

AI FOR IMMIGRATION PRACTICE

AI in *Immigration* Court

Sanctions, standing orders, and candor. What the AI failures in court actually changed, and how to file without becoming the next cautionary tale.

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Contents

How AI entered the courtroom Through the briefs, not the front door	03
What actually changed Sanctions and standing orders	04
Your duties when AI touches a filing Four rules, no exceptions	05
When you must tell the court Disclosure is your court's rule	06
The pre-filing checklist Before you file in immigration court	07
Where to start The first move	08

AI entered through the briefs

AI did not enter the courtroom through the front door. It arrived in filings, quietly, and the first time most judges noticed was when the citations turned out to be fake.

The most public example, *Mata v. Avianca*, was not an immigration case, but its lesson now reaches every lawyer who files. A brief built on cases a chatbot invented, submitted without checking, ended in sanctions.

Courts moved fast. Many judges issued standing orders requiring lawyers to disclose or certify their use of AI. Others simply made clear that a fabricated citation is sanctionable whether or not a machine produced it.

The throughline is older than any of this. Candor to the tribunal. Rule 3.3 did not change because the tool did. This guide is about practicing in immigration court in a way that keeps you on the right side of it.

Source: *Mata v. Avianca, Inc.*, S.D.N.Y., 2023.

What actually changed

Three things, in order, that reshaped what lawyers must do about AI in court.

- **Sanctions arrived.** A federal court sanctioned lawyers for a brief full of AI-fabricated cases, putting every practitioner on notice that the citation is the lawyer's responsibility, not the tool's.
- **Standing orders spread.** Many federal judges now require lawyers to disclose or certify their use of AI in filings. The requirement is per judge and per court, not uniform.
- **Intent stopped mattering.** Courts increasingly treat a fabricated citation as sanctionable regardless of whether a human or a model wrote it, and regardless of whether the lawyer meant to deceive.

The pattern is consistent. **The court does not care that AI made the mistake.** It cares that a lawyer filed it.

When AI touches a filing

Four duties carry the weight. None of them bend because a tool was involved.

Candor (Rule 3.3)

TO THE TRIBUNAL

Do not put anything before the court you have not verified. A fake or misused citation is a candor failure, not a clerical one.

Competence (Rule 1.1)

INCLUDING THE TOOL

Understand what the tool can and cannot do. Technological competence is part of the duty, not separate from it.

Confidentiality (Rule 1.6)

THE CLIENT FILE

Do not feed the client's information to a tool that trains on it or retains it without protection.

Supervision (Rules 5.1, 5.3)

STAFF AND TOOLS

You answer for the work of the people you supervise and the tools they use. Set the rules and check the output.

Source: ABA Model Rules of Professional Conduct 1.1, 1.6, 3.3, 5.1, 5.3; ABA Formal Opinion 512, 2024. Confirm your own state's rules.

When you must tell the court

There is no single national rule. Disclosure is whatever your court requires. Before you file:

- **Check the judge's standing orders and the local rules** for any AI disclosure or certification requirement.
- **If a certification is required**, complete it honestly and keep a copy in the file.
- **When in doubt, verify everything and disclose what the rule asks.** Nothing hidden, nothing assumed.
- **Keep a record** of which tool was used where, so you can answer plainly if the court asks.

The lawyers who get hurt are rarely the ones who disclosed. **They are the ones who did not check.**

Before you file in immigration court

Every line true before any AI-assisted filing goes to the court.

- The judge's standing orders and local rules have been checked for AI requirements.
- Any required AI certification is completed and kept in the file.
- Every citation has been verified in a primary source.
- The client's confidential information never entered an unprotected tool.
- A supervising attorney has reviewed the filing.
- A record of AI use on the matter exists.

WHERE TO START

The court does not *care that AI did it.*

It cares that a lawyer filed it. The firms that build verification and disclosure into how they work get the speed of AI without the risk of becoming the next sanctioned name.

Simplarity sets up the controls and the record, so AI never reaches a filing unchecked and you can answer any judge plainly.

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