

AI v. Immigration Lawyer: Playing ‘Beat the Champ’



By [Elizabeth M. Klarin](#), [Eileen M. Martin](#)

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These days, there is a lot of chatter about AI replacing jobs — even those of professionals like doctors and lawyers. But the role of AI isn’t really to prepare a case for someone; there is far too much nuance to the practice of immigration law, and to what makes most cases successful, than can be boiled down to a formula that can be followed by AI. That said, more and more of the initial vetting of ideas regarding what kinds of status one might qualify for is being done through AI, with mixed results.

Instead of just getting the question, “What status(es) do you think I’m eligible for?” lawyers are receiving more targeted initial inquiries, clearly based on AI-generated advice. While this often results in some of the correct assumptions of appropriate options, it also can miss some of the most important considerations to determine the best nonimmigrant or immigrant option for individuals, families and businesses looking to come to the U.S.

One of the best examples of this is the E-1 (treaty trader) visa. This is a visa available to foreign nationals from certain countries (with an appropriate treaty), who are engaging in substantial international trade with the U.S. Time and again, we speak with clients who — despite having asked AI what their visa options are based on their specific circumstance — have never heard of this option. Largely, AI is conflating E-1 visas with other types of visas

like E-2s (treaty investor visas), and it doesn't appear to understand when and how one truly qualifies.

This “missing the forest for the trees” by AI is likely occurring for a very good reason: for many immigration-related processes, the U.S. government is constantly shifting the policy landscape such that you're never quite sure when you're standing on firm ground. While the law itself doesn't tend to change substantially in its fundamentals, much of the knowledge sitting with experienced immigration attorneys about what makes a case successful doesn't come from anything available on the internet. Instead, this knowledge comes from identifying trends based on what they are seeing with adjudications of other, similarly situated clients, from specific government offices or agencies, and from shared intel from other immigration attorneys about the trends they are seeing in their casework.

To survive and thrive, the immigration law community has evolved to communally share and address major (and even minor) issues. Any good immigration lawyer will be tapped into this river of information, and most track professional LISTSERVs where key questions and patterns are identified, and successful strategies for addressing challenges are shared. This information mostly sits in proprietary, subscription-based domains such as the American Immigration Lawyers Association, so it sits outside of conventional internet-available information. With such a complex and discretionary area of law, the nuances of policy and how it may impact a specific type of case or client scenario can be critical to a successful outcome.

That said, AI certainly has its uses when it comes to immigration law. If you know enough to ask the right questions, it can provide wonderful, accurate and succinct overviews of process types, standard or common roadblocks to success and things to watch out for. The problem is that it doesn't always get things right — and without understanding immigration law, the layperson would have no way of knowing the difference. Time and again, I see nearly correct answers to questions. As I have tested AI and its usability, asking some of the most common questions my clients are asking, to see how accurate its responses are, even I have found myself saying, “Wait, that's almost right except for this one (very pivotal) thing.” And that one very pivotal thing is always something a layperson would have no way of identifying as a fatal flaw in the strategy being suggested by AI.

The bottom line is that AI is a wonderful diving board. It can often give very effective responses to general questions. But when it comes down to diving into the pool of law and policy when you have to swim in to prepare an immigration case, those hoping that AI will do the work for them pursue that path at their peril.

U.S. immigration has never been more complex, approvals more discretionary or policy less transparent than it is today. While AI can certainly help answer questions for those wishing to represent themselves in immigration processes, you would still be wise to at least consult with a qualified and experienced immigration lawyer on the best strategy for you, and to check that your work has been done correctly. Handling the weighty and important casework on your own that is required to successfully come to or stay in the U.S. — particularly as a work-authorized nonimmigrant, or as a permanent resident — is taking one heck of a risk.

If you are ready to speak with an immigration attorney about any matters you may have encountered, please contact Lippes Mathias immigration team members Elizabeth M. Klarin (eklarin@lippes.com) or Eileen M. Martin (emartin@lippes.com).

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