



2017 AILA IMMIGRATION COURT CRASH COURSE

FRIDAY, MARCH 24, 2017
AILA National Office & Webcast
1331 G Street, NW
Washington, DC 20005

Are you an attorney new to removal defense, and unsure how to get started? Let our faculty of experts walk you step-by-step through the process and provide you with tools and resources to help you feel confident in the courtroom. This practical, interactive conference will feature both substantive and mock components so that you can fully appreciate and learn essential removal techniques to help you succeed.

Viewing Options: *On Friday, March 24, 2017, faculty members will present a full day of live workshop sessions. Attend these sessions in-person at the AILA National Office (space is limited) or from the convenience of your home or office via webcast. Either way, the program is live and interactive! All participants will be given a link to the conference recording, so you can revisit sessions back at the office or—particularly helpful for our West Coast participants given the time difference—watch any session you might have missed at your convenience.*

Materials: *AILA will distribute fact patterns, practice advisories, sample motions, and other resource materials to all participants and faculty in advance. Please review these materials before the conference begins.*

<i>Day Coordinator:</i>	<i>Daniella Pozzo, Baltimore, MD</i>
9:15 am – 6:15 pm	REGISTRATION
9:15 am – 10:00 am	REGISTRATION/CONTINENTAL BREAKFAST/NETWORKING
10:00 am – 10:05 am	WELCOME AND INTRODUCTORY REMARKS <i>Maria Baldini-Potermin, AILA Federal Court Litigation Section Steering Committee Chair/Conference Program Chair, Chicago, IL</i>
10:05 am – 10:15 am	MOCK INITIAL MASTER CALENDAR HEARING <i>Appearing in immigration court can be intimidating. Panelists will provide expert advice on how to prepare for and appear at the initial master calendar hearing. They also will help you visualize the process so that you feel more</i>

comfortable once you enter the courtroom.

Faculty:

Immigration Judge:

Rekha Sharma-Crawford, AILA Federal Court Litigation Section Steering Committee Vice Chair/Conference Program Committee, Kansas City, MO

U.S. Immigration and Customs Enforcement (ICE) Assistant Chief Counsel

(ICE ACC):

Carlos E. Estrada, AILA Federal Court Litigation Section Steering Committee/Conference Program Committee, Boston, MA

Attorney:

Zachary Nightingale, AILA Federal Court Litigation Section Steering Committee/Conference Program Committee, San Francisco, CA

Respondent:

Ilana Etkin Greenstein, East Boston, MA

10:20 am – 11:20 am

IMMIGRATION COURT 101

Practicing in immigration court differs from doing so in other courts. Panelists will discuss filings, briefing, and other procedures to be aware of in immigration court.

- Entering Your Appearance Before the Immigration Court
- Preparing Filings for Immigration Court
- Basic Motions (Telephonic Appearance, Continuance, Substitution of Counsel, and Change of Venue)
- *Immigration Court Practice Manual (ICPM)*
- Local Procedures Not Included in the ICPM
- Court Resources (Interpreters, File Reviews, etc.)

Faculty:

Zachary Nightingale (DL), AILA Federal Court Litigation Section Steering Committee/Conference Program Committee, San Francisco, CA

Ava Benach, Washington, DC

Ilana Etkin Greenstein, East Boston, MA

11:20 am – 11:35 am

NETWORKING BREAK

11:35 am – 12:35 pm

PLEADINGS TO THE NOTICE TO APPEAR (OR OTHER CHARGING DOCUMENTS) AND CONTESTING REMOVAL

The Notice to Appear (NTA) is the charging document in removal proceedings. Competent representation requires a firm understanding of this document. The speakers on this nuts-and-bolts panel will demystify the NTA and explain what it means. Following the substantive presentation, the panelists will conduct a mock contested master calendar hearing to illustrate the steps of the hearing and examine issues presented.

- Understanding the NTA
- Reviewing Issuance and Service of the NTA
- Reviewing and Challenging the NTA, Form I-213 Factual Allegations, and Charges Under INA §§212 and 237
- Pleadings to NTA and Contesting Removal
- When Burdens of Proof Shift
- Evidentiary Issues

- Motions to Terminate
- Motions to Suppress

Faculty:

Helen Parsonage (DL), Winston Salem, NC

Dan Kesselbrenner, Boston, MA

*Francisco Ugarte, Immigration Attorney, San Francisco Public Defender Office,
San Francisco, CA*

Claudia Slovinsky, New York, NY

MOCK MASTER CALENDAR HEARING FOR PLEADINGS AND CONTESTING REMOVAL

Immigration Judge:

Dan Kesselbrenner, Boston, MA

ICE ACC:

Helen Parsonage, Winston Salem, NC

Attorney:

*Francisco Ugarte, Immigration Attorney, San Francisco Public Defender Office,
San Francisco, CA*

Respondent:

Claudia Slovinsky, New York, NY

12:35 pm – 12:45 pm **LUNCH BREAK**

12:45 pm – 1:35 pm **ETHICAL CONFLICTS, CONFLICTS OF INTEREST, AND OTHER FACTORS**
Criminal convictions, uncharged conduct, drug use, false Social Security and identity documents, new arrests, improper preparation of forms, and allegations of frivolous filings are some of the potential pitfalls in a removal case. Handling these issues sometimes creates ethical dilemmas in representation. The panelists will discuss ethical red flags and how to balance zealous advocacy and Matter of Lozada issues.

Faculty:

*Jeremy L. McKinney (DL), AILA Board of Governors/EOIR Liaison Committee
Chair, Greensboro, NC*

Robert E. Juceam, AILA Past President, New York, NY

Eliza Klein, Aurora, IL

1:40 pm – 2:40 pm **OVERVIEW OF FORMS OF RELIEF FROM REMOVAL**

Removal proceedings require the facts of a case to be carefully mined to determine what relief may be available. By understanding the elements of each form of relief, you will be better able to find the strongest arguments and, perhaps, even create a backup plan.

- Non-Legal Permanent Resident (LPR) Cancellation of Removal
- LPR Cancellation of Removal
- VAWA Cancellation of Removal
- VAWA Adjustment of Status
- Adjustment of Status (and Waivers When Required)
- Standalone Waivers: INA §212(c), 212(h), and 212(i)
- Voluntary Departure

- Asylum, Withholding of Removal, and Relief Under the Convention Against Torture
- Temporary Protected Status
- Collateral Relief (Outside of Immigration Court)
- Evidence and Burden of Proof
- Requesting and Rejecting Prosecutorial Discretion from the ICE Office of Chief Counsel and the Immigration Court

Faculty:

Thomas K. Ragland (DL), Washington, DC

Sarah W.H. Owings, AILA Atlanta Chapter Chair, Atlanta, GA

Carlos Moctezuma Garcia, McAllen, TX

2:45 pm – 3:30 pm

MOCK INDIVIDUAL HEARINGS

These mock individual hearings will present issues involved in requesting two forms of relief from removal, but with some twists. Panelists will give you a bird's-eye view of what to expect when litigating before the immigration court based on real life experiences from around the country.

MOCK INDIVIDUAL HEARING FOR VOLUNTARY DEPARTURE

Immigration Judge:

Maria Baldini-Potermin, AILA Federal Court Litigation Section Steering Committee Chair/Conference Program Chair, Chicago, IL

ICE ACC:

Thomas K. Ragland, Washington, DC

Attorney:

Carlos Moctezuma Garcia, McAllen, TX

Respondent:

Trina Realmuto, Boston, MA

MOCK INDIVIDUAL HEARING FOR LPR CANCELLATION OF REMOVAL

Immigration Judge:

Carlos E. Estrada, AILA Federal Court Litigation Section Steering Committee/Conference Program Committee, Boston, MA

ICE ACC:

Matthew L. Hoppock, AILA Federal Court Litigation Section Steering Committee/Conference Program Committee, Overland Park, KS

Attorney:

Eliza Klein, Aurora, IL

Respondent:

Cheryl David, New York, NY

3:30 pm – 3:45 pm

NETWORKING BREAK

3:45 pm – 4:45 pm

HOW TO GET YOUR CLIENT OUT OF CUSTODY

Getting a client out of custody can sometimes make all the difference in a case. It helps the family get back together and helps slow down the removal process, opening doors to more opportunities for relief. Panelists will provide practitioners new to immigration court with a roadmap to getting clients out of

custody. Following the substantive presentation, panelists will conduct a mock bond hearing to illustrate the steps of the hearing and issues presented.

- Finding Your Client in ICE Detention Facilities
- Who Is Eligible for Bond and/or Release from Custody?
- How to Request a Bond Hearing
- What Is a *Joseph* Hearing?
- Making the Case for Bond
- Alternatives to Custody
- Posting Bond with ICE and Motions for Change of Venue

Faculty:

Matthew L. Hoppock (DL), AILA Federal Court Litigation Section Steering Committee/Conference Program Committee, Overland Park, KS

C. Lynn Calder, Raleigh, NC

Heather Drabek Prendergast, AILA ICE Liaison Committee Chair, Cleveland, OH

MOCK BOND HEARING

Immigration Judge:

Ilana Etkin Greenstein, East Boston, MA

ICE ACC:

Rekha Sharma-Crawford, AILA Federal Court Litigation Section Steering Committee Vice Chair/Conference Program Committee, Kansas City, MO

Attorney:

Heather Drabek Prendergast, AILA ICE Liaison Committee Chair, Cleveland, OH

Respondent:

C. Lynn Calder, Raleigh, NC

4:50 pm – 5:50 pm

PRESERVING ISSUES FOR BIA AND FEDERAL COURT REVIEW

Sometimes the only recourse to zealously protect your client, and only way to rein in executive powers, is to appeal to a higher authority. Understanding how best to prepare for an appeal, and what to expect if such an appeal is indeed warranted, levels the playing field serving as a vital check on executive and legislative powers.

- Preserving the Record of Appeal
- Interlocutory Appeals and Their Usefulness
- Notice of Appeal and Timing
- Who to Serve and How to Serve Him or Her
- Briefing Timelines and Procedures Before the BIA
- Petitions for Review
- Federal Court of Appeals Jurisdiction

Faculty:

Devin T. Theriot-Orr (DL), Seattle, WA

Maria Baldini-Potermin, AILA Federal Court Litigation Section Steering Committee Chair/Conference Program Chair, Chicago, IL

Karen T. Grisez, Washington, DC

Trina Realmuto, Boston, MA

5:50 pm – 6:15 pm

QUESTIONS AND CONFERENCE WRAP-UP

Conference Program Committee

*Maria Baldini-Potermin, AILA Federal Court Litigation Section Steering Committee Chair/
Conference Program Chair, Chicago, IL*

*Rekha Sharma-Crawford, AILA Federal Court Litigation Section Steering Committee Vice Chair,
Kansas City, MO*

Carlos E. Estrada, AILA Federal Court Litigation Section Steering Committee, Boston, MA

Matthew L. Hoppock, AILA Federal Court Litigation Section Steering Committee, Overland Park, KS

Javier N. Maldonado, AILA Federal Court Litigation Section Steering Committee, San Antonio, TX

Zachary Nightingale, AILA Federal Court Litigation Section Steering Committee, San Francisco, CA

Sejal Zota, AILA Federal Court Litigation Section Steering Committee, Durham, NC

Grace Akers Woods, AILA Senior Director, Education, Washington, DC

John M. Area, IV, AILA Education Programs Manager, Washington, DC