



32ND ANNUAL AILA CALIFORNIA CHAPTERS CONFERENCE

The AILA Santa Clara Chapter welcomes colleagues throughout the state and beyond to the 32nd Annual AILA California Chapters Conference, set to take place in Monterey, CA. Expert panelists will provide attendees of all experience levels with critical updates across a wide range of immigration law topics. In addition, participants will have the opportunity to network with colleagues, earn specialized CLE credit, and receive important information specific to practicing immigration law in California.

NOVEMBER 7–9, 2019
MONTEREY CONFERENCE CENTER
1 PORTOLA PLAZA
MONTEREY, CA

THURSDAY, NOVEMBER 7, 2019

5:00 pm – 8:00 pm **REGISTRATION**

5:00 pm – 6:30 pm **WELCOME RECEPTION HOSTED BY THE AILA SANTA CLARA CHAPTER**

Day Coordinator: *Cory Caouette , AILA Board of Governors, Santa Clara Valley Chapter
Chair, San Jose, CA*

5:55 pm – 6:55 pm **THE RISE OF CANNABIS**

With marijuana legal in California and becoming a larger part of everyday life, it is likely being used by more attorneys and staff members than ever before. The panelists will address how marijuana usage affects the workplace, and they will provide guidelines for consumption.

- Cannabis Use Among Lawyers and Staff Members
- Can You Police Use Amongst Employees?
- How to Know When Casual Use Becomes Abuse
- Using and Working: How to Know When You're "Good to Go"

Faculty:

*Cory Caouette (DL), AILA Board of Governors, Santa Clara Valley Chapter
Chair, San Jose, CA*

Catherine Caouette, San Jose, CA

(DL) = Discussion Leader

** = Invited Speakers, Not Confirmed*

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

Mary Clifton, M.D., CBD and Cannabis Expert, New York, NY

7:00 pm – 8:00 pm

CANNABIS AND IMMIGRATION

The cannabis industry in California has seen tremendous growth since 2016, when the drug became legalized for recreational use throughout the state. Despite this, however, securing immigration benefits for those in the industry remains elusive. Panelists will address how to deal with consular and service center challenges specific to the cannabis industry, and they will provide tips on best practices for achieving successful outcomes for clients.

- Challenges in Getting Approvals for Cannabis Industry Workers
- Medical Exams and the Continued Challenges at Consulates
- Advising Clients in the Wake of Recent Statements from CBP
- Risk Factors for Being Put into Removal

Faculty:

Michael K. Mehr (DL), Santa Cruz, CA

Adhemir Hector Romero, Salinas, CA

W. Scott Railton, Bellingham, WA

FRIDAY, NOVEMBER 8, 2019

PLENARY SESSIONS

Day Coordinator: Sean Larkin, Watsonville, CA

7:00 am – 5:30 pm

REGISTRATION AND EXHIBITS

7:15 am – 7:45 am

SPECIAL EARLY BIRD SESSION: AILALINK TRAINING

See AILALink in action! Developed and maintained by AILA, AILALink is an online research library of fully searchable resources necessary for the successful practice of immigration law—i.e., statutes, regulations, case law, agency correspondence, AILA publications, government manuals, reports, and much more! See what AILALink can do for your practice during this special training.

7:50 am – 7:55am

WELCOME ADDRESS

Ritu Goswamy, Conference Program Co-chair, Felton, CA

8:00 am – 9:00 am

HOT TOPICS

AILA leadership will address the current hot topics in immigration and provide information on how AILA is helping you to grow your practice and serve your clients. Panelists will address:

- Recent Changes in California Law That May Impact Your Clients
- Implementation of the Public Charge Rule
- Developments in Business Immigration
- Living in a Post-Pereira World

Faculty:

Cory Caouette (DL), AILA Board of Governors, Santa Clara Valley Chapter

(DL) = Discussion Leader

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Chair, San Jose, CA
Farshad Owji, AILA Treasurer, San Francisco, CA
Bernard P. Wolfsdorf, AILA Past President, Santa Monica, CA
Trina Realmuto, Directing Attorney, American Immigration Council,
Boston, MA

9:05 am – 10:05 am

CORRECTING GOVERNMENT ERRORS

In an era where a single faulty keystroke can result in denial of an immigration benefit, USCIS seems to be making more errors than ever. Learn how to fix those errors in the most effective manner possible.

- USCIS Errors: Correct Them Now? At the Consulate?
- Errors on Priority Dates
- How to Deal with Clients and the Government
- 1-800 Number, InfoPass, and the Challenges of FOIA

Faculty:

Erika Susette Rivera (DL), San Jose, CA
Brian S. Green, Los Angeles, CA
Jonathan S. Greene, San Diego, CA

10:10 am – 11:10 am

TO FILE OR NOT TO FILE: RISK MANAGEMENT AND ETHICAL CONSIDERATIONS

Sometimes, the simple act of filing for an immigration benefit can put your client in hot water; similarly, not filing can place your client at risk of losing their status or right to future benefits. So, what is a practitioner to do? Panelists will discuss the important factors to consider and when to act.

- The Notice to Appear Memorandum
- Changes to the Definition of Public Charge
- Naturalization and Ethical Issues of Disclosure on the N-400
- Issues in Denaturalization
- Lengthy Adjudication Issues

Faculty:

Jesse A. Lloyd (DL), Oakland, CA
Kathrin S. Mautino, San Diego, CA
Helen A. Sklar, Los Angeles, CA

11:15 am – 12:15 pm

PRODUCTIVITY AND PROFESSIONALISM

Earn your competency CLE credit while hearing from AILA experts on how to manage work-life balance and maximize the efficiency of your office.

- How to Manage Conflict with Government Representatives and Opposing Counsel
- Dealing with Client Expectations and Setting Healthy Boundaries
- Self-Care as the Foundation of Healthy and Efficient Productivity
- Using Technology to Leverage and Streamline Your Work

Faculty:

Ritu Goswamy (DL), Conference Program Co-Chair, Felton, CA
Tiffany Martinez, San Francisco, CA

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Reid Trautz, AILA Director of Practice and Professionalism, Washington, D.C.

12:15 pm – 1:10 pm **LUNCH**

12:25 pm – 1:10 pm **LUNCH PANEL: PLANNING FOR CONTINUITY AND LEGACY**

Have you ever wondered who would handle your professional matters if you were incapacitated? A significant problem for firms is an even more dramatic issue for solo and small practices. Our panel of experts will advise on how to plan effectively for short- and longer-term absences from the office, as well as how to plan for the future.

- Coverage in Case of Emergencies, Vacations, or Sabbaticals
- Planning for Parental Leave, Retirement, or Death
- Insurance Coverage, Wills & Trusts, Power of Attorney

Faculty:

Deepali V. Lugani (DL), San Jose, CA

Jennifer L. Carr, San Francisco, CA

Reid Trautz, AILA Director of Practice and Professionalism, Washington, D.C.

TRACK I: BUSINESS

Day Coordinator: *Da'Niel Rowan, Santa Clara, CA*

1:15 pm – 2:15 pm **EMPLOYMENT-BASED ADJUSTMENT INTERVIEWS**

Two years into employment-based interviews, we are finally coming to grips with how to prepare clients, avoid pitfalls, and achieve successful outcomes for our employment-based petitioners and beneficiaries. Our expert panelists will advise on best practices for ensuring that your clients are put in the best position possible in advance of their interview.

- California USCIS Liaison Updates
- Tips and Tricks, How to Prepare Your Clients
- Differences Between California Offices
- Differences Between Employment-Based and Family-Based Interviews

Faculty:

Maxine Dorain Bayley (DL), San Francisco, CA

Fausta Maria Albi, San Diego, CA

Hannah Duffy, Walnut Creek, CA

2:20 pm – 3:20 pm **INTERPRETING TRUMP ERA MEMORANDA**

While not law, the memoranda of the Trump administration are not irrelevant. Our expert panelists will provide an overview of these memoranda and advise on how to put your practice and your clients in the best position to succeed in light of them.

- Overview of Memoranda from the Past Two Years
- Practice Pointers: How to Implement and How to Challenge
- USCIS Guidance Not Memorialized in Memoranda

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- How Does BAHA Impact the Late Obama-Era Guidance Regarding Highly-Skilled Workers

Faculty:

Donald Kyle Sheppard (DL), San Diego, CA

Claire S. Pratt, San Francisco, CA

Ellen D. Kregel, Menlo Park, CA

3:25 pm – 4:25 pm

NAVIGATING H-1B RFEs

H-1B RFEs and denials are at an all-time high. From staffing companies to start-ups, the level of scrutiny has now gone through the roof. Panelists will examine current trends and engage attendees in a frank discussion of how to get clients approved.

- How Documentation Has Changed, How to Craft the Job Description
- What Is a Specialty Occupation Anymore? Is the Specialty Letter Dead?
- What Is Truly Entry-Level, and How Do You Get a Level One Wage Approved?
- Challenges Facing Start-Ups, from Multiple Worksites to Working from Home

Faculty:

Margret Ann Gonzales (DL), San Francisco, CA

Ajla Husic, Santa Cruz, CA

Ron Matten, West Hollywood, CA

4:30 pm – 5:30 pm

THE STATE OF THE J-1 WAIVER

J-1 waivers have gone through several iterations in the last decade. Panelists will advise on the status of the waiver in 2019, and which options are best for you and your clients.

- What Types of Waivers Are Available?
- Best Practices for Filing No Objection Waivers: Country Specific Concerns
- Are Fulbrights Still Problematic?
- The State of the Hardship Waiver

Faculty:

Kelly S. Wachs (DL), Santa Cruz, CA

Alanna S. Perez Romo, Sacramento, CA

Elissa J. Taub, Memphis, TN

TRACK II: ASYLUM/REMOVAL

Day Coordinator: *Jeraline Singh Edwards, Aptos, CA*

1:15 pm – 2:15 pm

HOT TOPICS IN ASYLUM REPRESENTATION

Panelists will examine the latest developments in asylum law, paying special attention to current conditions at the Tijuana ports of entry, including San Ysidro. Topics to be discussed include metering at the border, credible fear interviews (CFIs), and employment authorization document (EAD) issues.

- Best Practices for Entering and Maintaining Status

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- Preparing Clients for CFIs
- Asylum Clock and EAD Issues
- The *Lafferty* Memorandum and *Matter of M-A-C-O*: Unaccompanied Minors and Jurisdiction
- Preparing Recent Arrivals and Family-Based Particular Social Groups (PSGs); Developments in Formulating Successful PSGs

Faculty:

Elham Sadri (DL), San Jose, CA

Amanda Alvarado Ford, San Mateo, CA

Ginger E. Jacobs, San Diego, CA

2:20 pm – 3:20 pm

HOT TOPICS IN ASYLUM LAW

Asylum law is one of the hottest and fastest changing areas of immigration law, one which continues to make headlines. Our expert panelists will cover the latest developments in the field and provide tips for securing successful outcomes for clients.

- The State of Asylum Law Today
- Asylum in the Post-*Matter of A-B* World
- Tips for Proceeding in the Current Era
- CBP and DHS Practices Regarding the “Remain in Mexico” Policy, Pending and Future Litigation

Faculty:

Morgan Weibel (DL), San Bruno, CA

Merle D. Kahn, San Jose, CA

Evangeline Abriel, Santa Clara, CA

3:25 pm – 4:25 pm

CALIFORNIA POST-CONVICTION RELIEF

The Ninth Circuit, BIA, and state appellate courts are currently interpreting the effects of new laws passed by the California legislature to invalidate or challenge old convictions. Our expert panelists will provide an overview of these new laws, examine what the courts have said about them, and discuss cutting-edge developments in the evolving area of post-conviction relief.

- How the Ninth Circuit and BIA Have Moved the Needle on Post-Conviction Relief
- What the New Legislation Means
- Pushback from DHS in Court
- The Impact of *Lorenzo v. Sessions*

Faculty:

Jonathan D. Montag (DL), San Diego, CA

Raha Jorjani, Oakland, CA

Karl William Krooth, San Francisco, CA

4:30 pm – 5:30 pm

IMMIGRATION COURT LITIGATION

In light of the current administration’s aggressive attempts to fundamentally alter removal proceedings, our expert panelists will examine the latest developments affecting bond and suppression motions. Panelists will also provide an update on post-Pereira decisions from the BIA and Ninth Circuit and discuss how you can

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utilize these decisions to defend your clients as aggressively as possible. Finally, panelists will address issues advocates face in a compressed removal hearing and strategies to preserve the record.

- Bond in the Era of Trump
- The State of the Motion to Suppress
- Update on *Pereira*
- Litigating in a Time of Compressed Hearings

Faculty:

Lauren D. Cusitello (DL), AILA San Diego Chapter Chair, San Diego, CA

Nanya YM Thompson, San Diego, CA

Rebecca Jamil, San Francisco, CA

Evening Events:

NMD HAPPY HOUR

Where: [Peter B's Brewpub](#) – Located in the Portola Hotel & Spa

Join fellow New Members Division (NMD) members for a networking happy hour at Peter B's Brewpub in the Portola Hotel & Spa. Get acquainted with your peers, meet NMD Steering Committee members, chapter liaisons, and conference speakers over a glass of local wine, craft beer, or beverage of your choice! The happy hour will begin immediately following the conference on Friday, November 8, and attendees are responsible for their own tabs. For more information, please email Anna Rappaport (arappoport@aila.org).

BEACH SOIRÉE WITH THE COUNCIL

Early Bird: **\$50**

Date: **November 8**

Time: **6:30-8:30 PM**

Venue: **Monterey Beach House**

After a day of sessions, join us at a “Beach Soirée with the Council” for music, cocktails, games, and delicious appetizers. Network with immigration attorneys and advocates, enjoy the beachfront view, and sip a few cocktails all while supporting a great cause. Your ticket will support the American Immigration Council’s mission to promote fair and just immigration policies. You can buy tickets when you register for the conference or [here](#). All are welcome!

SATURDAY, NOVEMBER 9, 2019

7:30am – 8:25am

BREAKFAST WITH THE CONSULAR OFFICERS

This open round table discussion with former consular officers will help you to understand the ins and outs of consular practice and what commonly happens “behind the glass.”

Faculty:

Stephen R. Pattison (DL), Portsmouth, NH

Mandy Feuerbacher, Los Gatos, CA

8:00 am – 12:55 pm

REGISTRATION AND EXHIBITS

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TRACK I: BUSINESS

Day Coordinator: Da'Niel Rowan, Santa Clara, CA

8:30 am – 9:30 am **NONTRADITIONAL APPROACHES TO GETTING THE EMPLOYMENT GREEN CARD**

Thinking outside the box often separates the best immigration practitioners from the rest. With traditional approaches to permanent residence under fire, it is imperative that you make sure you know the best alternative options available to your clients.

- EB-1 Shortage Occupations
- Affirmative Asylum Applications
- TPS: Validity and Adjudication Issues
- Unique Success Stories and Challenges to Be Faced

Faculty:

Jennifer Shih (DL), San Francisco, CA

Roujin Mozaffarimehr, Newark, CA

Kathleen Spero, San Diego, CA

9:35 am – 10:35 am **I-9 COMPLIANCE IN 2019**

Worksite enforcement remains a hot button issue, so you need to prepare yourself to assist your clients in dealing with the ramifications. Our expert panelists, who deal with worksite enforcement in their practices every day, will provide guidance on how to become proficient in I-9 compliance.

- Trends in Audits
- Responding to the Notice of Intent to Fine: Negotiating with ICE
- How to Deal with the “No-Match Letter”

Faculty:

Atessa Chehrazi (DL), San Francisco, CA

Ann Cun, San Leandro, CA

Ali Ramezanzadeh, Santa Clara, CA

10:35 am – 10:50 am **NETWORKING BREAK**

10:50 am – 11:50 am **DEALING WITH EMPLOYMENT GAPS**

OPT expiring in February? EADs pending more than 180 days? Payroll provider not accepting receipt notices as proof of extension? Employment gaps are the norm these days, and your clients want to know how to proceed. Our expert panelists will advise on best practices.

- Navigating Delays in EAD Issuance
- Maintaining Status When the EAD is Gone or After “Cap-Gap”
- How to Maintain the Nonimmigrant Visa Once the Immigrant Visa is Gone

Faculty:

Diana Vellos Coker (DL), San Diego, CA

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Camiel Becker, Oakland, CA
Robert G. Nadalin, San Diego, CA

11:55 am – 12:55 pm **TRENDS IN BUSINESS LITIGATION**

Litigation of USCIS denials is up almost 2000% in the Trump administration. In light of this, it is high time that we business immigration lawyers become comfortable with litigation. Our expert panelists will provide guidance on how to prepare to walk the plank and start litigating.

- How to Use Business Litigation to Your Advantage
- AAO or Federal Court? When to Push Which Filing
- Is There a Way to Force the Government's Hand?
- Best Practices for Your First Case

Faculty:

Amy Prokop Lenhart (DL), Los Angeles, CA

Jesse M. Bless, AILA Director of Federal Litigation, Washington, DC

Brandon Meyer, San Francisco, CA

TRACK II: FAMILY/HUMANITARIAN

Day Coordinator: *Amanda Alvarado Ford, San Mateo, CA*

8:30 am – 9:30 am **I-751 TRENDS AND TOPICS**

Our expert panelists will examine the latest happenings in I-751 filings and provide guidance on how to deal with the idiosyncratic items conditional resident filings often bring to the table.

- Dealing with a Failing Marriage: Duty to Inform USCIS?
- Do Interview Waivers Still Exist?
- RFEs and Interview Prep
- The Increasing Burden of Proof
- Filing the N-400 While the I-751 Is Pending

Faculty:

*Scott A. Emerick (DL), AILA Southern California Chapter Chair,
Los Angeles, CA*

Veronica Benigno Guinto, San Francisco, CA

Vilma L. Guerrero, Santa Cruz, CA

9:35 am – 10:35 am **THE MODERN WORLD OF HUMANITARIAN VISAS**

Given that filing a U or T Visa is no longer an uncomplicated no-brainer, our expert panelists will explore the NTA memorandum and how to weigh the risks and benefits of U or T visa filings. They also will discuss trends with U and T visas surrounding denials of law enforcement certifications, long processing times, RFEs, and USCIS denials. Finally, panelists will delve into updates on DACA and TPS litigation.

- T Visa Denials and Trends
- DACA Renewals

(DL) = Discussion Leader

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- TPS Updates and Strategies for TPS Adjustments
- U Visa Trends

Faculty:

Tess Feldman (DL), Los Angeles, CA

Anita Mukherji, Oakland, CA

Leah Chen Price, San Bruno, CA

10:35 am – 10:50 am **NETWORKING BREAK**

10:50 am – 11:50 am **CALIFORNIA FAMILY AND PROBATE LAW IN THE IMMIGRATION CONTEXT**
Panelists will provide cutting edge updates on Special Immigrant Juvenile Status (SIJS) litigation and give advice on dealing with visa wait times and complex SIJS cases, particularly AB-900 guardianships. They also will discuss enforcement of affidavits of support, especially in light of the recent White House memorandum on the subject. Lastly, the panelists will explore how to resolve issues in family court, including potentially invalid divorces or marriages.

- SIJS Updates
- Affidavits of Support Being Enforced in Court
- Can It Be Cleared if Someone Is an Accidental Bigamist?
- How to Prove Divorce in Another Country if Documentation Isn't Great

Faculty:

*Merlyn N. Hernandez (DL), AILA EOIR Liaison Committee Chair,
 Los Angeles, CA*

Julianna Rivera Maul, Oakland, CA

Deborah H. Wald, The Wald Law Group, San Francisco, CA

11:55 am – 12:55 pm **FIGHTING USCIS ON FAMILY LAW IN COURT**

For the first time, immigration practitioners are having to go to court for family-based immigration benefits. Our expert panelists will help you navigate those waters and get your clients those approvals!

- How to Take USCIS to Court for Delays and/or Misapplied Law
- Travel Ban Concerns
- Trends in Federal Court Filings
- Alternatives to Filing in Federal Court

Faculty:

Zachary Nightingale (DL), San Francisco, CA

Sabrina Rachel Damast, Los Angeles, CA

Carl M. Shusterman, Los Angeles, CA

12:55 pm **CONFERENCE CONCLUDES**

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CONFERENCE PROGRAM COMMITTEE

Cory Caouette, AILA Board of Governors, Santa Clara Valley Chapter Chair, San Jose, CA

Ritu Goswamy, Conference Program Co-chair, Felton, CA

Amanda Alvarado Ford, San Mateo, CA

Veronica Benigno Guinto, San Francisco, CA

Ajla Husic, Santa Cruz, CA

Anita Mukherji, Oakland, CA

Claire S. Pratt, San Francisco, CA

Nanya YM Thompson, San Diego, CA

Tiffany Chang Wu, Irvine, CA

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