



21ST ANNUAL AILA NEW YORK CHAPTER IMMIGRATION LAW SYMPOSIUM

Navigating the Current Dilemmas Facing Business and Removal Practitioners: Overcoming Challenges and Innovating Solutions

The United States currently is entrenched in a period of great uncertainty and upheaval due to direct attacks by the Trump administration on the laws and regulations governing U.S. immigration policy. The draconian immigration agenda imposed by the administration has led to massive delays in processing times, erratic court opinions, and unfair adjudications, clouding the future of scores of individuals and businesses as a result. With even harsher measures appearing on the horizon, now is the time for immigration practitioners to hone their legal skills and prepare as much as possible to solve the problems sure to arise. To this end, this conference has been designed with an eye toward helping practitioners of all skill levels find successful paths forward in this tumultuous legal landscape. Some of our country's foremost immigration experts will assess the damage inflicted by the administration's changes thus far, and provide authoritative guidance to practitioners on crafting bold, innovative legal tactics and strategies to best assist clients now and into the future. Come join your colleagues for this timely and informative symposium while simultaneously satisfying ethics, diversity, and skills CLE requirements.

December 12, 2019
New York Marriott Marquis
1535 Broadway
New York, NY

Wednesday, December 11

AILA GMS CONSULATE TOURS

The AILA Global Migration Section is sponsoring tours of foreign consulates in New York City. More information and specific details will be posted closer to the conference.

Thursday, December 12

Morning Coordinator: **Rosanna M. Fox, Paramus, NJ**

7:30 am–5:00 pm **REGISTRATION, INFORMATION, AND EXHIBITS**

(DL) = Discussion Leader

** = Invited Speakers, Not Confirmed*

- All events, sessions, conference materials, and free recordings are subject to change -

8:00 am–8:05 am

WELCOME AND GREETINGS

*Tafiya T. Khan, Conference Program Co-Chair, Brooklyn, NY
Felipe Alexandre, Conference Program Co-Chair, Flushing, NY*

MORNING PLENARY SESSIONS

8:05 am–9:05 am

HOT TOPICS

The immigration landscape has been in a constant and chaotic state of flux under the current administration. Significant changes occur seemingly every day with regard to policies, executive orders, enforcement, judicial intervention, and regulatory agenda. As a result, it is crucial that immigration attorneys stay informed about the latest developments on the legislative, executive, and regulatory fronts. To this end, panelists will discuss the effects recent court decisions and legislative efforts have had on the current immigration climate. They also will address the current state of processing delays and the expected agency agenda going forward to further the objectives of the “Buy American and Hire American” executive order.

Faculty:

Kelli Jo Stump (DL), AILA Secretary, Oklahoma City, OK

Neena Dutta, AILA Board of Governors, New York, NY

Carmen Maria Rey, Brooklyn, NY

Karin Wolman, New York, NY

9:10 am–10:10 am

GOVERNMENT AGENCY UPDATE

U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), the Executive Office for Immigration Review (EOIR), and asylum officers will provide updates regarding their policies and procedures.

Faculty:

Alexis S. Axelrad (DL), AILA Board of Governors/CBP Liaison Committee Chair, New York, NY

Frank Russo, Director, Field Operations, U.S. Customs and Border Protection, New York, NY

**Troy Miller, Assistant Director, Field Operations, U.S. Customs and Border Protection (CBP), New York, NY*

**Mick Dedvukaj, Acting Director, USCIS, New York District Office, New York, NY*

**William Joyce, Assistant Field Office Director, ICE, DHS, New, New York, NY*

10:10 am–10:20 am

NETWORKING BREAK

10:20 am–11:20 am

BEST PRACTICES FOR EFFECTIVE, EFFICIENT, AND ETHICAL ATTORNEY COMMUNICATIONS: COMMUNICATION IS THE KEY TO SUCCESS! (ETHICS CLE)

A lack of proper communication lies at the root of many issues immigration practitioners face when interacting with clients and other attorneys. By contrast, effective communication strategies can lead to productive relationships and reduce exposure to ethical violations. In

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this intermediate-level session, panelists will discuss best practices and solutions to develop effective communication strategies for family, removal, and business practices, as well as address an array of ethical issues that can arise from poor communications. Specifically, they will discuss how to terminate client relationships, the lawyer’s responsibilities when a client terminates representation, handling conflicts of interest, and working with other attorneys. Panelists will base advice on the New York Rules of Professional Conduct (NYRPC).

- How to Develop and Implement Effective Communication Strategies for the Duration of a Case
- Post-Representation Duties of Communication, Neglect, Confidentiality, and Competence
- Disclosures and Withdrawing Representation: Communication Strategies and Ethical Requirements
- Referrals, Fees, and Of Counsel Relationships: Effectively Working with Other Attorneys Without Falling Victim to Ethical Quandaries
- Disclosures, Retainers, and Letters of Engagement: What to Include to Satisfy the NYRPC and Model Rule Requirements

Faculty:

Kenneth Craig Dobson (DL), AILA Ethics Committee Chair, New York, NY

Jason Abrams, New York, NY

Michael D. Patrick, New York, NY

Tsui H. Yee, New York, NY

11:25 am–12:25 pm

MANAGING A DIVERSE WORKPLACE (DIVERSITY CLE)

Panelists will discuss diversity issues facing immigration law practice management, including hiring practices, gender considerations, disability accommodations, cultural differences, and generational gaps within staff. They also will highlight how managing a diverse workplace properly can lead to increased revenue and productivity.

- Incorporating Diversity and Inclusivity into Hiring Practices
- Respecting the Cultural and Religious Differences of Coworkers
- Addressing the Generational Gap: Helping Baby Boomers, Gen Xers, and Millennials Work Together

Faculty:

Tafiya T. Khan (DL), Conference Program Co-Chair, Brooklyn, NY

Cynthia Caballero, New York, NY

Ayesha Blackwell-Hawkins, Global Head of Talent Mobility, Johnson & Johnson, New Brunswick, NJ

12:25 pm–1:45 pm

LUNCH (INCLUDED WITH REGISTRATION)

12:40 pm–1:40 pm

LUNCH ROUNDTABLE DISCUSSIONS WITH THE EXPERTS: (OPTIONAL)

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AILA experts on various practice-related and substantive immigration topics will be seated at roundtables to share lunch, engage in conversation, explore tricky situations, and discuss recent trends.

AFTERNOON: BUSINESS TRACK

Day Coordinator: Rosanna M. Fox, Paramus, NJ

1:45 pm–2:45 pm

NAVIGATING THE EVER-CHANGING CONSULAR PROCESSING MAZE

Consular processing has become more challenging under the current administration, with new policies, procedures, and application forms popping up seemingly on a daily basis. Advising clients on the application process at the consulate is, therefore, more critical than ever, as an unprepared client, omissions and mistakes on the application forms, and misrepresentations can each result in administrative processing, delays, and denials. The experts on this panel, designed for intermediate-level practitioners, will address how to properly prepare clients for the consular process, review recent consular-specific policy changes and trouble spots, and suggest strategies for what to do when something goes wrong.

- *Preparing the Client: What to Bring, What to Expect, and What to Do If Something Goes Wrong*
- *DS-160 and DS-5535: Pitfalls in Preparation*
- *Consular-Specific Policy Changes and Trouble Spots*
- *Third-Country National Processing*
- *What Can Be Done If an Application Is Denied?*

Faculty:

Steven D. Heller (DL), Lewes, UK/New York, NY

*Heather Drabek Prendergast, AILA Board of Governors/DOS Liaison Committee,
Cleveland, OH*

Hudaidah Bhimdi, AILA Rome District Chapter Chair, Fairfax, VA

Melissa Chavin, London, UK

2:50 pm–3:50 pm

HOW TO HELP YOUR CLIENTS NAVIGATE THE COMPLEX WORLD OF WORKSITE ENFORCEMENT AND COMPLIANCE

Congratulations, the beneficiary entered the United States! However, you must ensure your client understands and implements best practices when it comes to maintaining compliance. The current climate of increased government audits, lengthy investigations, and worksite visits from the government require you and your clients to be prepared and ready for when the Fraud Detection and National Security Directorate (FDNS) comes a knocking. In this intermediate-level session, our expert panelists will discuss exactly what you need to know to keep your clients and their businesses safe in this enforcement heavy landscape. Speakers also will take a deep dive into the “Virtue Memorandum” and its continuing relevance in today’s audit environment.

- *Recent Trends in I-9/E-Verify Compliance and Best Practices*
- *Preparing and Surviving the Dreaded FDNS Site Visit*
- *Labor Condition Application Compliance: Best Practices*
- *What Does Your Client Need to Know to Maintain STEM OPT Compliance?*

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Faculty:

Cyrus D. Mehta (DL), New York, NY

Poonam Gupta, AILA Verification & Documentation Liaison Committee, New York, NY

Mikhail Izrailev, New York, NY

Nandini P. Nair, Iselin, NJ

3:50 pm–4:00 pm

NETWORKING BREAK

4:00 pm–5:00 pm

RUNNING OUT OF TIME: HOW TO HANDLE DELAYS AND POLICY CHANGES

Foreign nationals continue to face mounting hurdles on the road to permanent residence. Problems with EAD/AP issuance, unexpected retrogression, maximum stay issues (especially for L-1s), and evolving green card and I-485 Supplement J practices are just a sampling of the challenges that have made lengthy delays the new normal. Panelists will provide expert guidance on steps that practitioners can take to deal with these delays and employ alternatives to the EB-1 and PERM.

- Updates on Delays, Retrogression, and Climbing RFE/Denial Rates on Nonimmigrant and Immigrant Visa Petitions
- Insight on Nonimmigrant Visa Options to Bridge the Gap
- Green Card Strategies: Are National Interest Waiver or Exceptional Ability an Option? Is Switching Employment-Based Categories in a Pending Case an Option?
- Moving Forward: Developing Case Strategies at the Outset to Take into Account Delays, Retrogression, and Denials

Faculty:

Kushal Naishad Patel (DL), New York, NY

Kimberly N. Grant, New York, NY

Filomena Lepore Taylor, Paramus, NJ

Shavit Yarden, New York, NY

AFTERNOON: FAMILY/REMOVAL TRACK

Afternoon Coordinator:

Benjamin L. Simpson, New York, NY

1:45 pm–2:45 pm

DUE PROCESS IN THE CONTEXT OF IMMIGRATION COURT

Immigration judges now face more pressure than ever to move cases along at the expense of providing full and fair hearings, which often are scheduled with little regard for attorney-client preparation. Motions have been denied without any rational or legal basis, and basic fundamental rights, previously taken for granted, have come under daily assault in the courtroom. In these unprecedented times, making a clear record at the administrative court level concerning the deprivation of fundamental due process rights for clients is vital. Panelists on this session, geared toward beginner– and intermediate-level removal

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litigators, will arm practitioners with the necessary tools to argue before the court and preserve claims related to violations of due process.

- Overview of Procedural and Substantive Due Process
- Review of Legal Authority Affirming the Application of Due Process
- How to Articulate and Draft Common Due Process Arguments
- Best Practices for Preserving Due Process Arguments for Federal Review

Faculty:

Cory Forman (DL), New York, NY

Jeremy L. McKinney, AILA Second Vice President, Greensboro, NC

Cheryl David, New York, NY

Andrea Saenz, Brooklyn, NY

2:50 pm–3:50 pm

CHALLENGING REMOVABILITY: WHEN A STATE CONVICTION DOES NOT TRIGGER REMOVAL

Dramatic U.S. Supreme Court decisions have come down over the past five years regarding proper application of the categorical approach. These decisions, for the most part, add to an increasingly powerful arsenal for the removal practitioner to defend against removability. Panelists will provide expert guidance to beginner– and advanced-level practitioners alike on the proper application of the categorical approach.

- History of the Categorical Approach: Supreme Court Decisions and Application
- Recent Supreme Court and Circuit Decisions
- Categorical vs. Modified Categorical: When Going Beyond the Statute Is Proper
- Applying the Categorical Approach to New York Statutes: Beyond *Harbin*
- Realistic Probability: R.I.P. or Alive and Well?

Faculty:

*Sarah Weston Hayes Owings (DL), AILA Board of Governors/EOIR Liaison Committee
Vice Chair, Atlanta, GA*

Felipe Alexandre, Conference Program Co-Chair, Flushing, NY

Shannon Martine LaGuerre-Maingrette, New York, NY

George A. Terezakis, Mineola, NY

3:50 pm–4:00 pm

NETWORKING BREAK

4:00 pm–5:00 pm

I-751 ISSUES REGARDING DIVORCE

The experts on this panel, geared toward experienced practitioners, will focus on handling unconventional I-751 issues when the case is not going according to plan. Filing an I-751, Petition to Remove Conditions on Residence, can be complicated by a couple's failure to file in a timely manner, as well as by allegations of abuse, breakdowns in the marriage before or after filing a joint I-751 petition, or a prior I-751 denial. Panelists will discuss effective

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solutions to address these concerns, including explaining a good cause for delay waivers, and will offer practical tips on how to use each waiver for your client's benefit.

- Unconventional Relationships and Explaining Good Cause for Filing Delays: Initial Filings, RFEs, and NOIDs
- Post-Denial Strategies and Multiple Petitions at the Affirmative Filing Stage
- Timing and Logistics of Divorce in New York and New Jersey, Lack of a Finalized Divorce Decree, Practical Tips on Timing, Advocating for Good Faith
- Reviewing USCIS I-751s in Immigration Court, What to Expect If You Have Been Issued an NTA
- Fixing Adjudicative Errors

Faculty:

Nicole Abruzzo Hemrick (DL), New York, NY

Sylvia Livits-Ayass, AILA New York Chapter Chair, New York, NY

Randall A. Chamberlain, New York, NY

Myriam Sanchez-Hildenbrand, New York, NY

5:00 pm

CONFERENCE CONCLUDES

Friday, December 13

AILA GMS CONSULATE TOURS

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Conference Program Committee

Tafiya T. Khan, Conference Program Co-Chair, Brooklyn, NY

Felipe Alexandre, Conference Program Co-Chair, Flushing, NY

Sylvia Livits-Ayass, AILA New York Chapter Chair, New York, NY

Rachel Baskin, Rockville Centre, NY

Randall A. Chamberlain, New York, NY

Humberto S. Dominguez, New York, NY

Cory Forman, New York, NY

Rosanna M. Fox, Paramus, NJ

Kimberly N. Grant, New York, NY

Steven D. Heller, White Plains, NY

Nicole Abruzzo Hemrick, New York, NY

Kirstin T. Knight, New York, NY

Kelly LeGrand Weiner, New York, NY

Gayle Oshrin, New York, NY

Kushal Naishad Patel, New York, NY

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Karla P. Rosero Kahn, New York, NY
Sonal Sharma, New York, NY
Shavit Yarden, New York, NY

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