosure of conduct, financial responsibility, or any other failure to demonstrate possession of an enhanced level of skill and expertise in Immigration Law and demonstrated integrity and dedication to the interests of clients.
- B. An applicant for recertification may be denied for failure to comply with any of the requirements relating to good standing, substantial involvement, educational experience, peer review, disclosure of conduct or any other failure to demonstrate possession of an enhanced level of skill and expertise in Immigration Law and integrity and dedication to the interest of clients.
- C. An existing certification may be revoked for failure to demonstrate maintenance of an enhanced level of skill and experience in Immigration Law and integrity and dedication to the interest of clients as required for certification for failure to maintain compliance with the financial responsibility requirements.
- D. Decisions of the Commission and the Examination Committee are final and not subject to further review or appeal. An attorney who is refused certification for any other reason, or who is refused recertification or whose certification is revoked may pursue review under the Appeal Procedures of the NBTA. Exhaustion of this right shall be a condition precedent to judicial review.
- E. An attorney who is refused certification or recertification, or whose certification is revoked, may not apply for certification until one year after the date of such refusal, denial or revocation.
 - F. Suspension of the license to practice law shall operate as an automatic revocation of certification.
- G. An attorney who publicizes a certification or application for certification prior to its being granted, or who continues to publish a certification after it has been revoked or suspended may be barred from certification.