

## AI FOR GOOD: EXPANDING LEGAL SERVICES FOR IMMIGRANTS

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The perils of using artificial intelligence in legal advocacy have been well documented. AI tools like ChatGPT have produced fabricated legal citations—also known as “hallucinations”—which some lawyers have unknowingly submitted in court filings.<sup>1</sup>

In a widely publicized example, two attorneys representing the plaintiff in *Mata v. Avianca, Inc.* filed a legal brief that included several fictitious case citations generated by ChatGPT.<sup>2</sup> While these attorneys’ misuse of AI was particularly egregious, when asked by the court to explain where they found the case law that they cited, they doubled down and used ChatGPT to produce nonexistent judicial opinions.<sup>3</sup> The attorneys were sanctioned under Rule 11 of the Federal Rules of Civil Procedure and caught the legal community’s attention.<sup>4</sup> Pro se litigants have also been chastised for citing to “hallucinated” case law in court filings, though courts have often treated them more leniently than similarly situated licensed attorneys.<sup>5</sup> Beyond hallucinations, other AI

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2. See *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 448 (S.D.N.Y. 2023); Benjamin Weiser, *Here’s What Happens When Your Lawyer Uses ChatGPT*, N.Y. TIMES (May 27, 2023), <https://www.nytimes.com/2023/05/27/nyregion/avianca-airline-lawsuit-chatgpt.html> [<https://perma.cc/CK73-YEC3>].

3. See *Mata*, 678 F. Supp. 3d at 457–58.

4. *Id.* at 464.

5. See, e.g., *Anonymous v. N.Y.C Dep’t of Educ.*, 2024 WL 3460049, at \*21 (S.D.N.Y. 2024) (“[T]he Court is mindful of its obligat[ion] to afford a special solicitude to pro se litigants, which includes leniency in the application of procedural rules. Therefore, the Court declines to sanction Plaintiff at this time and instead warns Plaintiff that the Court

concerns include preserving the confidentiality of client information (a pressing problem given that most AI models “train” on data sets),<sup>6</sup> whether lawyers need to reveal AI usage to clients and obtain their consent,<sup>7</sup> and whether AI usage is consistent with existing court rules and rules of professional conduct.<sup>8</sup>

The promise of using AI for legal work has also been explored. In a randomized controlled trial, researchers at the University of Southern California and the University of Minnesota found that having access to AI helped law students complete legal tasks more quickly, with the lowest-skilled students also experiencing some improvement in the quality of their output.<sup>9</sup>

The market has responded to both the promise and peril of using AI in legal representation. All the main providers of legal data have incorporated AI into their legal research services, and all make promises about the reliability of their generated results.<sup>10</sup> Thomson Reuters (the parent company of Westlaw) says of its generative model, CoCounsel, “We avoid [hallucinated citations] by relying on the trusted content within Westlaw and building in checks and balances that ensure our answers are grounded in good law.”<sup>11</sup> LexisNexis appears to go one step further, promising that its Lexis+ AI provides “hallucination-free legal

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will not look kindly on similar infractions in the future.” (internal quotation marks and citation omitted)).

6. See Owen R. Wolfe & Eddy Salcedo, *With AI Use, Lawyers Need to Ponder Confidentiality Stipulations*, BLOOMBERG L. (July 1, 2024), <https://news.bloomberglaw.com/us-law-week/with-ai-use-lawyers-need-to-ponder-confidentiality-stipulations> [https://perma.cc/SD35-8P4E].

7. A.B.A. Comm. on Ethics & Pro. Resp., Formal Op. 512, at 8, 12 (July 29, 2024), [https://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/ethics-opinions/aba-formal-opinion-512.pdf](https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/ethics-opinions/aba-formal-opinion-512.pdf) [https://perma.cc/4XH9-VTG5] (advising that attorneys must inform clients of the use of generative AI tools pursuant to Model Rule 1.4 and ensure fees associated with such tools are reasonable and transparent under Model Rule 1.5).

8. See Sara Merken, *Illinois Top Court Say Judges and Lawyers Can Use AI, With Limits*, REUTERS (Dec. 19, 2024), <https://www.reuters.com/legal/government/illinois-top-court-say-judges-lawyers-can-use-ai-with-limits-2024-12-19> [https://perma.cc/RWQ3-XSV3] (reporting that the Illinois Supreme Court authorized the use of artificial intelligence by judges and attorneys, subject to ethical and legal guidelines, effective Jan. 1, 2025).

9. Jonathan H. Choi, Amy B. Monahan & Daniel Schwarcz, *Lawyering in the Age of Artificial Intelligence*, 109 MINN. L. REV. 147, 152–53 (2024).

10. See generally *Introducing AI-Assisted Research: Legal Research Meets Generative AI*, THOMSON REUTERS (Nov. 15, 2023), <https://legal.thomsonreuters.com/blog/legal-research-meets-generative-ai/> [https://perma.cc/HD94-XKAAQ] (explaining how Westlaw Precision employs AI to assist legal research).

11. *Id.*

citations.”<sup>12</sup> Drilling down, LexisNexis concedes that “our promise is not perfection,” but using a proprietary RAG (Retrieval Automated Generation) platform that builds upon its closed universe of data, LexisNexis promises that its linked citations are, in fact, real and relevant to the user’s legal inquiry.<sup>13</sup>

AI raises important possibilities—and questions—for those of us interested in expanding legal access for poor and underrepresented communities and for closing the social justice gap. To see whether AI could help legal services, attorneys Colleen Chien and Miriam Kim conducted a field study in which the attorneys were given free access to paid generative AI tools; a randomly selected subset “also received ‘concierge’ support including peer use cases, office hours,” and other assistance.<sup>14</sup> Like the controlled trial of law students, Chien and Kim found that “90% of pilot participants reported increased productivity.”<sup>15</sup> Interestingly, the women lawyers, who before the study were far less likely than their male counterparts to use or value AI tools, had statistically indistinguishable results from the male lawyers at the end of the study.<sup>16</sup> The gendered component is important, given that most legal aid lawyers are women.<sup>17</sup> Chien and Kim suggest, rightfully so, that introducing AI to legal service providers, along with providing adequate tech support, could increase the legal services available to low-income individuals by making legal aid lawyers more productive.<sup>18</sup>

The possible benefits of AI in expanding access to legal services should be viewed against the backdrop of incredible need for these services. In a 2016 national study of access to counsel in U.S. immigration courts, Ingrid Eagly and Steven Shafer found that only 37% of all immigrants in removal proceedings had legal representation, and that number drops to 14% when only detained immigrants are considered.<sup>19</sup> And having legal representation makes important differences: among

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12. Serena Wellen, *How Lexis+ AI Delivers “Hallucination-Free” Linked Legal Citations*, LEXISNEXIS (May 2, 2024),

<https://www.lexisnexis.com/community/insights/legal/b/product-features/posts/how-lexis-ai-delivers-hallucination-free-linked-legal-citations> [<https://perma.cc/QK8B-TAH8>].

13. *Id.*

14. Colleen V. Chien & Miriam Kim, *Generative AI and Legal Aid: Results from a Field Study and 100 Use Cases to Bridge the Access to Justice Gap*, 57 LOY. L.A. L. REV. 903, 903 (2025).

15. *Id.*

16. *Id.* at 903–04.

17. *See id.* at 909–10.

18. *Id.* at 910.

19. Ingrid Eagly & Steven Shafer, *Access to Counsel in Immigration Court*, AM. IMMIGR. COUNCIL (Sep. 28, 2016), <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court> [<https://perma.cc/4XCB-VKH8>].

detained immigrants, 49% of those who had legal representation obtained relief, while only 23% of those without representation obtained similar relief.<sup>20</sup> The difference among non-detained immigrants is even starker: 63% with counsel obtained relief, while only 13% without counsel got relief—a nearly fivefold difference.<sup>21</sup> As the Trump administration pushes its campaign of mass deportations, the numbers of immigrants in removal proceedings—and their need for legal representation—will only increase.<sup>22</sup> Outside of the removal context, there are many more immigrants who need legal assistance;<sup>23</sup> in many ways, those who are not in removal proceedings may be the best candidates for AI assistance because they may have better access to the technology and may have simpler legal issues.

The Chien and Kim study focuses on AI's promise as used by *lawyers*.<sup>24</sup> In this Essay, we explore the possibilities for putting AI technology in the hands of clients themselves, considering the advantages and disadvantages. Thinking about the specific context of immigration law, we could envision apps that help individuals to prepare for interviews for affirmative asylum, visas, or naturalization; to educate them about their rights in ways that are more specific, timely, and convenient than current know-your-rights formats; or, in a more attorney-adjacent interaction, using an app to conduct the initial intake interview and organize that information, making the usual time-consuming intake process more efficient and effective. We are not envisioning apps that give legal advice or replace lawyers entirely; as Chief Justice Roberts said in his 2023 end of year report, “[L]egal determinations often involve gray areas that still require application of human judgment.”<sup>25</sup> But as lawyers, it would be remiss of us to ignore the promise of AI to increase legal assistance for immigrants because we fear its perils.

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20. *Id.*

21. *Id.*

22. *Fact Sheet: Expanded Expedited Removal*, NAT'L IMMIGR. F. (May 14, 2025), <https://immigrationforum.org/article/fact-sheet-expanded-expedited-removal/> [<https://perma.cc/C9BC-6ERK>].

23. *See generally* Ingrid Eagly & Steven Shafer, *Access to Counsel in Immigration Court*, AM. IMMIGR. COUNCIL (Sep. 28, 2016), <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court> [<https://perma.cc/7HC4-L269>] (explaining the various forms of assistance many immigrants need).

24. *See* Chien & Kim, *supra* notes 14–15 and accompanying text.

25. JOHN G. ROBERTS, JR., 2023 YEAR-END REPORT ON THE FEDERAL JUDICIARY 6 (2023), <https://www.supremecourt.gov/publicinfo/year-end/2023year-endreport.pdf> [<https://perma.cc/P5KM-9BT8>].

In this specific context, the promise of AI includes the ability to provide more tailored information in different languages and dialects (including the provision of information in response to verbal prompts).<sup>26</sup> With AI's ability to be used on platforms like WhatsApp, users can access legal information and services using familiar technology and at times and places that are most useful.<sup>27</sup> For legal service providers, AI allows for the timely updating of information, a crucial advantage given the rapidly changing immigration law landscape.<sup>28</sup> And counterintuitively, AI apps may be less resource intensive; though there are startup costs to develop and stress test apps, legal services providers may find time savings by updating apps, as compared with the updating of more static resources like websites and email messages.

The promise of AI to expand legal services for immigrants must be considered together with its perils. Perhaps the most quintessential fear about legal apps is that they will provide erroneous legal information; a more subtle fear is that legal apps will provide less nuanced advice than an experienced lawyer could provide.<sup>29</sup> Legal service providers may also be concerned about users submitting fraudulent information or otherwise using an app to try to “game” the legal system (e.g., asking “What is the best story I can have to win asylum?”).<sup>30</sup> Even in the absence of fraud, lawyers may be concerned that apps—especially those used repeatedly to prepare for immigration interviews—may make applicants sound unauthentic or too rehearsed.<sup>31</sup> Lawyers may also be concerned about creating empathy and trust in app interfaces so that users feel comfortable sharing personal information that may be traumatic or embarrassing.<sup>32</sup> Lawyers may also be concerned about apps that provide legal advice and thus engage in the unauthorized practice of law.<sup>33</sup> And finally, both legal service providers and users should be concerned about

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26. See Rechelle Ann Fuertes, *Conversational Agents and Multilingual Support: Breaking Language Barriers with AI*, SMYTHOS, <https://smythos.com/developers/agent-development/conversational-agents-and-multilingual-support/> [https://perma.cc/HEJ7-C7TZ].

27. See *WhatsApp Chatbot for Law Firms: Benefits, Implementation, and Best Practices*, GALLABOX (June 22, 2025), <https://gallabox.com/blog/whatsapp-chatbot-for-law-firms> [https://perma.cc/7HYF-ZB7E].

28. See generally NAT'L IMMIGR. F., *supra* note 22 (showing how immigration laws evolve depending on the administration).

29. See Inyoung Cheong et al., *I Am Not a Lawyer, But...: Engaging Legal Experts towards Responsible LLM; Policies for Legal Advice*, ARXIV, at 12 (Feb. 2, 2024), <https://arxiv.org/html/2402.01864v1> [https://perma.cc/WX7G-Y5SQ].

30. See *id.* at 11–12.

31. See *id.* at 3.

32. See *id.*

33. See *id.*

the security and confidentiality of personal information provided by users.<sup>34</sup>

In this Essay, we offer some thoughts about how the promise and perils might play out with the three immigration-focused apps described above: an interview app, a Know Your Rights app, and an intake app. As others have noted, AI has the potential to provide more tailored legal assistance to people who might otherwise struggle to access help.<sup>35</sup> Instead of relying on general legal information that might be found in a pamphlet or other static source, AI can tailor information to users' specific circumstances and respond dynamically, and more empathetically, to questions.<sup>36</sup> For example, instead of reading through a long know-your-rights information sheet posted on an immigration advocacy website, a user could type, "What should I do if ICE comes to my house?" An AI-powered bot might respond, "That must be a very stressful situation for you to think about. First, let's make sure that the person at your door is an ICE officer. Here are the differences between an ICE officer and other law enforcement officers."

This AI-generated response has several advantages compared to the more conventional website or pamphlet. First, the AI response provides the information that the user is seeking (what to do if ICE shows up at their home) but provides the information with important context (knowing how to distinguish between different types of law enforcement officers, as those differences inform the legally required responses). For example, while a person is legally required to comply with local police who have arrest warrants, they generally do not have to open the door to ICE unless the agents have a judicial warrant signed by a judge or U.S. magistrate—an administrative warrant signed by an ICE officer does not allow officers to enter a home without consent.<sup>37</sup> AI's explanation of these

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34. See *id.* at 3.

35. See Laura Safdie, *AI and Legal Aid: A Generational Opportunity for Access to Justice*, THOMSON REUTERS (Feb. 3, 2025), <https://www.thomsonreuters.com/en-us/posts/ai-in-courts/ai-legal-aid-generational-opportunity> [<https://perma.cc/SX5E-VFVZ>]; Natalie Runyon, *Chatbots for Justice: The Impact of AI-Driven Tech Tools for Pro Se Litigants*, THOMSON REUTERS (Feb. 12, 2025), <https://www.thomsonreuters.com/en-us/posts/ai-in-courts/chatbots-pro-se-litigants> [<https://perma.cc/9TBC-RMQS>]; Ashwin Telang, *The Promise and Peril of AI Legal Services to Equalize Justice*, HARV. J.L. & TECH. DIG. 1 (Mar. 14, 2023), <https://jolt.law.harvard.edu/digest/the-promise-and-peril-of-ai-legal-services-to-equalize-justice> [<https://perma.cc/F8K3-J66M>].

36. See Andrew Perlman, *The Implications of ChatGPT for Legal Services and Society*, HARV. L. SCH. CTR. ON THE LEGAL PRO. (Feb. 20, 2023), <https://clp.law.harvard.edu/article/the-implications-of-chatgpt-for-legal-services-and-society/> [<https://perma.cc/9LDT-X4MG>].

37. *Understand the Difference between Judicial Warrants and ICE Warrants*, COLO. IMMIGR. RTS. COAL. (Jan. 16, 2025), <https://coloradoimmigrant.org/related/understand-the-difference-between-judicial-warrants-and-ice-warrants> [<https://perma.cc/2DUM-LC4W>].

distinctions not only informs users of their rights but can also provide other practical advantages to reduce potential harm, such as advising the named individual to step outside and close the door behind them to protect others in the household from ICE scrutiny.<sup>38</sup>

Second, the AI-generated information can be quickly updated as the legal landscape changes. For example, at the beginning of the second Trump administration, Acting Department of Homeland Security Secretary Benamine Huffman issued a directive authorizing law enforcement officials in the U.S. Marshals, Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Federal Bureau of Prisons to investigate and apprehend those without legal immigration status.<sup>39</sup> Also, at the time of writing, there are reports that ICE officers are making arrests while wearing plainclothes and face masks.<sup>40</sup> A person who is trying to determine if the person at their home is actually an ICE officer would need to know about these developments. Unlike printed materials or periodic legal workshops, AI systems can be updated very quickly as policies and laws change, giving users access to the most current information.<sup>41</sup>

The third advantage of AI-generated responses is the ability to express empathy to users. Immigrants often experience trauma, fear, and uncertainty, and they may be hesitant to share their stories with a machine.<sup>42</sup> Thus, lawyers may be concerned that AI-generated interactions may be too impersonal, causing emotional harm to users and preventing the apps from effectively carrying out their intended tasks.<sup>43</sup>

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38. See Runyon, *supra* note 35.

39. Press Release of *Statement from a DHS Spokesperson on Directive Expanding Immigration Law Enforcement to Some Department of Justice Officials*, U.S. DEPT OF HOMELAND SEC. (Jan. 23, 2025), <https://www.dhs.gov/news/2025/01/23/statement-dhs-spokesperson-directive-expanding-immigration-law-enforcement> [https://perma.cc/36MP-89RZ]. See also Ximena Bustillo & Chiara Eisner, *As Trump Shrinks Other Parts of Government, Immigration Task Forces Grow*, NPR (Mar. 4, 2025, 5:15 AM), <https://www.npr.org/2025/03/04/nx-s1-5311686/trump-immigration-task-force> [https://perma.cc/BHF4-58SR].

40. See Jack Healy et al., *A Video From Tufts Captures the Fear and Aggression in Trump's Crackdown*, N.Y. TIMES (Mar. 27, 2025), <https://www.nytimes.com/2025/03/27/us/politics/tufts-ice-crackdown.html> [https://perma.cc/N8Q7-5LZL].

41. See Runyon, *supra* note 35.

42. See Adam England, *Immigration Trauma: What It Is and How to Cope*, VERYWELL (Dec. 6, 2022), <https://www.verywellmind.com/immigration-trauma-6745707> [https://perma.cc/U338-UABM].

43. See Tita Alissa Bach et al., *A Systematic Literature Review of User Trust in AI-Enabled Systems: An HCI Perspective*, 40 INT'L J. HUM. COMPUT. INTERACTION 1251, 1254 (2024).

But it is possible to design these tools with empathy and emotional intelligence, even while making clear that the tool is not a human.<sup>44</sup> Rather than presenting an impersonal, transactional interface, the AI can use reflective listening techniques (“It sounds like you are worried about your upcoming interview.”) and validating responses (“That is a concern that many others have too.”).<sup>45</sup> Small design features like pauses or animated dots between responses to signal the AI is “thinking” or warm language choices can humanize the experience without pretending the tool has feelings or consciousness.<sup>46</sup> Specific to immigration applications, recall our proposed response to the question of what to do if ICE shows up at a user’s home that first expresses empathy for the user, before providing legal information.<sup>47</sup> Similarly, an intake app can be trained to express empathy as it asks follow up questions about the user’s asylum claim, especially if the user reveals personal trauma.<sup>48</sup>

It may seem strange to think about a computer program expressing empathy to human users, but studies have shown that AI can express empathy as well as, or even better than, humans.<sup>49</sup> In the healthcare field, researchers have evaluated how AI responses compare to those of real physicians in patient-provider interactions.<sup>50</sup> In one study, Mayo Clinic physicians and ChatGPT responded to actual patient questions, and a panel of laypeople evaluated the responses without knowing their source.<sup>51</sup> Remarkably, ChatGPT’s replies were rated as more empathetic than the physicians’ in 72.85% of cases.<sup>52</sup> These findings suggest that AI’s empathetic potential—when carefully guided—can be as effective as that of humans; translated to the legal field, this empathy and emotional intelligence are particularly important to elicit an individual’s recollection of events.

While chatbots should be trained to express empathy, chatbots should also clearly state at the onset of the interaction that they are not

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44. See Ian Miller, *Humanizing AI for Better Customer Experiences*, CUSTOMER SERV. MANAGER, <https://www.customerservicemanager.com/humanizing-ai-for-better-customer-experiences/> [https://perma.cc/88HT-WV3P].

45. See *id.*

46. See *id.*

47. See Perlman, *supra* note 36 and accompanying text.

48. See *id.*

49. See generally Bach, *supra* note 43 (demonstrating the ways in which AI can facilitate user trust).

50. See Vera Sorin et al., *Large Language Models and Empathy: Systematic Review*, 26 J. MED. INTERNET RSCH. 1, 1–2 (2024).

51. Man Luo et al., *Assessing Empathy in Large Language Models with Real-World Physician-Patient Interactions*, ARXIV (May 26, 2024), <https://arxiv.org/pdf/2405.16402> [https://perma.cc/C459-D7ND].

52. *Id.* at 6515.

human and issue periodic reminders (e.g., if an intake interview is conducted over different sessions).<sup>53</sup> As a first principle, honesty requires this kind of transparency. Studies also suggest that this combination—empathy and clear reminders that the interaction is tech-driven and not human—may also be the sweet spot to achieve an app’s intended purpose.<sup>54</sup> For example, one study found that upfront disclosure of a chatbot’s artificial identity helped users adjust their expectations and “reduce[] the cognitive effort they needed to invest in assessing what they were interacting with.”<sup>55</sup>

Another advantage of app-generated responses—related to empathy but on the opposite side of the emotional spectrum—is their ability to be skeptical, curt, or even mean.<sup>56</sup> Experienced immigration lawyers know that interviews for immigration benefits like citizenship or asylum are often conducted by interviewers who are looking for discrepancies between an applicant’s verbal answers or between verbal answers and written answers previously provided.<sup>57</sup> And in looking for those discrepancies, interviewers are often skeptical, curt, or even mean.<sup>58</sup> Lawyers who are helping clients with these kinds of applications often do mock interviews; similarly, interview apps where users can upload previous written applications (like the N-400 application for naturalization) can help users prepare for questions, pressing them about inconsistencies and other worst case scenarios.<sup>59</sup> Applicants who encounter skeptical, curt, or mean questions in a mock interview are better prepared for similar questions during actual interviews.<sup>60</sup>

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53. See Van der Goot et al., *Understanding Users’ Responses to Disclosed vs. Undisclosed Customer Service Chatbots: A Mixed Methods Study*, 39 AI & SOC’Y 2947, 2947–48 (2024).

54. See *id.* at 2957.

55. *Id.* at 2956–57.

56. See generally *AI-Generated Responses: How They Work and Why They Matter*, DUMPLINGAI (Mar. 6, 2025) <https://www.dumplingai.com/blog/ai-generated-responses-how-they-work-and-why-they-matter> [<https://perma.cc/6YAG-VEGM>] (detailing the breadth of AI-generated responses).

57. See Jason Dzubow, *To Win Asylum, Consistency Is Key*, THE ASYLUMIST (Mar. 7, 2024), <https://www.asylumist.com/2024/03/07/to-win-asylum-consistency-is-key/> [<https://perma.cc/U2RF-MWXL>].

58. See Iona Bray, *Dealing With a Bad Green Card Interview*, ALLLAW (June 3, 2024), <https://www.alllaw.com/articles/nolo/us-immigration/dealing-bad-green-card-interview.html> [<https://perma.cc/PNR8-TD7U>].

59. See, e.g., James Pittman, *How to Prepare Immigration Clients for Court and Interviews with Legal Role-Playing*, DOCKETWISE (June 23, 2025), <https://www.docketwise.com/blog/how-to-prepare-immigration-clients-for-court-and-interviews-with-legal-role-playing/> [<https://perma.cc/ZCH9-CXH6>]; *Mock Interview with Former USCIS & Consular Officers*, LAWFULLY (June 23, 2025), <https://www.lawfully.com/mock-interview> [<https://perma.cc/P974-M56C>].

60. See Pittman, *supra* note 59.

Regarding an interview preparation app specifically, attorneys may be concerned that too much practice may make an applicant's responses appear rehearsed or inauthentic to government interviewers.<sup>61</sup> This concern exists with traditional lawyer-client preparation interviews,<sup>62</sup> and the use of AI to help applicants prepare for immigration interviews could heighten those worries. But just as a human lawyer would warn a client about the pitfalls of over-rehearsed or embellished answers, an app could give these warnings as well throughout the practice session. App developers could also limit the number of practice sessions that a user participates in, either as a total number or as a daily limit. And to address concerns that AI may be manipulated by users looking to game the system—for instance, by asking, “What kind of asylum cases usually win?” in hopes of tailoring their narrative to match—the tool can be trained to recognize and reject such prompts.<sup>63</sup> In these cases, the app can respond with explanations about the importance of truthfulness and the consequences of misrepresenting facts to immigration authorities.

More generally, an additional advantage for AI apps is their ability to meet people where they are—in time and space.<sup>64</sup> Even when legal services are available, logistical barriers often prevent people from accessing those services.<sup>65</sup> Those barriers include transportation challenges, work obligations, or caregiving responsibilities.<sup>66</sup> In some rural or underserved areas, there may simply be no legal services nearby.<sup>67</sup> With an app, an individual can get help late at night, on weekends, or during times of need—making apps especially valuable when time is scarce.<sup>68</sup> Moreover, AI assistance does not require

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61. Victoria Neilson, *Asylum Manual*, IMMIGR. EQUAL. § 26.2.13 <https://immigrationequality.org/asylum/asylum-manual/> [<https://perma.cc/XZA7-NKBF>].

62. See generally A.B.A. Comm. on Ethics & Pro. Resp., Formal Op. 508 (2023) (clarifying ethical boundaries in witness preparation and distinguishing permissible guidance from improper coaching, including considerations for remote proceedings).

63. See generally *Configure Content Filters*, MICROSOFT LEARN (July 2, 2025) <https://learn.microsoft.com/en-us/azure/ai-foundry/openai/how-to/content-filters> [<https://perma.cc/PLN9-ZP3U>] (showing how to configure filters to block specific content).

64. See Cole Stryker & Eda Kavlakoglu, *What is AI?*, IBM (Aug. 9, 2024) <https://www.ibm.com/think/topics/artificial-intelligence#:~:text=AI%20is%20always%20on%2C%20available,for%20customer%20service%20or%20support> [<https://perma.cc/695P-ZG5S>].

65. See *Standard 3.3 on Service Delivery to Communities*, A.B.A. [https://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defense/resource\\_center\\_for\\_access\\_to\\_justice/standards-and-policy/updated-standards-for-the-provision-of-civil-legal-aid/standard-3-3-on-service-delivery-to-communities/](https://www.americanbar.org/groups/legal_aid_indigent_defense/resource_center_for_access_to_justice/standards-and-policy/updated-standards-for-the-provision-of-civil-legal-aid/standard-3-3-on-service-delivery-to-communities/) [<https://perma.cc/6CU9-ZSYZ>].

66. *Id.*

67. *Id.*

68. See Stryker, *supra* note 64.

appointments or operate on a fixed schedule, which can be immensely helpful for users who work long hours or night shifts.<sup>69</sup>

Increasingly, the fear of immigration enforcement may also prevent individuals from seeking legal assistance through traditional venues.<sup>70</sup> Individuals may fear that by attending or participating in a legal workshop, they may be identifying themselves (or family members) as undocumented or as having tenuous immigration status.<sup>71</sup> Historically, legal services organizations have held legal workshops in community churches or schools, to reach more people and make accessing legal assistance less intimidating.<sup>72</sup> The organizations did so, knowing that these community places were protected from federal immigration enforcement under an expanded “sensitive locations” policy that has been in effect since 2011.<sup>73</sup> This policy generally restricted immigration enforcement actions at locations such as schools, hospitals, and places of worship, recognizing that fear of enforcement in these settings could prevent individuals from accessing essential services.<sup>74</sup> But since the Trump administration revoked the sensitive locations policy, those community meetings have become riskier.<sup>75</sup> For example, ICE recently conducted an operation at a North Carolina church during preschool pickup hours.<sup>76</sup> Although no arrests were made, the unexpected presence

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69. *Id.*

70. See Sam Stanton, *Protecting our Neighbors A Call to Rapidly Expand Immigration Legal Services in the Face of Federal Overreach* 3, OFF. OF THE N.Y.C. COMPTROLLER BRAD LANDER (June 10, 2025), <https://comptroller.nyc.gov/wp-content/uploads/documents/06-09-Policy-Brief-on-Immigration-Legal-Services.pdf> [<https://perma.cc/5UU7-E7MP>].

71. Sarah Ravani, *Fear of ICE Raids Forcing Many Bay Area Organizers to Cancel Events*, S.F. CHRON. (July 3, 2025), <https://www.sfchronicle.com/bayarea/article/ice-immigrant-events-cancel-20402943.php> [<https://perma.cc/MGU7-K58R>].

72. See, e.g., Max Blaisdell, ‘A Strategy to Defend Ourselves’ – Woodlawn Church Hosts ‘Know Your Rights’ Workshop Amid Immigration Crackdown, HYDE PARK HERALD (Jan. 31, 2025), [https://www.hpherald.com/evening\\_digest/a-strategy-to-defend-ourselves-woodlawn-church-hosts-know-your-rights-workshop-amid-immigration-crackdown/article\\_3b18a218-e025-11ef-a9d0-3708a48ee9f3.html](https://www.hpherald.com/evening_digest/a-strategy-to-defend-ourselves-woodlawn-church-hosts-know-your-rights-workshop-amid-immigration-crackdown/article_3b18a218-e025-11ef-a9d0-3708a48ee9f3.html) [<https://perma.cc/8WTF-T56T>].

73. Elizabeth Jacobs, *History of the ‘Sensitive Areas’ Policies and What Is in Place Now*, CTR. FOR IMMIGR. STUD. (Mar. 7, 2025), <https://cis.org/Jacobs/History-Sensitive-Areas-Policies-and-What-Place-Now> [<https://perma.cc/BUU4-64CM>].

74. *Id.*

75. Lynn Damiano Pearson, *Factsheet: Trump’s Rescission of Protected Areas Policies Undermines Safety for All*, NAT’L IMMIGR. L. CTR. (Feb. 26, 2025), [https://www.nilc.org/wp-content/uploads/2025/01/2025-02.25-Protected-Areas-Fact-Sheet-English\\_.pdf](https://www.nilc.org/wp-content/uploads/2025/01/2025-02.25-Protected-Areas-Fact-Sheet-English_.pdf) [<https://perma.cc/4HC5-ARKD>].

76. Estephany Escobar, *Leader of a Church Group Voices Concerns About ICE Activity Near Place of Worship*, SPECTRUM NEWS (May 28, 2025, at 08:17 PM ET), <https://spectrumlocalnews.com/nc/charlotte/news/2025/05/28/churches-voice-concerns-about-ice-activity-on-church-grounds> [<https://perma.cc/YHQ2-4GG9>].

of immigration agents at a place long considered safe sparked fear and concern among a statewide coalition of North Carolina churches.<sup>77</sup> In light of these risks, AI tools accessible on mobile phones or computers offer a safer alternative—allowing users to seek help from the privacy of their homes without exposing themselves to the dangers of in-person meetings.

Of course, technology presents its own risks. Users, and their lawyers, should be concerned about the security and privacy of user information, with security referring to the risk that the information could be accessed by unauthorized third parties, and privacy referring to a person's right to control the use of their personal information, including the resale and repurposing of that information.<sup>78</sup> App users may be concerned that their personal information would be saved on different servers in ways that can be used to identify them and their experiences. A risk unique to AI interactions is that users' personal information can be used to train the chatbot, with possible far-reaching privacy implications.<sup>79</sup> The risks of giving immigration information are particularly severe because personal information is often sold to private data brokers and used for immigration enforcement purposes by federal or state law enforcement agencies.<sup>80</sup>

Though these risks are significant, they are not unique to immigration clients or our proposed apps. Organizations that use technology to provide legal services—whether nonprofit or for-profit in nature—must protect the security and privacy of their users' information. For example, LegalZoom, which provides online legal services to individuals and businesses, encrypts the sensitive data of its users, “transforming it into a secure code accessible only to personnel authorized by LegalZoom.”<sup>81</sup> Additionally, another common security tool that protects both the security and privacy of data is de-identification: the stripping of personally identifiable information (“PII”) (e.g., names and home addresses) from a file or dataset, and storing that PII in a separate encrypted file, apart from other information (e.g., a person's life

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77. *Id.*

78. See Ketmanto Wangsa et al., *A Systematic Review and Comprehensive Analysis of Pioneering AI Chatbot Models from Education to Healthcare: ChatGPT, Bard, Llama, Ernie and Grok*, 16 FUTURE INTERNET 219, 236–37 (2024).

79. LAURIE HARRIS & LING ZHU, U.S. CONG. RSCH. SERV., R47569, GENERATIVE ARTIFICIAL INTELLIGENCE AND DATA PRIVACY: A PRIMER 4–5 (2023).

80. See Fatma Marouf & Huyen Pham, *Data Sanctuaries* (2026) (unpublished manuscript) (on file with authors) (describing the role of private data brokers like Thomson Reuters in repurposing private data for sale to Immigration & Customs Enforcement).

81. *Security and Privacy at LegalZoom*, LEGALZOOM, <https://www.legalzoom.com/security> [<https://perma.cc/D94H-6DNA>] (last visited Feb. 24, 2026).

experiences that are the basis for an asylum application).<sup>82</sup> Thus, even if an unauthorized user is able to access and unencrypt one file, they would not be able to identify the user without access to the other file(s).<sup>83</sup> Furthermore, app developers and their partnering legal professionals should make sure that they understand the data storage policies and the security measures used by their servers and/or hosting providers.<sup>84</sup> As the legal uses for AI expand, the technology to protect AI users and their data will also expand; those who care about immigrants and their data should work to update their knowledge of these protective tools.

Returning to possible benefits, AI technology can also expand access by operating in different languages and dialects. Many legal services organizations can offer assistance in Spanish, but they may struggle to help in less common languages like Haitian, Creole, or Dari.<sup>85</sup> An intake app that communicates with clients in their native language can overcome this initial communication hurdle. And for those users who are trying to navigate the U.S. immigration system without legal assistance, being able to access information in their native language is a huge benefit. Apps can also be developed using verbal prompts, rather than a text-based interface, which can help users who have limited literacy in their native language.<sup>86</sup> The ability of AI to operate in different languages and dialects is not seamless, however, and users and legal professionals alike may be rightly skeptical about the accuracy of AI-generated translations.<sup>87</sup> In one case, a Brazilian asylum seeker struggled to prove his asylum case because he relied on an AI-powered voice translation tool

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82. See *What Is Data De-Identification & Why Is It Necessary?*, ALTR (Nov. 15, 2023), <https://altr.com/resource/data-de-identification-why-necessary/> [https://perma.cc/9PYU-LLDL].

83. See *Guidance Regarding Methods for De-identification of Protected Health Information in Accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule*, U.S. DEPT OF HEALTH & HUM. SERVS. (Feb. 3, 2025), <https://www.hhs.gov/hipaa/for-professionals/special-topics/de-identification/index.html> [https://perma.cc/67UV-UGAW] (discussing the use of de-identification in health data); Wangsa et al., *supra* note 78, at 237.

84. See *Best Practices for Mobile Application Developers*, FUTURE OF PRIV. F. & CTR. FOR DEMOCRACY & TECH. 12–13 (2012), <https://www.cdt.org/wp-content/uploads/pdfs/Best-Practices-Mobile-App-Developers.pdf> [https://perma.cc/K474-5LGE].

85. See *Noncitizen Access to Legal Counsel in Immigration Court Differs by Language Spoken*, TRANSACTIONAL RECS. ACCESS CLEARINGHOUSE- IMMIGR. (Apr. 1, 2025), <https://tracreports.org/reports/757/> [https://perma.cc/AHH4-FW5H].

86. See Tech Lift, *Voice Tech for the Voiceless: How Low-Bandwidth Speech Interfaces Empower the Illiterate*, MEDIUM (June 11, 2025), <https://medium.com/%40techlift.25/voice-tech-for-the-voiceless-how-low-bandwidth-speech-interfaces-empower-the-illiterate-60b28c3500ca> [https://perma.cc/66Z2-ZKC8].

87. See *Think AI Should Replace Interpreters? Think Again.*, AM. TRANSLATORS ASS'N (June 23, 2025), <https://www.atanet.org/advocacy-outreach/think-ai-should-replace-interpreters-think-again/> [https://perma.cc/DP9U-X23K].

that failed to understand his regional Portuguese dialect; as a result, he was unable to communicate the mistreatment he had previously suffered in Brazil.<sup>88</sup> Translation tools can also jeopardize a user's immigration case through simple mistakes like the use of incorrect pronouns. For example, an individual applicant may only be referring to him or herself, but translation apps may insert "we" instead of "I" in the individual's statement, confusing adjudicators about who was affected and undermining the applicant's credibility.<sup>89</sup> But because the basic premise of AI is machine learning, these translating mistakes can be corrected if the software program is given correct data, additional training, and instruction.<sup>90</sup>

While AI tools offer many promising benefits, they also carry the risk of providing incorrect or misleading information, often referred to as "hallucinations."<sup>91</sup> AI systems may generate confident but inaccurate responses, especially when asked complex or unusual legal questions that require longer answers.<sup>92</sup> When hallucinations are submitted in legal proceedings, applicants (and their lawyers) may receive reprimands, fines, or complete dismissals of their cases.<sup>93</sup> In the *Mata* case referenced above, the court sanctioned the attorneys \$5,000 and required they notify both their client and the judges falsely cited in the fabricated opinions.<sup>94</sup> In another case, a pro se litigant in Missouri submitted an appellate brief prepared by an online "consultant" that cited twenty-two fake cases out of twenty-four total cases.<sup>95</sup> The court dismissed the appeal as frivolous and fined the appellant \$10,000 for abusing the judicial process and burdening opposing counsel.<sup>96</sup> These cases underscore the broader dangers of using AI legal tools without proper safeguards, as even practicing attorneys can be misled by confidently inaccurate outputs. However, with careful training on

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88. Johana Bhuiyan, *Lost in AI Translation: Growing Reliance on Language Apps Jeopardizes Some Asylum Applications*, THE GUARDIAN (Sept. 7, 2023, at 06:00 EDT), <https://www.theguardian.com/us-news/2023/sep/07/asylum-seekers-ai-translation-apps> [<https://perma.cc/WQ4U-24C2>].

89. *Id.*

90. Rachele Garcia, *AI Translation Isn't Perfect. Here's How to Make It Better.*, BUILT IN (Aug. 6, 2024), <https://builtin.com/articles/ai-translation> [<https://perma.cc/B3GT-Q8RV>].

91. See Isha Marathe, *Updated Stanford Report Finds High Hallucination Rates on Westlaw AI*, LAW.COM (June 4, 2024, at 06:18 PM), <https://www.law.com/legaltechnews/2024/06/04/updated-stanford-report-finds-high-hallucination-rates-on-westlaw-ai/> [<https://perma.cc/TW6G-EUK5>].

92. *Id.*

93. See *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 466 (S.D.N.Y. 2023);

94. *Mata*, 678 F. Supp. 3d at 466.

95. *Kruse v. Karlen*, 692 S.W.3d 43, 48–49, 51 (Mo. Ct. App. 2024).

96. *Id.* at 54.

verified legal sources and consistent human oversight, AI-powered apps can become reliable tools that enhance—rather than undermine—legal practice.

For our proposed Know Your Rights app, a major concern might be that the app would give erroneous legal information. Returning to our earlier example—the inquiry about what to do if ICE shows up at a residence—the concern would be that the app would generate a response contrary to what immigration advocates recommend (e.g., opening the door without asking for identification or a judicial warrant). Or if the user asks a complicated legal question specific to their situation that would not be covered in a general know-your-rights workshop, the concern would be that the app might “hallucinate” and confidently provide erroneous or incomplete legal information.<sup>97</sup> Obviously, erroneous or incomplete information would have important consequences for users relying on the information.

To prevent these kinds of errors, lawyers should work closely with app developers to make sure that any legal app is training on the correct material. That includes the affirmative act of providing comprehensive, vetted, and updated legal information to train the app. But ensuring accuracy also means restricting the materials from which the app draws upon to generate its answers to minimize hallucinations. As noted above, legal data companies like Westlaw and Lexis have made great strides in developing generative AI research tools that minimize hallucinations.<sup>98</sup> Though neither research tool is completely hallucination-free, they represent ongoing progress toward more accurate, reliable legal AI.<sup>99</sup>

As noted in the discussion about inauthenticity concerns above, developers can also instruct the app not to give information on certain topics that are beyond the scope of the app’s intended purposes (e.g., questions about deportation grounds when the app is designed to give basic information about ICE encounters). The tool can be trained to say “I don’t know” or to encourage users to consult with an attorney when the issue is too complex or unfamiliar. And to make sure that the app is doing what it is expected to do (and not doing things that it is not supposed to do, such as hallucinating), developers and lawyers, working together, should stress test it, asking test questions and providing test responses,

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97. See *supra* text accompanying notes 93–95.

98. See *supra* text accompanying notes 10–13.

99. *Id.* Using a broader definition of “hallucination” than what the two companies used in their internal testing, a 2024 Stanford study found that Westlaw’s AI-Assisted Research tool still had a hallucination rate of 33%, nearly double that of Lexis+ AI at 17%. Lexis attributed its stronger performance to its RAG (Retrieval Automated Generation) approach that grounds responses in verified legal sources and includes citation validation. Marathe, *supra* note 91.

to see how the app works and to make changes, if necessary.<sup>100</sup> Providing wrong responses (e.g., providing a place when asked about a date) or unclear responses will test whether an app can navigate through these errors to perform its intended functions.<sup>101</sup> Stress testing can also simulate extreme conditions—such as high user loads—to identify potential weaknesses and ensure the system remains stable and secure even under duress.<sup>102</sup> By proactively uncovering issues like memory leaks, data corruption, or performance bottlenecks, stress testing can uncover failures that could otherwise compromise user trust or app performance.<sup>103</sup>

The focus of this Essay has been to explore ways that AI-powered apps could be used directly by individuals who have immigration questions and issues. In choosing possible app uses, we were mindful of the gap between the legal information that AI, as currently configured, can provide and the more nuanced, informed advice that immigration lawyers provide. Experienced lawyers who understand how the immigration system works in practice and who have networks of contacts will be able to provide more effective legal advice and representation. Recognizing this, we have suggested AI-powered apps for discrete tasks, where human lawyering is either not essential (e.g., initial intake interviews) or unlikely to be available (e.g., interviews for citizenship). If legal aid lawyers could harness the power of AI effectively, they could devote their limited resources to more complicated legal work that requires the wisdom of human lawyering.<sup>104</sup>

Moreover, focusing AI on these discrete tasks lessens the risk of engaging in the unauthorized practice of law. If an AI-powered app gives legal advice, it could violate both ethical rules and criminal laws prohibiting the unauthorized practice of law (UPL).<sup>105</sup> What constitutes

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100. See *What Is Stress Testing in Software Development?*, BROWSERSTACK (Apr. 17, 2025), <https://www.browserstack.com/guide/stress-testing> [<https://perma.cc/44M5-KAHJ>].

101. *Id.*

102. *Stress Testing in Software Testing Example*, ZAPTEST, <https://www.zaptest.com/stress-testing-in-software-testing-what-is-it-types-processes-approaches-tools-more> [<https://perma.cc/LLK3-QCWK>].

103. *Id.*

104. Michael Miello, *Impact of AI on Immigration: Challenges & New Tools for 2025*, DOCKETWISE (Apr. 14, 2025), <https://www.docketwise.com/blog/how-ai-is-impacting-immigration-lawyers-and-cases> [<https://perma.cc/N88F-PTEA>].

105. See, e.g., TEX. PENAL CODE ANN. § 38.122 (West 2025) (creating the crime of “falsely holding oneself out as a lawyer,” a third-degree felony); Model Rules of Prof'l Conduct R. 5.5 (A.B.A., Discussion Draft 1983) (prohibiting the unauthorized practice of law).

UPL is defined by state laws,<sup>106</sup> but common elements include “giving of advice or the rendering of any service requiring the use of legal skill or knowledge.”<sup>107</sup> The purpose of UPL laws is consumer protection, “to ensure that laypeople are getting their legal help from people who are qualified and competent.”<sup>108</sup> The unauthorized practice of law is a particularly acute concern in immigration law, as notarios<sup>109</sup> and others seek to take advantage of immigrants who face language barriers and dire legal circumstances.<sup>110</sup>

Of our three proposed apps, the Know Your Rights app may raise the most UPL concerns because it provides a digital venue where users could, theoretically, ask for legal advice. Lawyers who conduct in-person know-your-rights presentations know that these presentations can be “ethical minefields,” as they work to give useful information without veering into giving legal advice and creating a lawyer-client relationship, with its attendant responsibilities and liabilities.<sup>111</sup> In the context of know-your-rights presentations, one scholar has explained the difference between permissible legal information and impermissible legal advice as follows:

The traditional distinction drawn between legal information and legal advice is a notion of breadth. Legal information is generic and factual. It applies to all people and objectively states a black-letter recitation of the law, the court procedure for completing a task, or the resources available for further aid. Legal advice, on the other hand, is infused with analysis and recommendations. A person providing legal advice might “recommend a specific course of conduct” for an individual pursuing a legal claim or “appl[y] the law to the individual’s specific

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106. See, e.g., ME. REV. STAT. ANN. tit. 4, § 807 (2025); N.J. STAT. ANN. § 2C:21-22 (West 2025); Derek A. Denckla, *Nonlawyers and the Unauthorized Practice of Law: An Overview of the Legal and Ethical Parameters*, 67 FORDHAM L. REV. 2581 (1999).

107. See TEX. GOV'T CODE ANN. § 81.101(a)–(b) (West 2025); *Model Definition: Definition of the Practice of Law*, A.B.A. (Sept. 18, 2002), [https://www.americanbar.org/groups/professional\\_responsibility/task\\_force\\_model\\_definition\\_on\\_practice\\_law/model\\_definition\\_definition/](https://www.americanbar.org/groups/professional_responsibility/task_force_model_definition_on_practice_law/model_definition_definition/) [https://perma.cc/348X-6B7U].

108. “Unauthorized Practice of Law” Enforcement in California: Protection or Protectionism?, NAT'L CTR. FOR ACCESS TO JUST., (Feb. 6, 2022), <https://ncj.org/sites/default/files/2022-02/Cease%20and%20Desist%20Report%20-%20Final%2C%202-14-22%20pdf.pdf> [https://perma.cc/2NS7-42CW].

109. COMM'N ON IMMIGR., A.B.A., *About Notario Fraud* (Dec. 12, 2024), [https://www.americanbar.org/groups/public\\_interest/immigration/projects\\_initiatives/fight\\_notariofraud/about\\_notario\\_fraud/](https://www.americanbar.org/groups/public_interest/immigration/projects_initiatives/fight_notariofraud/about_notario_fraud/) [https://perma.cc/3L9F-UFLK].

110. See generally Mary Dolores Guerra, *Lost in Translation: Notario Fraud – Immigration Fraud*, 26 J. CIV. RTS. & ECON. DEV. 23 (2011) (telling the story of a family victimized by notarios).

111. Brandi M. Lupo, *Legal Rights, Real-World Consequences: The Ethics of Know Your Rights Efforts and Towards Improved Community Legal Education*, 17 NW. J. HUM. RTS. 1, 2–3, 10 (2019).

factual circumstances.” Legal advice might also predict a case’s outcome or the necessity of attempting to settle before trial.<sup>112</sup>

These distinctions could also guide legal professionals in developing our proposed app to give legal information, contextualized to respond to individual inquiries (“What should I do if ICE comes to my home?”), without giving legal advice (responding “I am not able to provide legal advice,” if asked, “What is the best way for me to win an asylum case?”). Faced with a request for legal advice, the app could direct users to nearby legal services providers who could provide the advice.

Of course, building these tools takes effort and investment. There are challenges in bringing together legal expertise and technical know-how, but pro bono tech initiatives have already shown what is possible—using AI to support refugees, assist migrant workers, and compile legal resources for vulnerable communities.<sup>113</sup> As we suggested earlier, the initial investment of time needed on the front end to develop an app can reap benefits on the back end, as the real time possibilities for updating an app’s information can be much faster than traditional methods for updating.<sup>114</sup> In these times, as immigration policies are becoming increasingly punitive and volatile, time is of the essence and the promises of AI-powered legal assistance should be closely considered.

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112. *Id.* at 10. For further analysis of the distinction between legal information and legal advice, see also Catherine J. Lanctot, *Attorney-Client Relationships in Cyberspace: The Peril and the Promise*, 49 DUKE L.J. 147 (1999) and Scott L. Cummings & Ingrid V. Eagly, *A Critical Reflection on Law and Organizing*, 48 UCLA L. REV. 443 (2001).

113. See Tessa Thorniley, *Pro Bono Lawyers Look to AI to Offset Funding Cuts to Aid*, FIN. TIMES (May 15, 2025), <https://www.ft.com/content/1fe18586-16c4-4eb5-89cf-41afdf16cf85> [<https://perma.cc/MUC5-MMGL>].

114. See *supra* text accompanying notes 26–28.