



2017 AILA INTERACTIVE WORKSHOP ON WAIVERS:

WINNING AT WAIVERS—IT’S HOW YOU PLAY THE GAME THAT MATTERS

With the continued failure to pass immigration reform and the recent U.S. Supreme Court decision on DAPA, waivers remain one of the most important and effective avenues to immigration relief. This interactive workshop conference will feature five key waiver-related topics in a format designed to help you navigate successfully through everyday case challenges. The conference also will include a one-hour interactive ethics panel incorporating sample scenarios that often raise ethical concerns in waivers practice. Additionally, AILA’s “Expert Lab” will give you the opportunity to have your case-specific questions individually addressed by a waivers expert. By combining structured presentations with hands-on case analysis, this uniquely-designed program will enhance your critical strategic thinking on waivers and provide solutions to common, and not-so-common, waiver-related problems.

FRIDAY, APRIL 28, 2017
The Wynn | Las Vegas, NV

Friday, April 28, 2017

7:15 am–5:30 pm	REGISTRATION, INFORMATION, AND EXHIBITS
7:30 am–7:55 am	AILALINK TRAINING
8:00 am–8:05 am	WELCOME AND GREETINGS <i>Kelli Stump, Conference Program Chair, Oklahoma City, OK</i>

TRACK I: AILA “EXPERT LAB”

Day Coordinator: Chalak K. Richards, Las Vegas, NV

9:00 am – 6:00 pm **AILA “EXPERT LAB”**
The AILA “Expert Lab” will be open from 9am-6pm during AILA’s Interactive Workshop on Waivers. It is designed to offer in-depth help and support on your most pressing waivers case-specific waiver questions. Participation in the “Expert Lab” is on a first come-first served basis.¹
Faculty:

¹ AILA’s “Expert Lab” will give you the opportunity to have your waivers case-specific questions individually addressed by a waivers expert. Participation in the “Expert Lab” is on a first come-first served basis. Attendees are welcome to attend the “Expert Lab” during any of the times listed in the program but may have to wait to speak with a faculty member. Also, please note that the faculty does not necessarily represent the views of AILA, nor does their guidance constitute legal advice or representation. Practice tips provided are based on the faculty member’s experiences and the current state of the law. Please be sure to conduct legal research and analysis for your unique situation as the law changes quickly and the faculty’s experiences may differ from your own unique situation. The faculty is subject to change at any time. The faculty does not commit to offering any additional guidance outside of the conference.

9:00 am–10:30 am	<i>Maurice H. Goldman, AILA Media Advocacy Committee Chair, Tucson, AZ Jodi Goodwin, Harlingen, TX Sylvia L. Esparza, Las Vegas, NV</i>
10:30 am–12:00 pm	<i>Laurel Scott, Philadelphia, PA Olsi Vrapic, Albuquerque, NM Kelli Stump, Conference Program Chair, Oklahoma City, OK</i>
12:00 pm–1:00 pm	<i>Lunch Break</i>
1:00 pm–2:30 pm	<i>Rekha Sharma-Crawford, Federal Court Litigation Section Steering Committee Vice Chair, Kansas City, MO Lakshmi Nayar, Irving, TX</i>
2:30 pm–4:30 pm	<i>Aaron Hall, Aurora, CO Rolando Rex Velasquez, Las Vegas, NV</i>
4:30 pm–6:00 pm	<i>Russell Abrutyn, Berkley, MI David N. Simmons, Denver, CO</i>

TRACK II: SUBSTANTIVE SESSIONS

Day Coordinator: *Hardeep Sull, AILA Nevada Chapter Chair/ Global Migration Section Steering Committee, Las Vegas, NV*

8:05 am–9:35 am

PROVING HARDSHIP AND PACKAGING THE WAIVER

Too often, practitioners focus more on inadmissibility and waiver eligibility and less on how to actually present a winning waiver. Properly packaging a waiver application and customizing hardship documentation is essential to a successful waiver practice. Panelists will focus on the “guts” of the waiver application and discuss best practices on effectively proving extreme hardship.

- What Is Extreme Hardship?
- Breaking Down USCIS Guidance on Extreme Hardship
 - Separation and Relocation
 - Totality of Circumstances Standard
 - Hardship to Qualifying Relative (QR) and Imputing Hardship of Other Relatives to QR
- How Aggravating Factors Can Impact Extreme Hardship Finding
- Volume vs. Weight: Choosing the Best Evidence to Submit and Selecting What to Exclude
- In Their Own Words: How to Tell Your Client’s Story and How to Get Your Client to Tell You His or Her Story
- Packaging Perfection: Constructing a Successful Waiver Application (*i.e.*, Cover Letter/ Brief, Table of Contents, Beneficiary and QR Statements, and Ordering Exhibits)

Faculty

Lakshmi Nayar (DL), Irving, TX

Elizabeth “Lizz” Cannon, Cambridge, MA

Maurice H. Goldman, AILA Media Advocacy Committee Chair, Tucson, AZ

9:40 am – 11:10 am

IT'S ALL ABOUT PROCEDURE: FILING APPLICATIONS FOR WAIVERS AND HUMANITARIAN PAROLE—FROM THE BASICS TO PRO TIPS, AND HOW TO AVOID MISTAKES

Knowing what to submit in a particular waiver application is only half the battle. Knowing how to submit and monitor the filing is the other half. This panel of immigrant and nonimmigrant visa experts will discuss the detailed procedures involved with each type of filing, including humanitarian parole, and address what to do when your client isn't eligible for a visa.

- I-601 and I-601A: Step-by-Step Guide from Petition to LPR, With and Without the I-212
- Step-by-Step Guide to Adjustment of Status with an I-601
- Nonimmigrant Waiver Applications: Dealing with Severe Restrictions on Attorney Participation
- Humanitarian Parole: How to File and What to Expect

Faculty

Rebecca Kitson (DL), Albuquerque, NM

Ana Maria Perez Schwartz, Houston, TX

Laura Fernandez, Milwaukee, WI

11:10 am–11:20 am

NETWORKING BREAK

11:20 am–12:20 pm

COMBATTING THE CONFLICTS: HOW TO MANAGE UNTRUTHFUL CLIENTS, FIGHTING SPOUSES, AND WORKING WITH THIRD PARTIES

If your last exposure to the Rules of Professional Conduct was during a tired, dry, ethics presentation, you will be pleasantly surprised. Legal ethics does not have to be boring! In fact, the ethical dilemmas surrounding waivers cases are often suitable for today's prime-time reality shows. Scheming clients! Scorned lovers! Reluctant sponsors! Meddling relatives! And THEN there's the government! Join us for an ethics presentation that will be anything but dull. You may lose your appetite in this panel before lunch, but you're also likely to learn something that helps you keep your license.

- Misconduct (Rule 8.4), Candor to the Tribunal (Rule 3.3), and Truthfulness (Rule 4.1)
 - Handling the Dishonest Client
- Conflicts of Interest (Rule 1.7)
 - Managing the Case When Relationships Falter
 - Preparing the I-864, Sponsors and Co-sponsors
- Confidentiality (Rule 1.6)
 - Confidentiality vs. Attorney-Client Privilege
 - Who Is Allowed to Discuss the Case with the Attorney?

Faculty

David N. Simmons (DL), Denver, CO

Bryon M. Large, Colorado Office of Attorney Regulation Counsel, Denver, CO

Meghan Moore, Wyoming, MI

12:20 pm—1:20 pm

LUNCH (INCLUDED WITH REGISTRATION)

12:50 pm—1:05 pm

LUNCH SESSION: LEGISLATIVE AND ADMINISTRATION UPDATE

Annaluisa Padilla, AILA President-Elect, La Habra, CA

1:20 pm–2:50 pm

CUTTING EDGE TOPICS IN INADMISSIBILITY: HOW TO FIND INADMISSIBILITY ISSUES AND UNDERSTANDING WHAT CANNOT BE WAIVED IN THE IMMIGRANT WAIVER CONTEXT

Perhaps the single most important part of taking a waiver case is understanding the client's eligibility and aggravating factors, as these things are paramount to assessing the case and avoiding disasters at the consulate. Panelists will focus on the steps involved in identifying inadmissibility issues and aggravating factors, in order to lower the chances of surprise denials and unexpected findings of inadmissibility.

- Conducting a Friendly and Thorough Interrogation in the Consultation
- Filing and Understanding the Various FOIAs and FBI Checks
- Understanding How Government Agencies Make Different Inadmissibility Findings from the Same Set of Facts
- Spotlight on “the Permanent Bar”: INA §212(a)(9)(C)
- Other “Permanent” Bars: False Claim to USC, Gang “Affiliation,” Alien Smuggling, Sham Marriages, Drug Crimes, and Frivolous Asylum

Faculty

Laurel Scott (DL), Philadelphia, PA

Heather L. Poole, AILA Board of Governors, Los Angeles, CA

Jason Abrams, New York, NY

2:55 pm–4:25 pm

WHAT TO DO WHEN THE GOVERNMENT GETS IT WRONG: CHALLENGING VISA REFUSALS, INADMISSIBILITY FINDINGS, AND WAIVER DENIALS

One of the most difficult parts of waiver practice is managing a case when the government makes an improper inadmissibility finding, loses evidence, or denies the waiver. Panelists will provide a detailed analysis on how to challenge government errors by discussing who to contact, how to contact, and how best to remedy such errors.

- Arguing an Incorrect Inadmissibility Finding with the Officer vs. Challenging the Finding in the Waiver Filing
- Contacting LegalNet and Filing a Motion to Reopen with the Consulate
- Navigating the Black Hole of “Administrative Processing”
- Appealing a Consular Decision in Federal Court: Can You Really Do That?
- Doctrine of Consular Non-reviewability: *Kerry v. Din*
- Appealing vs. Refiling
 - Appealing an I-601 Denial, and When It Is Sometimes Better Just to Refile
 - Refiling the I-601A
 - I-601s with Adjustment: Renewing an EAD While the I-601 Is on Appeal
- Appealing an AAO Decision in Federal Court

Faculty

Russell Abrutyn (DL), Berkley, MI

Benjamin Stein, Boise, ID

Olsi Vrapic, Albuquerque, NM

4:25 pm–4:35 pm

NETWORKING BREAK

4:35 pm–5:35 pm

ALL RISE! PRESENTING WAIVERS IN REMOVAL PROCEEDINGS

Removal proceedings are on the rise and the future holds no promises that the volume of cases will ebb. Winning waivers in removal proceedings can be like hitting the jackpot. Join this panel of removal experts and learn how best to utilize the many different waivers available. Panelists will discuss eligibility, as well as the nuts and bolts of how to package and present winning waivers in removal proceedings.

- The Magical Waiver: INA §237(a)(1)(H)
- Adjustment and Readjustment with an I-601 Waiver

- INA §212(c): Believe It or Not, It's Still Around
- Cancellation of Removal
- Forms to File, Fee Payment, and Filing with the Court
- Using Testimony as Hardship Evidence

Faculty

Jodi Goodwin (DL), Harlingen, TX

Matthew J. Archambeault, Philadelphia, PA

Peter L. Ashman, Las Vegas, NV

6:00 pm

CONFERENCE CONCLUDES

Conference Program Committee

Kelli Stump, Conference Program Chair, Oklahoma City, OK

Jodi Goodwin, Harlingen, TX

Lakshmi Nayar, Irving, TX

Laurel Scott, Philadelphia, PA

David N. Simmons, Denver, CO

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