



2019 AILA ATHLETICS, CULTURE, ENTERTAINMENT, AND SCIENCE (ACES) CONFERENCE

In response to popular demand, the ACES Interest Group is delighted to launch the first-ever ACES immigration conference! This advanced-level CLE conference, to be held in the very heart of the entertainment world—Hollywood—focuses specifically on culture, the arts, music, and emerging niche fields. Expert panelists will examine the immigration-related issues that lawyers face routinely in these practice areas, and will provide guidance on dealing with them successfully. Don't miss this unique and informative conference experience!

August 2, 2019
Loews Hollywood Hotel
Hollywood, CA

Friday, August 2, 2019

Day Coordinator: Sharon Brenner, Los Angeles, CA

7:45 am – 5:00 pm **REGISTRATION AND EXHIBITS**

8:25 am – 8:30 am **OPENING REMARKS**

8:30 am – 9:30 am **WHERE TO START: A GOOD BEGINNING MAKES A GOOD ENDING**

The experts on this intermediate-level panel will discuss how practitioners should analyze the initial case presentation to determine the best visa for the foreign national, and will identify the many factors to consider—e.g., credentials of the candidate(s), lead time, the number of people coming to the United States (including support and team members), the nature of the work to be performed, and how duration of the visa can impact visa choice.

- When the B or Visa Waiver Are Appropriate
- O vs. P Visas, Including Essential Support Personnel
- O-1 vs. I Visas
- Whether the Q and P-3 Visa Could Work
- Consular Issues: When There Is Not Enough Time to Get the Visa, Waiver of a Visa (I-193)

Faculty:

Amanda Brill (DL), AILA Conference Program Chair, London, UK

Anastasia Tonello, AILA Immediate Past President, New York, NY

Emil Entchev Pehlivanov, Las Vegas, NV

Elissa J. Taub, Memphis, TN

9:35 am – 10:35 am

WHO THE PETITIONER IS, WHY IT MATTERS, AND OTHER PETITIONER ISSUES

Is the petitioner the agent? The manager? What if there isn't one? The experts on this advanced-level panel will describe the various scenarios and tactical considerations that come into play when determining who the petitioner is. They also will discuss how to prepare the petitioner's letter, and from whom the petitioner needs permission to file the petition. Examples will be given from a variety of industries.

- Who Can Be a Petitioner?
 - Employer vs. Agent
 - Agents as Petitioner
- The “Loan-Out Company”: Beneficiary Ownership of Petitioning Company vs. Self-Petitioning
- The Importance of “End Users”
- Interplay Between Regulations
 - Permitting Agents to Add New Performances Without Filing a New Petition
 - Requiring a New Petition for a New Employer

Faculty:

Laya R. Kushner (DL), Charlotte, NC

Heidy Berger Trombi, Los Angeles, CA

*Jamie Cheung, In-house Immigration Attorney for Endeavor (formerly WME-IMG),
New York, NY*

Richard Tashjian, Glendale, CA (motion picture/tv)

10:35 am – 10:50 am

NETWORKING BREAK

10:50am – 11:50 am

THE EAST COAST/WEST COAST RIVALRY (VSC/CSC): EVIDENCE IN ARTS, ENTERTAINMENT, AND INNOVATION

The experts on this intermediate-level panel will take a comprehensive look at what evidence to provide in an initial filing. They will advise on best practices based on current trends at the California and Vermont Service Centers, and identify other industry-specific strategies.

- What Can Be Found on the Internet, and Is It Enough?
- The Role of Testimonial Letters: Who, What, and How Many?
- When Less Is More: Curating Your Evidence for a Successful Outcome
- The Role of the Consultation Letter
- How to Use Comparable Evidence Effectively

Faculty:

Rachel Baskin (DL), Oceanside, NY (music)

Lauren DeBellis Aviv, New York, NY (models/music)

Ceridwen Johanna Koski, AILA CSC Liaison Committee Member, Denver, CO

Joseph John Shepherd, AILA CSC Liaison Committee Chair, New York, NY

11:50 am – 12:40 pm

LUNCH (PROVIDED)

12:40 pm– 1:40 pm

THE YOUNG ARTIST

While the extraordinary ability categories most commonly apply to those who are long-established in their fields, practitioners frequently are confronted with young or emerging artists who want to seek O-1 or EB-1 classification. The experts on this advanced-level panel will discuss strategies and considerations for deciding whether to take on a case for a beneficiary who is relatively new to the field, and the evidentiary pitfalls to avoid with such petitions.

- How to Evaluate the Extraordinary Ability with a Short or Thin Record of Achievement
- 15 Minutes of Fame: “Sustained Acclaim,” and How to Prove It
- Can Evidence Gained as a Student Be Included? What Constitutes Unauthorized Work?
- How to Handle Support Letter Writers Who Are Much More Esteemed Than the Client

- Alternatives to Extraordinary Ability, Counseling the Client to Change Direction or Wait
- Faculty:*
Eileen F. Morrison (DL), Newton, MA
Michael Felix, Santa Fe Springs, CA
Becki L. Young, Silver Spring, MD

1:45 pm – 2:45pm

FIGHTING AND WINNING RFEs

You've done everything right and prepared a strong case, but still end up with an RFE. The experts on this panel will identify current RFE trends and statistics, and will discuss advanced, cutting-edge strategies for delivering success for clients in today's challenging climate.

- Trending RFEs and Statistics
- Thinking Ahead: What Is a Well-Documented Case That Avoids RFEs?
- Strategically Using the Law and Standard of Proof to Prepare Winnable RFE Rebuttals
- Next Steps When All Else Fails and You Get a Denial
- Anticipating and Overcoming Consular Re-adjudications and Returns

Faculty:
Protima Daryanani (DL), New York, NY
Dan Berger, Northampton, MA
Richard Yemm, Santa Monica, CA

2:45 pm – 2:55 pm

NETWORKING BREAK

2:55 pm – 3:55 pm

PERMANENT RESIDENCY: EB-1, SCHEDULE A, GROUP II EXCEPTIONAL ABILITY IN THE ARTS, OR NIW?

Many fields in arts and entertainment do not lend themselves to PERM. Panelists will discuss how to take advantage of the non-PERM categories, including the underutilized Schedule A, Group II category.

- Strategic Considerations in Choosing EB-1, Schedule A Group II or NIW
- Self-Sponsored vs. Employer-Sponsored Petitions: Risks and Benefits
- Evidentiary Factors to Review

Faculty:
Kathleen L. Grzegorek (DL), Los Angeles, CA
James W. Hollis, Washington, DC
Karin Wolman, New York, NY

4:00 pm – 5:00 pm

NICHE AND EMERGING PROFESSIONS

As businesses evolve, nontraditional occupations have emerged, thereby creating the need to find new pathways for niche and emerging professions in various industries—e.g., social media, fashion, influencing, gaming, creative design, and digital marketing. The experts on this advanced-panel will examine visa options and strategies for clients in unconventional, emerging, or unique occupations.

- What to Look for When Interviewing Your Client
 - How to Review Their Background and Field
 - Looking Ahead to Determine Which Visa Category May Apply
- Visa Options: O-1, P-1, E-2, etc.
- Narrowing the Field: How to Make USCIS Understand What It Is Your Client Does
- Evidentiary Considerations: Types of Evidence You Can Prepare for Different Fields
- How to Avoid an RFE, Union/Advisory Considerations, Petitioner Issues, etc.

Faculty:
Fuji Whittenburg (DL), Calabasas, CA
Catherine L. Haight, Marina del Rey, CA

G. Fabricio Lopez, Los Angeles, CA

5:00 pm

ACES CONFERENCE CONCLUDES

CONFERENCE PROGRAM COMMITTEE

Amanda Brill, AILA Conference Program Chair, London, UK

Protima Daryanani, New York, NY

Laya R. Kushner, Charlotte, NC

Eileen Morrison, Newton, MA

Rita Sostrin, Woodland Hills, CA

Elissa J. Taub, Memphis, TN

Fuji Whittenburg, Calabasas, CA

Allen Orr, AILA 1st Vice President, Washington, D.C.

Emmie R. Smith, Associate Director of Education, Washington, D.C.