



2019 AILA BANGKOK DISTRICT CHAPTER APAC CONFERENCE

FEBRUARY 28 – MARCH 1, 2019

**THE WESTIN GRANDE SUKHUMVIT
BANGKOK, THAILAND**

Join us for the 2019 AILA Bangkok District Chapter-APAC Conference, AILA National's first collaboration with the AILA Bangkok District Chapter-APAC! The conference, to be held in Bangkok on Thursday, Feb. 28 and Friday, March 1, will focus on advanced consular issues, and includes a tour of the U.S. Embassy and Consulate in Bangkok, Thailand, as well as numerous opportunities to network with fellow professionals in the field. Practitioners who attend the conference, either in person or via webcast, will hear about current trends in consular practice from panelists, engage in high-level discussions with colleagues, and garner practice tips from seasoned experts on how to win cases for clients in this tumultuous legal climate. Furthermore, in between learning and networking at the conference, attendees will be afforded the opportunity to indulge in all that the beautiful city of Bangkok has to offer. From its gleaming temples to its floating markets and magnificent food, discover for yourself why Bangkok welcomes more visitors than any other city in the world, and provides a stunning backdrop to a truly engaging conference experience.

Note: *The AILA National EB-5 Advanced Business Conference and Webcast, AILA's first national conference and webcast in Southeast Asia, will follow on Saturday, March 2. Details are included in a separate program. Participants who attend both conferences will be able to do so at a discounted rate.*

Wednesday, February 27, 2018

6:00 pm

WELCOME COCKTAIL RECEPTION

The AILA Bangkok District Chapter welcomes you to a pre-conference reception for attendees and invited government officials.

Thursday, February 28, 2018

7:30 am–8:00 am

REGISTRATION AND NETWORKING

** = invited, not confirmed*

- 8:00 am–8:05 am **WELCOME ADDRESS AND GREETINGS**
Ganesh Kalyanaraman, Conference Committee Chair, Sacramento, CA
Ronald A. Nair, AILA Bangkok District Chapter Chair, Norwalk, CT
- 8:10 am–9:10 am **HOT TOPICS & LATEST TRENDS IN CONSULAR ADJUDICATION**
The panel of experts for this intermediate-level session will discuss available options when your client’s business– or employment-based visa petition is denied. They will review when an employee should leave the United States, the various reasons for refusal, and how to get the consulate to approve the case when a waiver is not needed.
- What to Do When USCIS or the Consular Post Issues a Denial
 - When Should an Employee Leave the Country After the Extension Is Denied?
 - Latest Updates on B Visas
 - Public Charge Issues
- Faculty:*
Ronald A. Nair (DL), AILA Bangkok District Chapter Chair, Norwalk, CT
Anastasia Tonello, AILA President, New York, NY
Greg McLawsen, Seattle, WA
- 9:15 am–10:45 am **THE INS AND OUTS OF CRIMINAL INADMISSIBLY AND WAIVER PRACTICE IN CONSULAR PROCESSING**
Immigration and Nationality Act (INA) §212(a) has numerous criminal inadmissibility grounds that impact both immigrant and nonimmigrant visa cases. Panelists will explore those grounds and provide a practical review of filing waivers with USCIS and the consulates.
- Identifying Certain Criminal Inadmissibility Classes Enumerated in INA §212(a)
 - Crimes Involving Moral Turpitude
 - “Conviction” and “Admission” as Defined in INA §101(48)
 - Controlled Substance Offenses, Controlled Substance Trafficking
 - Prostitution and Commercialized Vice
 - Multiple Criminal Convictions, Money Laundering, and INA §212(A)(3)(a)(ii)
 - Starting Waiver Work Before the Petition Filing or Visa Application
 - Immigrant Visa Waivers
 - INA §212(h) and Comparisons to Other Common Waivers
 - Getting Two Bites at the §212(h) Apple: Between Balancing Factors and “Extreme Hardship”
 - Finding Evidence, Both Common and Creative!
 - Starting Waiver Work Before the Petition Filing or Visa Application
 - Nonimmigrant Visa Waivers: INA §212(d)(3)
 - How Does INA §212(d)(3) Work at the Consulate?
 - Latest Trends in the Asia Pacific Consulates (APAC) and the Admissibility Review Office (ARO)
- Faculty:*
Jeremy A. Weber (DL), AILA New Members Division Steering Committee/USCIS HQ (Benefits Policy) Liaison Committee, Wyong, Australia
Angela J. Ferguson, Kansas City, MO

**Mai Neng Moua, Minneapolis, MN*

10:45 am–11:00 am

NETWORKING BREAK

11:00 am–12:00 pm

HOW CAN THEY DO IT? PERMANENT RESIDENTS LIVING OVERSEAS

Whether your permanent resident clients are planning their future or are already out of the United States, there's always the question of how to maintain their permanent resident status. Explore who can stay outside, who must return, and who loses by not doing it correctly.

- The Ultimate Concern: Abandonment of Permanent Residence
- Permanent Residents Statutorily Allowed to Live Abroad
- Planned and Unplanned Extended Absences: Permits for Reentry and Returning Residents
- Effect on Naturalization and Citizenship

Faculty:

David A. Enterline (DL), Taipei, Taiwan

*Clayton Cartwright, AILA Global Migration Section Steering Committee,
Columbus, GA*

Ryan B. Barshop, Manila, Philippines

**David Sindell, New York, NY*

12:00 pm–1:00 pm

LUNCH AND NETWORKING

1:00 pm–2:15 pm

NAVIGATING COMPLICATED IMMIGRANT VISA ISSUES

Panelists will examine the ever-changing issues that practitioners face with immigrant visas. Government officials will discuss the difficulty in adjudicating immigrant visas and advise on filing a successful immigrant visa application.

- International USCIS Process and Issues
- Current Trends and Policies That Have Significantly Changed Consular Practice
- Immigrants Migrating on an Employment or Family Category Visa
- Top Three Tips from Officials for Improving Immigration Law Practice

Faculty:

Hardeep Sull (DL), Las Vegas, NV

Diane M. Butler, AILA Board of Governors, Seattle, WA

**USCIS District Director, Bangkok, Thailand*

**Mission Thailand (Bangkok) Immigrant Visa Chief*

2:20 pm–3:35 pm

NONIMMIGRANT VISA ISSUES: INVESTOR AND EMPLOYMENT IMMIGRATION

Panelists will examine recent trends in implementing “Buy American and Hire American” (BAHA) executive order concepts in petitions. In addition, consular officers will provide insight on how the practice of immigration law has changed the adjudication of petitions for investor and employment categories.

- Trends in Investor Visas
- Issues with Employment Visa Categories
- INA §221(g) for Staffing Companies
- Determining Financing Issues in Investor Visas: “Clean Money” vs. “Dirty Money”
- Common Red Flags for Consular Officers
- Tips from Officials in Each of These Categories

Faculty:

*Elaine M. Kumpula (DL), AILA Global Migration Section Steering Committee,
Minneapolis, MN*

Nikki Dryden, Sydney, Australia

**Mission Thailand (Bangkok) Nonimmigrant Visa Chief*

**Mission India (Mumbai) Nonimmigrant Visa Chief*

**Mission Japan (Tokyo) Nonimmigrant Visa Chief*

3:40 pm–4:55 pm

NONIMMIGRANT AND IMMIGRANT VISAS: ELIGIBILITY AND ADMISSIBILITY ISSUES

Panelists will provide an overview of common family eligibility and inadmissibility issues. They also will examine current family immigration and inadmissibility issues that are complicating consular practice.

- Bona Fides as Evidence of a Qualified Relationship
- The Use of DNA Testing
- Fraud and Misrepresentation
- How to Avoid an Alien Smuggling Determination
- Spouses and Fiancés: The Quiet Increase in Evidence Requirements
- The Nuances of Determining Who Will Become a Public Charge and How to Overcome This

Faculty:

Irene A. Steffas (DL), Marietta, GA

Andrew Wood, AILA Pittsburgh Chapter Chair, Pittsburgh, PA

**Wayne Michael Weightman, Phnom Penh, Cambodia*

**Mission India (Mumbai) Immigrant Visa Chief*

**Mission Thailand (Bangkok) Immigrant Visa Chief*

**Mission Japan (Tokyo) Immigrant Visa Chief*

7:00 pm

COCKTAIL RECEPTION, NETWORKING, AND DINNER

Friday, March 1, 2018

9:15 am–9:45 am

REGISTRATION AND NETWORKING

9:45 am–10:45 am

LOCKING DOWN THE DETAILS: APPLICATION OF THE CSPA TO FAMILY AND EMPLOYMENT SITUATIONS

Eighteen years after its passage, the Child Status Protection Act (CSPA) continues to undergo transition. Protect your clients' children (and yourself!) by following the practical advice offered by our expert panelists on how to incorporate the latest changes and interpretations into your practice.

- Accurately Determining a Child's "CSPA Age" and Computing the Future "Age-Out" Date
- USCIS and DOS: Differing Views of "Sought to Acquire"
- Rewards and Risks When Using the "Dates for Filing"
- Reconciling CSPA Provisions After Single and Multiple Retrogressions
- Safely Using the CSPA Opt-Out Provision

Faculty:

*James W. Austin (DL), AILA USCIS Field Operations Liaison Committee,
Kansas City, MO*

*Minha Javed, Granite Bay, CA
Satnam Singh, Norfolk, VA*

10:50 am–11:50 am

AGENCIES RUNNING AMOK: PRACTICE MANAGEMENT IN THE AGE OF BAD DECISIONS, UNWIELDY RFEs, AND UNPRECEDENTED DENIALS

The days of expecting an approval after submitting a properly prepared application appear to be over. Under the current administration, at least one-third of cases filed receive an RFE, and even simple extension cases are no sure thing. While the demands placed on practitioners as a result have increased dramatically, the expectations of clients, who remain reluctant to pay for RFE responses but still anticipate approvals soon after filing, haven't changed at all. The result is that practitioners now must do more work for the same or even less money. Our expert panelists will provide guidance on how to cope and succeed given this paradigm shift in immigration practice.

- Setting Appropriate Fees: Do Flat Fees Make Sense Anymore? Is There Such a Thing as an Excessive Fee? Is Hourly Billing Really That Bad?
- Reconciling the Demand for More Evidence with the Dangers of Over-Documentation
- RFEs: Avoiding or Minimizing Through Better Case Preparation, Best Practices for Getting Paid for Responses
- Managing Client Expectations While Projecting Confidence About Their Cases
- Managing Your Practice During a Crisis

Faculty:

Jared Leung, AILA DOS Liaison Committee/Author, The Consular Practice Handbook, Tempe, AZ

Joseph Peter Drennan, Alexandria, VA

Mary Carmen R. Madrid Crost, Chicago, IL

Richard Alvoid Jr., Pensacola, FL

11:50 am–12:05 pm

NETWORKING BREAK

12:05–1:05 pm

ETHICS PANEL: YOU DID WHAT?

Why do good lawyers go bad? Is some behavior merely aggressive and not unethical? Where is the line drawn between vigorous and unethical representation? Panelists will address these and other issues related to ethics in immigration practice.

- New FAM: 9 FAM 602.1-3—Unethical Conduct by Intermediaries
- Competency: Are You Competent Enough to Handle Difficult Cases as Vigorously as Necessary Without Crossing Ethical Lines?
- Interest on Lawyers Trust Accounts (IOLTA) Account Management
- When to Walk Away, Ethically
- Fertilizer Happens: Don't Make a Bad Situation Worse

Faculty:

Ganesh Kalyanaraman (DL), Conference Committee Chair, Sacramento, CA

Eugene Chow, Hong Kong, China

Frederick W. Hong, Guangzhou, China

1:05 pm–2:10 pm

LUNCH AND KEYNOTE SPEAKER, MARCH MONTHLY MEETING, AND CLOSING REMARKS

* = invited, not confirmed

2:30 pm–5:00 pm **U.S. EMBASSY AND CONSULATE, BANGKOK TOUR**

6:00 pm **HAPPY HOUR FAREWELL RECEPTION**

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