



2021 AILA ANNUAL VIRTUAL CONFERENCE
JUNE 9 – 12, 2021

TUESDAY, JUNE 8, 2021

AILA TRAININGS

1:00 pm–2:00 pm

New Attendee Orientation

Is this your first time attending the annual conference? If so, this orientation was designed especially for you! Attend this session to learn all you need to know about making the most out of your conference experience.

Maurice Goldman (DL), 2021 AILA Annual Conference Program Committee Chair, Tucson, AZ

Teddy Chadwick, AILA NMD Steering Committee Chair, Milwaukee, WI

Tristan Gunn, AILA Membership Engagement Chair, Chicago, IL

*Karen Lucas, Immigration Justice Campaign Director, Immigration Justice Campaign,
Washington, DC*

*Matt Antico, AILA Meeting Associate, Professional Development, Publications & Learning
Resources, Washington, DC*

WEDNESDAY, JUNE 9, 2021

6:00 pm–8:00 pm

Exhibit Hall Grand Opening

6:00 pm–8:00 pm

AILA Annual Awards Ceremony

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

FUNDAMENTALS TRACK

10:30 am–11:30 am

What Every New Immigration Lawyer Should Know

If you're new to immigration law and currently struggling to establish your law practice, rest assured: you're not alone. Virtually every immigration lawyer, has gone through the same at some point. Panelists will share wisdom from years of practice and their experiences as once-fledgling lawyers, provide expert guidance to help build your confidence and your practice, and offer up tricks of the trade to help turn you into a rock star immigration attorney.

- Legal Resource Essentials: INA and CFR, AILA.org and AILALink, *Kurzban's Immigration Law Sourcebook*
- Case Management Tools, Online Subscription Services
- The Importance of Establishing Mentor Relationships
- The Perfect Retainer Agreement and Consultation: Everything You Should Cover
- How to Get and Keep Clients

Maricela Amezola (DL), San Diego, CA

Snehal Batra, Raritan, NJ

Norma Sepulveda, Harlingen, TX

11:30 am–12:30 pm

Lunch Break

12:30 pm–1:45 pm (75 Mins)

Nonimmigrant Visa Overview, Part I

This two-part series gives new practitioners an overview of the nonimmigrant visa categories. Panelists on Part I cover the main employment-based nonimmigrant visa categories, and will address when each is appropriate for clients. The information in this panel is intended to serve as a basis for a more detailed analysis of these visas offered in other sessions.

- E-1 and E-2: Treaty Traders and Investors
- H-1B, H-1B1, H-3, and E-3: Temporary Workers
- H-2A and H-2B: Seasonal Workers
- I: Foreign Media
- TN: Canadian and Mexican Professionals
- L-1A and L-1B: Intracompany Transferees
- O: Extraordinary Individuals
- P: Athletes, Artists, and Entertainers

Gayle Oshrin (DL), 75th Anniversary Committee Chair, New York, NY

Maggie M. Murphy, AILA Board of Governors, Austin, TX

Elizabeth Baker, Detroit, MI

Silvina Tondini, Carlsbad, CA

(DL) = Discussion Leader

** = invited, not confirmed*

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1:45 pm–2:15 pm
Networking Break

2:15 pm–3:30 pm (75 Mins)
Nonimmigrant Visa Overview, Part II

In Part II of this two-part introductory session, panelists will complete the basic overview of the nonimmigrant visa categories begun in Part I. All nonimmigrant visa categories, from diplomats to victims of crime, will be discussed, and panelists will address when each is appropriate for clients. The information in this panel is intended to serve as a basis for a more detailed analysis of these visas offered in other sessions.

- A, G, and NATO: Diplomats and Government Representatives
- B-1 and B-2: Visitors
- C and D: Aliens in Transit, Alien Vessel and Aircraft Crew
- F, J, and M: Students and Exchange Visitors
- K-1 and K-3: Fiancées and Family Members
- Q: The Cultural Visa
- R: Religious Workers
- S: Informants
- T: Victims of Human Trafficking
- U: Victims of Crimes

Cecelia Friedman Levin (DL), Silver Springs, MD
Renata Castro, Pompano Beach, FL
Randeep Hira, Houston, TX
Leah Chen Price, San Bruno, CA

3:30 pm–4:00 pm
Networking Break

4:00 pm–5:00 pm
Nonimmigrant Visa Consular Processing 101

Panelists will address the basics of nonimmigrant visa consular practice at U.S. consulates and embassies abroad. They will discuss the overall process and identify common challenges faced by clients when they apply for nonimmigrant visas.

- The Visa Application Process: Step-by-Step Instructions, Tips on Dealing with the Nonimmigrant Visa Unit
- “When Will the Visa Be Issued?” Understanding Extreme Vetting and Administrative Processing Challenges Due to COVID
- When and Where Can My Client Apply?
- Inadmissibility and Waiver Issues, Dealing with Visa Denials
- How to Troubleshoot Processing Issues

Claire D. Nilson (DL), London, UK
Kyle Barella, Brussels, Belgium

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** = invited, not confirmed*

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Mandy Feuerbacher, Los Gatos, CA
Jeremy A. Weber, Wyong, Australia

5:00 pm–5:30 pm
Networking Break

5:30 pm–6:30 pm
Naturalization 101

Panelists will explain who is eligible to become a naturalized U.S. citizen, the basic requirements, and the process for naturalization. They also will discuss the impact longer processing times and USCIS policy changes can have for clients. Finally, panelists will identify circumstances when filing an N-400 is not in the best interests of the client.

- Overview of Eligibility Requirements for Naturalization
- Continuous Residence, Physical Presence, and Good Moral Character Requirements
- English Language and Civics Testing, Exemptions, and Waivers
- Timing Issues
- “What Do You Mean I’ll Never Be a U.S. Citizen?” When Not to File for Naturalization

Tracie Klinke (DL), Marietta, GA
Allen Kaye, AILA Past President, New York, NY
Kathrin S. Mautino, San Diego, CA
Douglas Michael Russo, Nashville, TN

6:30 pm–7:00 pm
Networking Break

7:00 pm–8:00 pm
Best Practices for Remote Representation and Pro Bono

Many of our practices have turned virtual during the midst of the COVID-19 pandemic. Lawyers are meeting and prepping clients and appearing at hearings telephonically and through video platforms. Legal service providers have had to change the ways they conduct intakes, screen, and refer clients. During this interactive roundtable, panelists will discuss best practices for our new virtual world.

- Tips on How to Make Client Connections and Build Trust When You Cannot Physically Meet with Your Clients
- The Do’s and Don’ts of Telephonic Appearances
- Best Practices for Virtual Intakes and More!

FAMILY TRACK

4:00 pm–5:00 pm
“You’re FOIAed!”: The Immigration Attorney’s Secret Weapon

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Have you had an issue pop up at the last minute? Did your client “forget” something that happened in the past? Never be surprised again! Speakers on this intermediate panel will address which records to search in FOIA to get the most information needed for your case.

- Overview of Suppression
- FOIA Essentials: How to Get What You Need, and From Whom
- Which Records to Ask for?
- How to Find the “Ghosts” of the Past
- What to Do with the Records You Get
- Appealing and Litigating Redacted and Limited FOIA Responses

Dagmar Butte (DL), FOIA Committee Chair, Portland, OR

Faye M. Kolly, Austin, TX

Zachary Nightingale, San Francisco, CA

Emily Creighton, Legal Director, Transparency, American Immigration Council, Washington, D.C.

5:00 pm–5:30 pm

Networking Break

5:30 pm–6:30 pm

Hot Topics: Family-Based Immigration in the Time of Biden

Panelists on this intermediate session will address the latest immigration changes from the Biden administration that affect family-based immigration and adjustment of status (AOS).

- Potential Applications for Relief from Removal for VAWA, U, and T Petitioners
- Updates on AOS: Public Charge Rule and the State of the I-944
- Updates on the Impact of AOS with Prior Criminal Issues
- Updates on AOS in the Time of COVID and Post-COVID
- Issues Arising on AOS Applications Six Months into the New Administration
- Processing Times
- Updates on TPS, DACA, Advance Parole AOS

Michelle Saenz Rodriguez (DL), AILA Board of Governors, Dallas, TX

Michael R. Jarecki, AILA Board of Governors, Chicago, IL

Matthew Holt, San Diego, CA

Andrea Paolo Reyes, Jacksonville, FL

6:30 pm–7:00 pm

Networking Break

7:00 pm–8:00 pm

Anatomy of the USCIS System and Processes: Service Centers, Field Offices, and Lockboxes

An immigration lawyer’s understanding of the complex network of USCIS is essential. Panelists on this all-levels session will provide an overview of the often confusing USCIS system with

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regards to family-based processing. They also will offer strategies on how to deal with common difficult issues that arise at lockboxes, service centers, field offices, and the National Benefits Center (NBC).

- Lockbox Rejections: How to Clear the First Hurdle
- Initial Review of the Evidence: Common Filing Errors and Tips to Avoid RFEs from NBC
- How to Address an Adam Walsh Act Notice of Intent to Deny (NOID): NOID or RFE, Other Security Delay Issues
- “InfoNightmare”: When InfoPass Becomes InfoMod—Strategies for Contacting USCIS Offices, Options When Everything Else Fails

James W. Austin (DL), AILA Online Course and Recorded Content Review Committee Chair, Kansas City, MO

Myriam Sanchez-Hildenbrand, New York NY

Fatimah Mateen, Senior Policy Advisor, CIS Ombudsman, Washington, D.C.

**Robert Cowan, USCIS National Benefits Center, Director, Lee’s Summit, MO*

REMOVAL PROCEEDINGS AND FEDERAL LITIGATION TRACK

4:00 pm–5:00 pm

Litigating Your First Federal Court Case: You Can Do It! (Part 1 of 2)

This introductory panel is designed for those new to federal court litigation. Panelists will focus on the Administrative Procedures Act (APA) and mandamus litigation basics for all immigration practitioners.

- When Is Litigation Necessary? Exhaustion of Remedies? Cost Considerations?
- Preparing the Complaint
- Demand to Assistant U.S. Attorney
- What to Include (or Not) in Your Initial Filing
- Different APA Actions
- Exhibits: When to Include (or Not)

Sabrina Rachel Damast (DL), Amicus Committee Chair, Los Angeles, CA

Ira J. Kurzban, AILA Past President, Coral Gables, FL

Marc Van Der Hout, AILA Board of Governors, San Francisco, CA

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

5:00 pm–5:30 pm

Networking Break

5:30 pm–6:30 pm

You’re in Federal Court—Now What? Avoiding Dismissal (Part 2 of 2)

(DL) = Discussion Leader

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Part 2 of this two-part series is an intermediate-level panel that will delve into various jurisdictional and procedural issues immigration practitioners in federal court should understand.

- Finality, Mootness, and the Discretionary Bar
- Litigation Timeline
- Responding to a Motion to Dismiss
- Preparing to Document EAJA Fees

Mark Stevens (DL), Fairfax, VA

Brian Scott Green, Littleton, CO

Rekha Sharma-Crawford, AILA Board of Governors, Kansas City, MO

*Kate Melloy Goettel, Legal Director of Litigation, American Immigration Council,
Washington, DC*

6:30 pm–7:00 pm

Networking Break

7:00 pm–8:00 pm

Removal & Litigation: Who Wants to Be a Millionaire Immigration Attorney?

Audience members will be selected to play a fast-paced and educational game answering easy to difficult questions on removal defense and federal litigation. Contestants will “risk it all” by moving up the game’s financial ladder. Don’t know the answer? Poll the audience! Use a lifeline! Ask an expert! Learn about the latest issues in removal defense and federal litigation in this fun and interactive session.

Gregory Romanovsky (DL), Boston, MA

Ira J. Kurzban, AILA Past President, Coral Gables, FL

*Ruben L. Reyes, AILA Board of Governors, 2020 Annual Conference Family Track Chair,
Phoenix, AZ*

Jacqueline Watson, AILA Board of Governors, Austin, TX

Stefanie Fisher, Boston, MA

BUSINESS TRACK

4:00 pm–5:00 pm

Cultural Awareness: How to Promote Diversity and Inclusion

The panelists will discuss various ways to sharpen cultural awareness in order to help you promote diversity within your practice and better understand and represent clients from different backgrounds. They also will address the importance of cultural sensitivity in building a successful international operation.

- Diversity and Inclusion: An Essential Strategy for a Successful and Productive Practice
- Understanding Your Employees, Clients, and Government Agents
- Improving Cultural Adoptability and Diversity Skills

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- The Importance of Cultural Awareness to Operating Without Borders

Angela G. Moore (DL), San Francisco, CA

L. Patricia Ice, Jackson, MS

Dahlia A. Walker-Huntington, Hollywood, FL

Lu (Kevin) Wang, Syracuse, NY

5:00 pm–5:30 pm

Networking Break

5:30 pm–6:30 pm

Employment-Based Adjustment of Status Today

In this era of COVID-19, employment-based priority date retrogression, and Visa Bulletin surprises, employers and foreign nationals face unprecedented uncertainty related to timing, required steps, and adjudication outcome in the adjustment of status process. The experts on this intermediate panel will provide updates on the current practical reality of adjustment of status and prepare practitioners to advise clients on ways to use its benefits and plan ahead.

- The Visa Bulletin Roller Coaster: Priority Dates, Upgrading and Downgrading
- Work and Travel Authorization Issues
- Portability to Change Employer, Position and/or Location
- Biometrics and Interview Rescheduling Waivers, Medicals and Impact on an Application
- First Impressions of Public Charge (I-944) Adjudications

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

Bernard P. Wolfsdorf, AILA Past President, Santa Monica, CA

Rachel Baskin, Rockville Centre, NY

6:30 pm–7:00 pm

Networking Break

7:00 pm–8:00 pm

“I Didn’t Know I Could Do That!” Creative and Cautionary Uses of the B-1 Visa

Scrutiny of H-1B and L-1 visas are at an all-time high. Never fear, however, because the B-1 is here! Panelists on this intermediate session will examine some uncommon uses of the B-1 visa, many of which are provided for by the FAM. The panelists will identify the pros and cons of using B visas, discuss the extent to which CBP or USCIS agree with creative uses of them, and help you determine whether these visas are right for your clients.

- Beyond Business Meetings: FAM Endorsed Uses of the B-1 Visa Category
- Know Your Four-Letter Words: “Work,” “Live,” and “Paid”
- Appropriate Preparation of Your Client for B-1 Travel
- Weighing the Risks and Benefits of Using ESTA vs. the B-1 Visa
- What Happened to the B-1 in Lieu of H-1B?
- Business Travel in a Post-COVID World

(DL) = Discussion Leader

** = invited, not confirmed*

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Kushal Patel (DL), New York, NY
Janora L. Hawkins, AILA Board of Governors, Atlanta, GA
Jerome G. Grzeca, Milwaukee, WI
Janice A. Flynn, London, UK

SPECIAL SESSIONS TRACK

10:30 am–11:30 am

Wellness 101

Being an attorney, running a business, and having a personal life can be trying under the best of circumstances. After the tumult of this past year, however, immigration attorneys are more stressed out than ever. How can you take care of yourself while being constantly called upon to take care of everyone else? Kick-off the conference with useful tips and strategies to incorporate into your practice, and learn how to administer a quick dose of much-needed self-care.

Elizabeth Sanchez Kennedy (DL), Houston, TX
Ronald L. Abramson, Manchester, NH
Danielle Polen, AILA Director of Professional Development, Publications, and Learning Resources, Washington, D.C.
Rachel Hammerman, New York, NY

11:30 pm–12:30 pm

Lunch Break

12:30 pm–1:45 pm (75 Mins)

Up Your Game: New Marketing Techniques for 2021

Panelists will discuss how immigration lawyers and firm owners can market themselves and their law firms in today's digital and social media economy. Rapid advances and the rise of the Internet have been a game changer for small firms and solos. Hear what works from colleagues who have figured out the puzzle of online marketing. From Facebook to YouTube, blogging to Tweeting, LinkedIn to using Google Analytics—learn how to build credibility and a following online, to boost business.

- Why Online Marketing Is More Important Than Ever
- The Impact of COVID-19 on Marketing
- Social Media and Other Digital Marketing
- Which Platforms to Use, and How
- Creating Solid Content Under Time Constraints
- Calculating Return on Investment from Marketing Efforts

Kate Lincoln-Goldfinch (DL), Austin, TX
Gregory Howard Siskind, AILA Board of Governors, Memphis, TN
John Q. Khosravi, Los Angeles, CA
Kathia I. Quiros Pereira, Las Vegas, NV

1:45 pm–2:15 pm

(DL) = Discussion Leader

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Networking Break

2:15 pm–3:30 pm

Compendium Live: Understanding the Ethics Rule on Lawyer Trust Accounts (Ethics)

Lawyers can exercise substantial discretion in many aspects of their work, but when it comes to trust accounting and managing their IOLTA, there are often bright-line rules. Though failure to follow these rules can have serious consequences, many attorneys lack a solid understanding of what they need to do. Panelists will showcase the AILA Ethics Compendium's chapter on Rule 1.15, and will use hypotheticals to help attorneys understand this important topic.

- When You Need a Lawyer Trust Account, Where to Establish One, and Which State's Rules Apply
- Where to Deposit Unearned Flat Fees Paid Upfront, Advance Fee Deposits for Hourly Work, and Advance Payments for Costs and Expenses
- What Kind of Record-Keeping Is Required?
- How to Do Monthly Reconciliations
- How to Work Ethically with Accountants and Bookkeepers

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

Michelle N. Carney, AILA Ethics Committee Vice Chair, Seattle, WA

Miki Kawashima Matrician, Boston, MA

Theodore J. Murphy, West Chester, PA

THURSDAY, JUNE 10, 2021

10:00 am–11:00 pm and 12:00 pm–4:15 pm

Exhibit Hall

5:45 pm–7:00 pm

AILA Annual Membership Meeting

8:00 pm

Presidents Party

PLENARY

8:00 am–8:30 am

Conference Kick-Off

8:30 am–9:45 am

President's Installation

10:00 am–10:30 am

Keynote Address

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11:00 am–12:00 pm

Hot Topics Strategy Session with the AILA National Officers

Benjamin Johnson (DL), AILA Executive Director, Washington, DC

Jennifer Minear, AILA President, Richmond, VA

Allen Orr, AILA President-Elect, Washington, DC

Jeremy L. McKinney, AILA 1st Vice President, Greensboro, NC

Farshad Owji, AILA 2nd Vice President, San Francisco, CA

Kelli Jo Stump, AILA Treasurer, Oklahoma City, OK

Jeff Joseph, AILA Secretary, Aurora, CO

FUNDAMENTALS

9:30 am–10:30 am

Asylum 101: Protecting Refugees in the United States

Panelists will provide an overview of the asylum process for new practitioners. They will outline the differences between affirmative and defensive asylum applications, and address preparing evidence for the application.

- Basics of Eligibility for Asylum
- Grounds of Ineligibility and Statutory Bars
- Affirmative vs. Defensive Asylum Applications, How and When to File Each
- Related Forms of Relief: Withholding of Removal and Protection Under the Convention Against Torture

Deirdre Marie Giblin (DL), Boston, MA

Eddie Lopez-Lugo, Alpharetta, GA

Anam Rahman, Fairfax, VA

Stephen Yale-Loehr, Ithaca, NY

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Asylum 102

Panelists will build upon Asylum 101 to provide new practitioners with a better understanding of the asylum process and key concepts.

- Particular Social Groups (PSGs): What You Need to Know
- Overcoming the One-Year Bar
- What Is a Credible Fear Interview or Reasonable Fear Interview, Which Clients Require One Before They Can File an Asylum Application?
- The Trafficking Victims Protection Reauthorization Act (TVPRA), Special Considerations for Unaccompanied Alien Children
- Working with Clients, Preparing Your Client for an Interview and Court

(DL) = Discussion Leader

** = invited, not confirmed*

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Joanna Gaughan (DL), North Carolina, NC
Christina Brown, Denver, CO
Brian Manning, Spring, TX
Jasmin Tohidi, Washington, D.C.

12:00 pm–2:30 pm

Lunch Break

2:30 pm–3:30 pm

Family-Based Immigration 101

Panelists will provide an overview of family-based immigration, and explain why the process can be complicated, often taking several years to complete. Those new to immigration should attend this session to gain a general understanding of family-based immigration law, and to prepare for the more in-depth fundamentals-level family panels.

- Family-Based Immigration Preference Categories
- Definition of Family Members
- Immediate Relatives vs. Preference Categories
- Priority Dates and the Visa Bulletin
- Recapturing Priority Dates
- Widow/Widower Provisions
- Introduction to the Child Status Protection Act
- Affidavit of Support and Public Charge

Amy Maldonado (DL), East Lansing, MI
Irene Mugambi, AILA Board of Governors, Dallas, TX
Douglas R. Penn, Stamford, CT
Rebecca Rojas, Atlanta, GA

3:30 pm–4:15 pm

Networking and Exhibit Hall Break

4:15 pm–5:15 pm

I-751 Petition to Remove Conditions on Residence

Panelists will discuss the nuts and bolts of preparing and filing an I-751 petition. Additionally, they will address, in detail, aspects of the process, including best practices for documenting a good faith marriage, remedies for late filing, and waivers of the joint filing requirement.

- Who Must File an I-751 Petition, and When?
- Preparing Clients in Advance of the Petition
- Basics of Preparing an I-751 Petition, the Impact of Failing to File, Remedies for Late Filing
- Waiver Cases: Divorce, Abuse, or Death
- What Happens When the Petition Needs to Be Amended or the Petition Is Denied?

Andres Lopez (DL), Charlotte, NC

(DL) = Discussion Leader

** = invited, not confirmed*

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Maggie Arias, AILA Board of Governors, Coral Gables, FL
Christina A. Fiflis, Denver, CO
Sue Swanson, Grand Forks, ND

LUNCH SESSIONS

1:00 pm–2:00 pm

Waivers in Immigration Court

Panelists on this intermediate session will review inadmissibility and removability waivers available in immigration court. They will cover the most recent case law and practice tips for success.

- Stand-Alone Waivers vs. Waivers in Conjunction with Benefit Applications
- Understanding the Varying Application of Discretion
- Evidentiary Standards for Waiver Eligibility
- Practice Pointers on Local Court Waiver Practices

Elina Magaly Santana (DL), AILA Distance Learning Committee Co-Chair, Coral Gables, FL
Russell Abrutyn, AILA Membership Committee Chair, Berkley, MI
Lauren Anselowitz, Newark, NJ
Ava Benach, Washington, D.C.

1:00 pm–2:00 pm

The Ins and Outs of Responding to and Avoiding Ethics and Bar Complaints (Ethics)

In managing a law practice or representing clients, we all make decisions that are, at times, sub-optimal. Sometimes we can effectively mitigate these through our own actions, but not always. Sometimes we do the best we possibly can and still find ourselves subject to complaints from unhappy clients. These events are common and can be so stressful that they become a distraction that compounds mistakes. Panelists will attempt to destigmatize well-meaning mistakes, help immigration attorneys minimize their future risk, and effectively respond to complaints once filed.

- Activities That Give Rise to Complaints
- Management Techniques to Guard Against Complaints (Risk Prevention)
- Maintaining Well-Being in Times of High Stress
- How to Not Let a Complaint Eclipse Your Life and Work
- Understanding the Disciplinary Process and Responding to Complaints
- Risk Prevention: Using Practice Management Techniques to Guard Against Complaints

Meghan Moore (DL), AILA Ethics Committee Vice Chair, Wyoming, MI
Robert E. Juceam, AILA Past President, New York, NY
Matthew Blaisdell, New York, NY
Dyan Williams, Minneapolis, MN

1:00 pm–2:00 pm

(DL) = Discussion Leader

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Crimmigration for Non-Litigation Practitioners: What You May Not Want to Know, But Need to Know

For employment-based and non-litigation immigration attorneys, the immigration consequences of criminal convictions are not a daily concern. However, when they do arise, criminal matters can present unique and challenging issues. Panelists on this introductory session will help attorneys identify and address these issues and provide a fundamental understanding of crimmigration. They also will discuss instances in which the criminal history of employees may arise in the course of representation of their employer.

- What to Do When a Business-Client's Employee or Officer Has Been Arrested: Who Is Your Client, Who Should You Be Advising, and How Should You Advise Them?
- The Impact of an Arrest, Admission, or Criminal Conviction
- Impact of a DUI: Revocations, Visa Waiver Program
- What Are Crimes Involving Moral Turpitude (CIMTs)? What Is the Impact of a CIMT Conviction?
- When Does a Marijuana Infraction Create an Immigration Issue? Reconciling State Law with Federal Law

David W. Cook (DL), Columbus, OH

Cheryl David, AILA Removal Defense Section Steering Committee Chair, New York, NY

Juan Rocha, Mesa, AZ

*Susan Church, Federal Court Litigation Section Steering Committee Vice Chair,
Cambridge, MA*

ASYLUM MINI TRACK

2:30 pm–3:30 pm

Overcoming Bars to Asylum

The experts on this intermediate to advanced panel will discuss asylum bars in 8 USC §1158(b)(2)(a). They also will provide a summary of new case law and discuss ramifications of asylum bars' regulations and practices in late 2020.

- Fall-Out from *Matter of Negusie* and *Matter of A-C-M-*
- Examining Arguments That These Bars Are Not Unlimited
- New Case Law and Recent Developments on Asylum Bars

Ilana E. Greenstein (DL), AILA Senior Technical Assistance Attorney, Washington, D.C.

Paul O'Dwyer, New York, NY

Cristina M. Velez, Washington, DC

Holly Cooper, Davis, CA

Caroline Walters, Senior Attorney, American Immigration Council, Washington, DC

3:30 pm–4:15 pm

(DL) = Discussion Leader

** = invited, not confirmed*

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Networking and Exhibit Hall Break

4:15 pm –5:15 pm

Asylum: The Current State of Particular Social Groups (PSGs)

Learn the latest strategies and precedents affecting domestic violence, family, and gang-related PSGs. Panelists will work through fact patterns to identify the most advantageous PSGs using hypothetical clients.

- The Importance of Recognizing and Identifying All Potential PSGs
- The Impact of Agency Regulations and Policy on PSGs
- Recent Court Decisions and Trends

Lillian Axelrod (DL), Memphis, TN

Jeffrey S. Chase, Brooklyn, NY

Alexandra Ribe, Fairfax, VA

Hardeep Sull, Las Vegas, NV

BUSINESS

2:30 pm–3:30 pm

The Biden Administration's Priorities for the Next Four Years

The 2020 presidential election of Joe Biden and Kamala Harris was generally accompanied by a sense of relief for immigration practitioners and hope that the anti-immigration policies of the Trump administration would be rolled back. It is clear, however, that some policies will be easier to change than others. Panelists will discuss the policy priorities of the new administration, the Trump-era policies that will be rolled back (and which will not), and what may remain during the next four years.

- What Has Changed Since January 2021?
- Making Immigration Great Again: What Trump Era Policies and Regulations Are on the Chopping Block, and Which May Remain?
- Top Priorities of the Biden Administration
- Legislation and Presidential Proclamations: What Is on the Horizon?
- AILA Members and Their Role in Shaping Immigration Policy

Fiona Marie McEntee (DL), Chicago, IL

David Leopold, AILA Past President, Cleveland, OH

Sandra Feist, Minneapolis, MN

Sharvari Dalal-Dheini, AILA Director of Government Relations, Washington, DC

3:30 pm–4:15 pm

Networking and Exhibit Hall Break

4:15 pm –5:15 pm

NAFTA/USMCA: The Current State of Play at the Southern and Northern Borders

(DL) = Discussion Leader

** = invited, not confirmed*

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The United States-Mexico-Canada Agreement (USMCA) did not significantly change border processing at the Northern and Southern Borders. Instead, the 2020 pandemic created further restrictions to already tightening borders. Panelists will discuss how to navigate the policies of our neighboring countries that further complicate options for border crossings.

- The Fluid and Changing Rules for TNs, Ls, and Business Visitors
- Different Processes at the Land Borders, Airports, and Pre-Clearance Locations
- Flag Poling, Direct-Back, and Quarantining Conundrums
- Licensing and Other New Interpretations and Trends
- Visa Revalidation: Can You Still Use It?

*Bushra Malik (DL), AILA Board of Governors, Bloomfield Hills, MI
Kathleen Campbell Walker, AILA Past President, El Paso, TX
Leslie Holman, AILA Past President, Burlington, VT
Danielle M. Rizzo, Buffalo, NY*

GOVERNMENT OPEN FORUMS

1:00 pm–2:00 pm

U.S. Citizenship and Immigration Services (USCIS) Open Forum

*Bennett Savitz (DL), AILA USCIS HQ (Benefits Policy) Committee Chair, Boston, MA
Suzanne B. Seltzer, AILA USCIS HQ (Benefits Policy) Committee Vice Chair, New York, NY
USCIS Representatives (TBD)

2:30 pm–3:30 pm

CIS Ombudsman Open Forum

*Susan S. Im (DL), USICS Case Assistance Committee Chair, Grand Rapids, MI
Nicole Simon, USICS Case Assistance Committee Vice Chair, Philadelphia, PA
CIS Ombudsman Representatives

3:30 pm–4:15 pm

Networking Break

4:15 pm –5:15 pm

U.S. Customs and Border Protection (CBP) Open Forum

*Alexis S. Axelrad (DL), AILA Board of Governors/CBP Liaison Committee Chair,
New York, NY
Ramon E. Curiel, AILA CBP Liaison Committee Vice Chair, San Antonio, TX
CBP Representatives

OTHER MEETINGS AND EVENTS

5:45 pm – 7:45 pm

AILA Annual Membership Meeting

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

Get updates and reports on member benefits and activities, listen to presentations about and ask questions concerning upcoming AILA Bylaws amendments, and hear the election results for national officers and the Board of Governors. The Annual Chapter Awards and Presidential Commendations also will be presented during the meeting.

FRIDAY, JUNE 11, 2021

8:00 am–12:00 pm, 2:00 pm–4:30 pm

Exhibit Hall

FUNDAMENTALS

9:30 am–10:30 am

Business Immigration 101: What to Know Before You Take a Business Immigration Case

Our experienced panelists will provide an overview of business immigration issues and procedures. This panel is designed for new lawyers and practitioners new to this practice area. Panelists will provide a useful introduction to understanding the steps and timelines involved in business nonimmigrant visa and immigrant visa cases. They also will give tips on what practitioners need to know before taking on a business case.

- General Overview of the Life Cycle of Nonimmigrant and Immigrant Business Cases
- Roles of the Various Stakeholders: Immigration Lawyer, Human Resources Director, and Foreign National
- Identifying Information to Be Provided Initially, Setting Client Expectations
- Advice for New Business Immigration Practitioners: Tips on Pricing, Costs, and Communication

Eileen M. Momblanco (DL), Chicago, IL

Palma Yanni, AILA Past President, Washington, D.C.

Afsha Randeria, El Segundo, CA

Punam S. Rogers, Boston, MA

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Professional Visas: Overview H-1B and Alternatives

Panelists will cover core elements of the H-1B visa to establish foundational knowledge of the H-1B process and criteria. They also will cover alternatives to the H-1B for use during the year when H-1B visas may not be immediately available.

- How to Navigate the H-1B Cap Registration Process
- The Evolving Definition of Specialty Occupation
- Things to Consider When Preparing an LCA

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

- Alternative Professional Visas (TN, H-1B1, E-3, and OPT/STEM OPT)
- Hot Topics Update

Rosanna Fox (DL), Paramus, NJ
Khorzad Mehta, Owings Mills, MD
Stephanie S. Pimentel, Boston, MA
David A.M. Ware, New Orleans, LA

12:00 pm–1:00 pm

Lunch Break

1:00 pm–2:00 pm

Adjustment of Status and Immigrant Visa Processing

Panelists will provide an overview of adjustment of status (AOS) and consular processing in family– and employment-based contexts. They also will discuss initial requirements for AOS and consular processing, the forms and supporting documentation required, and red-flag issues that may complicate or slow the process.

- AOS vs. Immigrant Visa Processing: Weighing the Options
- AOS Package and Ancillary Applications
- Consular Processing and Supporting Documentations
- Working with the National Visa Center (NVC), Visa Reciprocity Pages
- Potential Problems: Screening for Inadmissibility and Waiver Issues
- Qualifying for Permanent Residence Through Special Programs

Maria McIntyre (DL), Irving, TX
Luis A Guerra, Ft Lauderdale, FL
Shahid Haque, Helena, MT
Heather C. Sivaraman, Carrboro, NC

2:00 pm–2:30 pm

Networking Break

2:30 pm–3:30 pm

Employment-Based Immigration Preference Categories

Panelists will provide a basic overview of the immigrant visa preference categories, numerical limitations, the Visa Bulletin, and other key concepts relating to the employment-based (EB) immigration process.

- EB-1: Multinational Executives and Managers, Extraordinary Ability Aliens, and Outstanding Researchers/Professors
- EB-2: National Interest Waivers, Aliens of Exceptional Ability, Professionals Holding Advanced Degrees
- EB-3: Professionals, Skilled, Unskilled, and Other Workers
- EB-4: Special Immigrants

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

- EB-5: Investors

Kenneth J. Harder (DL), Houston, TX

Denyse Sabagh, AILA Past President, Washington, D.C.

Tiffany Martinez, AILA Board of Governors, Walnut Creek, CA

3:30 pm–4:30 pm

Networking & Exhibit Hall Break

4:30 pm–5:30 pm

Labor Certification 101

The employment-based permanent residence process generally requires the U.S. employer to first obtain a certification from the U.S. Department of Labor (DOL) that it has been unable to find willing, qualified, and available U.S. workers for the position to be offered to the sponsored foreign national. Panelists on Part I of this two-part session will discuss the basic concepts and steps associated with DOL’s PERM process for preparing and filing applications for labor certification.

- Steps and Timeframes of the Labor Certification Application Process
- The Job Description and Identification of “Actual Minimum Requirements”
- Prevailing Wage: What It Is, How and When to Obtain It
- ETA Form 9089: Employer Registration, Attorney Registration, and Preparing and Filing the Form
- Roles of the Various Stakeholders: Immigration Lawyer, Company Contact, Foreign National’s Manager, and Foreign National

Kevin W. Miner (DL), AILA Board of Governors, Atlanta, GA

Matthew C. Morse, Troy, MI

Maria del Carmen Ramos, Tampa, FL

Lisa Sotelo, Dallas, TX

FAMILY

9:30 am–10:30 am

Defining and Defending Bona Fide Marriages

The perceived validity of a marriage can make or break many cases, but providing good faith has become increasingly difficult. The experts on this intermediate panel will examine how marriage-related issues may arise before USCIS, DOS, and EOIR. They also will discuss the latest attempts to invalidate marriages and how to fight back in each procedural setting.

- Defining a Marriage and Bona Fide Relationship Under the INA
- Screening for Potential Issues Related to Marriages and Other Familial Relationships Before Filing
- Proving Marriage and Divorce Validity Using Foreign Documents
- Representing Your Client in Interviews, Investigations, Home Visits, and Court

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

- Responding to Accusations of Marriage Fraud and Bigamy in the Context of Moral Character Evaluation
- Social Media: Issues with Client Postings, Illegal Activity, and More

*Teddy Chadwick (DL), AILA Board of Governors, NMD Steering Committee Chair,
Milwaukee, WI*

Amanda B. Keaveny, AILA Board of Governors, Charleston, SC

Jason Abrams, New York, NY

Stanley Walker, Fort Walton, FL

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

“90 Day Fiancé” and Other Marriage-Based Options in the Time of COVID

The TLC television show “90 Day Fiance” gives the public an entertaining glimpse into the fiance visa processes. However, reality television doesn’t show the entire story nor all of the options. Our panelists will provide the REAL truth and explain how to ethically assist clients looking to bring their foreign fiance(e) to the United States in order to get married. They also will discuss how to adjust status once they are in the United States.

- Love in the Time of COVID: What You Need to Know
- IR-1 vs. K-1 vs. K-3: Which Is the Most Successful or Expedient Option?
- Adjusting as a Tourist and Intention Issues
- Processing Times and Managing Expectations
- Failure to Marry Within 90 Days
- Failure to File for Adjustment: Options for the Non-Citizen
- Potential Problems: Spotting Adam Walsh Act Issues and Consular Complications

Ana Maria Schwartz (DL), Houston, TX

Maurice Goldman, AILA Annual Conference Chair, Tucson, AZ

Alexander G.D. Carl, Los Angeles, CA.

Ginger McGuire, Englewood, CO

12:00 pm–1:00 pm

Lunch Break

1:00 pm–2:00 pm

Immigrant Visa Processing Via the National Visa Center

The National Visa Center (NVC) is an unavoidable part of the immigrant visa process, and is often one riddled with delays, complications, and unnecessary requests. Our expert panelists will address best practices when dealing with the NVC to avoid problems. They also will discuss how best to communicate with the NVC to smoothly transition your case to the consular interview stage and navigate developments in travel bans and public charge rules.

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

- From Filing with USCIS to Paying the Fee to Attending the Consular Interview: Preparing and Advising on Consular Processing
- Functions and Operations of the NVC
- Mail, Phone, Email or Online Portal: How Best to Communicate with the NVC
- Lost in Transit: USCIS/NVC/National Records Center: How and When to Follow-Up
- Consular Closures and Backlogs, Public Charge Rule, and Other Issues That May Complicate or Slow the Process

Hudaidah Bhimdi (DL), Fairfax, VA

*Anastasia Tonello, AILA Past President, AILA Annual Conference Business Track Chair,
New York, NY*

Charina P. Garcia, Oakland, CA

Gary Ilagan, Houston, TX

2:00 pm–2:30 pm

Networking Break

2:30 pm–3:30 pm

What to Do When a Marriage-Based Petition Becomes a Potential VAWA

The experts on this intermediate panel will address thorny topics that can arise when representing clients in a marriage-based petition, particularly when extreme cruelty or physical abuse are involved.

- Identifying Extreme Cruelty and Physical Abuse, How to Ask When You Suspect
- Comparing Options: Joint I-751 vs. Battered Spouse Waiver, VAWA Self-Petition vs. VAWA Cancellation
- When a Jointly-Filed I-751 Becomes a Waiver
- What About a U or T Visa?
- Ethical Considerations: When Your I-130 Becomes an I-360

Sonia Parras Konrad (DL) Des Moines, IA

Parastoo Golesorkhi Zahedi, AILA Board of Governors, Vienna, VA

Nicole Marcelle Avila, Weston, FL

3:30 pm–4:30 pm

Networking & Exhibit Hall Break

4:30 pm–5:30 pm

Consequences of Arrests and Convictions on the Beneficiary, and the Impact on Adjustment of Status

When the beneficiary has an arrest or conviction for domestic violence, what are your options? How does each impact their ability to adjust status? What if your beneficiary has a DUI, fraud, or shoplifting conviction? This intermediate panel will answer these questions and much more.

- Defining Domestic Violence Per the INA

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

- Domestic Violence by the Beneficiary: With or Without a Conviction
- Common Bars, and Ways to Overcome Them, When the Beneficiary Has a Criminal Conviction/Arrest and Is Seeking to Adjust
- Options for Overcoming Potential Bars or Complications to Adjustment
- Current Case Law Review

John Gihon (DL), AILA Board of Governors, Altamonte, FL

Jesse Evans-Schroeder, Tucson, AZ

Davorin John Odracic, AILA Board of Governors, Milwaukee, WI

Aundrea L. Roberts, Lawrenceville, GA

REMOVAL AND FEDERAL LITIGATION

9:30 am–10:30 am

Working with Expert and Supporting Lay Witnesses in Immigration Court

Panelists on this intermediate panel will review how and when to use expert witness testimony, following the holding of Matter of J-G-T. Panelists will provide practical tips on how to make the most of witness testimony to support your client's case.

- How to Establish the Expertise of the Witness
- Practical Tips for Using Lay Witness Testimony
- Offers of Proof
- Telling the Client's Story Through Witness Testimony
- Are Affidavits Necessary?

Raymond Bolourtchi (DL), St. Louis, MO

Susan Girardo Roy, Princeton Junction, NJ

Erica B. Schommer, San Antonio, TX

Erich Straub, Milwaukee, WI

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Fighting for Procedural Due Process in Removal Proceedings

In a time of unprecedented challenges to our client's Fifth Amendment Due Process rights, understand what those rights entail and how to fight for them.

- Right and Access to Counsel
- Motions to Suppress
- Motions to Dismiss/Terminate
- Motions to Continue

*Robert Pauw (DL), AILA Author, Litigating Immigration Cases in Federal Court, 5th Ed.,
Seattle, WA*

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

Maria Andrade, Boise, ID
Denise Gilman, Austin, TX
Rex Chen, New York, NY

12:00 pm–1:00 pm

Lunch Break

1:00 pm–2:00 pm

Immigration Policy Under the Biden Administration: Changes Made and Changes Needed”?

The Biden administration had a packed agenda to tackle and unwind hundreds of changes made to the U.S. immigration system under former President Trump. In some areas, the Biden administration has been bold and visionary, while in other areas the agencies have taken a slower and more cautious approach. Experts from the American Immigration Council and the Immigration Justice Campaign will discuss the most impactful changes made to legal immigration, humanitarian programs, immigration courts, and enforcement operations since January 20 and identify the areas that must be prioritized for further reforms.

Karen Lucas (DL), Immigration Justice Campaign Director, American Immigration Council, Washington, DC

Jorge Loweree, Policy Director, American Immigration Council, Washington, DC

Aaron Reichlin-Melnick, Policy Counsel, American Immigration Council, Washington, DC

2:00 pm–2:30 pm

Networking Break

2:30 pm–3:30 pm

Stopping Survivor Removals: Effective Strategies for Immigration Court

Panelists will discuss the latest strategies in representing survivors of domestic violence, trafficking, and other serious crimes in removal proceedings, including survivor-centric strategies. This intermediate to advanced session will include:

- Continuances and Termination
- Useful Tips for Seeking Relief: VAWA Cancellation of Removal, “U” Visa Inadmissibility Waivers, etc.
- Latest Approaches to Stave Off Reinstatement for Survivors at Risk of Removal
- Update on Recent Circuit Court Decisions

Laura Flores Bachman (DL), AILA Annual Conference Removal Track Chair, Phoenix AZ

Maria Baldini-Potermín, Chicago, IL

Amelia Ruiz Fischer, Nacogdoches, TX

Bridgit Greeson-Alvarez, Los Angeles, CA

3:30 pm–4:30 pm

Networking & Exhibit Hall Break

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

4:30 pm–5:30 pm

Unraveling Expedited Removal Orders

Panelists in this intermediate session will examine the fall-out of the exponential expansion of Expedited Removal (ER) in 2020. This will include dissecting how it can happen now, how to screen for it, and advising your clients on best next steps.

- Identifying Those Who Have Been and Could Be Subject to ERs (CBP and OBIM FOIAs)
- Interplay of ER with Credible Fear Interviews and Bond
- How to Challenge ERs in Federal Court
- Recent Trends

Aaron Korthuis (DL), Seattle, WA

Manoj Govindaiah, San Antonio, TX

Trina Realmuto, Brookline, MA

BUSINESS

9:30 am–10:30 am

The New ICE Age: I-9 Compliance and Beyond

We are living in an era of ever-increasing enforcement. It is critical that employers and immigration practitioners representing these employers understand the I-9 hiring process and compliance requirements. ICE takes a “no tolerance” approach to I-9 completion and maintenance, and there is the potential for significant employer sanctions and penalties for seemingly minor errors and non-compliance. Panelists on this intermediate to advanced panel will provide an overview of I-9 rules and some of the complications that can arise.

- The Hiring Process: I-9s and Avoiding Nationality Discrimination
- Remote Employees and Other Tricky Issues
- Preventive Planning: Conducting the I-9 Self-Audit for Your Clients
- Current Trends in Enforcement

*Nicole Kersey (DL), Verification and Documentation Liaison Committee Vice Chair,
St. Petersburg, FL*

Montserrat Miller, Atlanta, GA

Tarik H. Sultan, Tucson, AZ

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Litigation: More Critical Now Than Ever Before for Business Immigration Practitioners

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

Litigation is becoming increasingly necessary to protect our clients and to overturn improper government actions. The experts on this panel provide an overview of recent federal court litigation, including tips and strategies that can be incorporated into your practice.

- Strategies for Litigation Challenging Delays, Denials, and APA Violations
- Who Should Be a Plaintiff? Company, Individual, Organization, Multiple Plaintiffs
- Overcoming Government Defenses: Standing, Ripeness, Venue
- When an Injunction or TRO Is Appropriate
- How AILA's Administrative Litigation Task Force and the Council Can Assist

H. Ronald Klasko (DL), AILA Past President/Administrative Litigation Task Force Chair, Philadelphia, PA

Charles Kuck, AILA Past President, Atlanta, GA

Mark A. Prada, Miami, FL

Leslie Dellon, Senior Attorney (Business Immigration) American Immigration Council, Washington, DC

12:00 pm–1:00 pm

Lunch Break

1:00 pm–2:00 pm

PERM Labor Certification: Still Alive and Doing Reasonably Well!

Employment-based green card sponsorship involving a test of the U.S. labor market has become more complicated in light of a COVID-19-based shift from corporate office worksites to remote worksites, and increased focus of the DOL on high unemployment rates. This panel of PERM experts provides strategies for navigating these areas and still filing successful PERM applications.

- Determining the Worksite: Fully On-Site and Fully Remote, Hybrids Setups, Known and Unknown
- Understanding the Impact of the Work Site on the Job Description, Prevailing Wage Request, and Recruitment Steps
- Receiving and Reviewing Resumes and Interviewing Applicants During and After COVID-19
- Preparing for Increased Audits and Supervised Recruitment
- Navigating the Proposed New Forms ETA 9141 and ETA 9089
- Key BALCA Updates

Susanne C. Heubel (DL), New York, NY

Marketa Lindt, AILA Immediate Past President, Chicago, IL

Stacy Cozart Martin, Independence, OH

Brenda Oliver, Washington, D.C.

2:00 pm–2:30 pm

Networking Break

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

2:30 pm–3:30 pm

The New Remote Workforce: Options and Implications

Since the global pandemic, remote work has become commonplace. U.S. travel bans and COVID-19 travel restrictions have created a world where employees may be required to work remotely from home, outside the United States for prolonged periods of time, or elsewhere. Panelists will discuss potential consequences for employees stationed abroad, as well as those working remotely in the United States.

- Remote Work Within the United States: Can They Do That?
- Impact by Visa Classification: H-1B, TN, L-1, O-1, E-1/E-2
- Local Employment, Immigration, and Tax Issues for Remote Workers of U.S. Employers Abroad
- Practical Guidance

Audrey Lustgarten (DL), Petoskey, MI

Josiah Curtis, Boston, MA

Amy Peck, Omaha, NE

Charlotte Slocombe, London, UK

3:30 pm–4:30 pm

Networking & Exhibit Hall Break

4:30 pm–5:30 pm

Late-Breaking TBD

GOVERNMENT OPEN FORUMS

9:30 am–10:30 am

Department of State (DOS) Open Forum

U.S. Department of State (DOS) Open Forum

Sandra S. Reguerin (DL), AILA DOS Liaison Committee Chair, Phoenix, AZ

Heather Drabek Prendergast, AILA DOS Liaison Committee Vice Chair, Cleveland, OH

**DOS Representatives (TBD)*

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Executive Office for Immigration Review (EOIR) Open Forum

Sarah Owings (DL), AILA EOIR-ICE Liaison Vice Chair, Atlanta, GA

*Andrew K. Nietor, AILA Board of Governors, AILA Membership Committee Vice Chair,
San Diego, CA*

**EOIR Representatives (TBD)*

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

12:00 pm–1:00 pm

Lunch Break

1:00 pm–2:00 pm

U.S. Immigration and Customs Enforcement (ICE) Open Forum

Sui Chung (DL), AILA ICE Liaison Committee Chair, Miami, FL

Aaron Hall, AILA ICE Liaison Committee Vice Chair, Denver, CO

**ICE Representatives (TBD)*

2:00 pm–2:30 pm

Networking Break

2:30 pm–3:30 pm

U.S. Department of Labor (DOL) Open Forum

Sarah K. Peterson (DL), AILA Board of Governors/DOL Liaison Committee Chair,

Minneapolis, MN

Vincent W. Lau, DOL Liaison Committee Vice Chair, Boston, MA

**DOL Representatives (TBD)*

3:30 pm–4:30 pm

Networking & Exhibit Hall Break

4:30 pm–5:30 pm

Detention Ombudsman Open Forum

Kate Voigt (DL), AILA Senior Associate Director, Government Relations, Washington, DC

Jennifer Ibañez Whitlock, AILA Policy Counsel, Washington, DC

**Carla Fall, Chief of Case Management, Office of the Immigration Detention Ombudsman, Washington, DC*

**Sara Lily, Chief of Policy and Standards, Office of the Immigration Detention Ombudsman, Washington, DC*

**Maryellen Meymarian, Director of Detention Oversight, Office of the Immigration Detention Ombudsman, Washington, DC*

**David Gersten, Acting Ombudsman, Office of the Immigration Detention Ombudsman, Washington, DC*

OTHER MEETINGS AND EVENTS

12:00 pm–1:00 pm

AILA Interest Group Meetings

6:00 pm–7:00 pm

AILA Chapter Meetings

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

7:00 pm–8:00 pm
AILA Chapter Meetings

SATURDAY, JUNE 12, 2021

8:00 am–12:15 pm AND 2:15 pm–2:45 pm
Exhibit Hall

FUNDAMENTALS TRACK

9:30 am–10:30 am

Removal 101: The Distinction Between Inadmissibility and Deportability

Panelists in this fundamentals session will introduce the grounds of inadmissibility and deportability, when they apply, and the differences between them.

- Inadmissibility vs. Deportability: INA §212(a) and §237(a)
- Common Grounds of Inadmissibility
- Common Grounds of Deportability

Liya Djamilova (DL), Seattle, WA
Peter Ashman, Las Vegas, NV
Matthew K. Borowski, Buffalo, New York

10:30 am–11:15 am
Networking & Exhibit Hall Break

11:15 am–12:15 pm

Primer on Waivers of Inadmissibility

Clients subject to a ground of inadmissibility may be eligible for a waiver. Panelists in this fundamentals session will provide an overview of immigrant and nonimmigrant waivers, focusing on who qualifies and how to file.

- Qualifying for a Nonimmigrant Visa Waiver Under INA §212(d)(3)
- How to Apply, When and Where to File, the Adjudication Process
- The More Complicated Immigrant Visa Waiver
- Requisite Qualifying Relative, Documenting Hardship
- Advance Permission to Reapply for Admission

Anthony Drago Jr. (DL), Boston, MA
Cesar Estela, AILA Board of Governors, AILA New Jersey Chapter Chair, Newark, NJ
Jennifer Doerrie, Fresno, CA

12:15 pm–1:15 pm
Lunch Break

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

1:15 pm–2:15 pm

Introduction to Crimmigration

Our clients sometimes get into serious trouble. Speakers in this session will provide a primer on common issues that arise from criminal activity. They also will identify strategies for categorizing and mitigating crimes and discuss available options for relief.

- Most Common Inadmissibility Criminal Grounds—*e.g.*, CIMT, Aggravated Felony, etc.
- Admission of Guilt: What Qualifies as a Conviction?
- Waivers from Convictions

*Lindsey Gauzza (DL), New York, NY
Amber Fuhriman, Las Vegas, NV
Jonathan D. Montag, San Diego, CA
Melaney LaGrone, Lawrenceville, GA*

2:15 pm–2:45 pm

Networking Break

2:45 pm–3:45 pm

Anatomy of Removal Proceeding 101

Representing clients in removal proceedings requires skill, innovation, and perseverance. Panelists on Part I of this two-part fundamentals session will provide you with the basics you need to be an effective litigator in removal court.

- Commencement of Proceedings: Breaking Down the Notice to Appear
- INA §212 vs. §237 Proceedings: Is My Client Removable or Inadmissible?
- Who Bears the Burden?
- Available Forms of Relief

*Randall Chamberlain (DL), AILA Board of Governors, New York Chapter Chair, New York, NY
Valerie Anne Zukin, San Francisco, CA
Jennie Guilfoyle, American Immigration Council, Washington, DC
Juan Camilo Parrado, Chicago, IL*

3:45 pm–4:15 pm

Networking Break

4:15 pm–5:15 pm

Anatomy of Removal Proceeding 102

Now that the basics have been covered, panelists in Part II of this two-part fundamentals session will focus on the more procedural side of representing clients in removal proceedings.

- Master Calendar Hearings and Pleading to the NTA
- Filings with the Immigration Court: Motions, Applications, and Evidence

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

- The Importance of a Pre-Hearing Brief
- Procedure of the Individual Hearings: What Happens? How Do You Prepare?

Maria Chavez (DL), San Diego, CA

Norma Sepulveda, Harlingen, TX

Christopher James Acklin, Wyoming, MI

Elizabeth Marie Knowles, Akron, OH

FAMILY/HUMANITARIAN TRACK

9:30 am–10:30 am

Lengthy Absences and the Struggle of Maintaining Residence

So, your client wants to naturalize, but they have spent too much time abroad. What can be done? Have your clients been stuck abroad due to COVID issues, border closures, or health complications? Panelists on this intermediate session will provide an overview of the legal and procedural issues that permanent residents who may not be residing permanently in the U.S. should be prepared to face.

- Pre-emption Planning: Advising Clients Before They Leave
- When to Apply for a Reentry Permit, Both Physically and Logistically
- SB-1 Visas for Returning Residents
- When and Where to Abandon LPR Status: Filing the I-407
- Naturalization-Specific Concerns Taxes, 316(b), Intent Issues, CBP
- COVID Complications with Reentry After Lengthy Absence Due to COVID/ Border Closures

Sharon Dulberg (DL), San Francisco, CA

Daniel Thomann, Chicago, IL

Jennifer Hermansky, Philadelphia, PA

Avi Friedman, Santa Monica, CA

10:30 am–11:15 am

Networking & Exhibit Hall Break

11:15 am–12:15 pm

Options for Military Families

Military members and their families have benefited from sensible policies over the years, which have helped them remain in the United States or even become lawful permanent residents. While the policies and their implementation have fluctuated from one administration to the next, some of these policies have remained unchanged. Others, however, change drastically depending on who resides in the White House. Panelists on this intermediate session will discuss current policies, what may be changed, and how this will affect military personnel and their families.

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

- Updates on Parole in Place (PIP) Policies and Procedures: Where to File, What to File
- Updates on Deferred Action for Military Family Members Policy and Procedure
- Expulsion of Military Personnel-Based on Foreign Ties
- MAVNI Litigation and Legal Strategies for MAVNIs in Limbo
- Discretionary Possibilities for Military Families
- Updates on the Current Administration Policies Related to Deported Service Members and Impact on Their Families

Margaret Stock (DL) AILA Author, Immigration Law and the Military, 2nd Ed., Anchorage, AK

Martin W. Lester, AILA MAP Committee, Clarksville, TN

Brian Christopher Schmitt, AILA MAP Committee, New Windsor, MD

Elizabeth Ann Pellegrin, Berkeley, CA

12:15 pm–1:15 pm

Lunch Break

1:15 pm–2:15 pm

DACA & TPS Survived Trump. Now What? Can My Client Adjust?

The long-term prospects for DACA and TPS holders has become a central question across the country. Panelists will discuss how to get permanent immigration benefits for DACA and TPS holders.

- New and Renewed DACA: Where Are We Now?
- State of TPS as “Admission” in U.S. Circuit Courts
- Updates to USCIS’s Denial of Adjustment to Paroled DACA and TPS Applicants
- Immigration Court Jurisdiction vs. USCIS
- Assessing Other Forms of Relief

Mary Kenney (DL), Baltimore, MD

Camiel Becker, Oakland, CA

John C. Lemacks II, Los Angeles, CA

Jennifer Riddle, Asheville, NC

2:15 pm–2:45 pm

Networking Break

2:45 pm–3:45 pm

Advanced Issues in U Visa and U Adjustment of Status

Panelists will discuss ongoing and emerging issues concerning U visas and U adjustments, including derivative eligibility for after-acquired spouses post-Medina-Tovar v. Zuchowski, USCIS’s use of discretion in adjudicating waivers under INA §212(d)(14), and eligibility for adjustment where the U visa was improperly granted.

- After-Acquired Spouses of U-1
- Discretion in §212(d)(14) Waivers

(DL) = Discussion Leader

** = invited, not confirmed*

Note: All sessions and events are subject to change without notice.

- Was the U Nonimmigrant “Lawfully Admitted”?
- Dealing with Omissions and Errors on Approved I-918s

Amy Cheung (DL), Washington, D.C.

Kyle Dandeleit, AILA VAWA, Us, and Ts Committee Chair, New York, NY

Karen J. Crawford, Austin, TX

Alison Kamhi, San Francisco, CA

3:45 pm–4:15 pm

Networking Break

4:15 pm–5:15 pm

Advanced Issues in T Visa and T Adjustment of Status

Panelists on this advanced session will cover challenging T visa and T adjustment of status issues.

- Establishing Presence “On Account of”
- The Latest on Labor-Related T Visa Eligibility
- When Domestic Violence Is Also Trafficking
- Inadmissibility Issues After T Visa Issuance
- Bringing Derivatives into the United States

Alma Montes de Oca (DL), Phoenix, AZ

Kursten Andrea Phelps, AILA VAWA, Us, and Ts Committee Vice Chair, Falls Church, VA

Erika Elizabeth Gonzalez, Los Angeles, CA

Carson M. Osberg, Miami, FL

LITIGATION AND REMOVAL PROCEEDINGS TRACK

9:30 am–10:30 am

Criminal Grounds of Removability: Categorical, Modified Categorical & Circumstance-Specific Approaches

While DHS wants to consider every document related to your client’s conviction, the Board of Immigration Appeals (BIA) and federal courts rarely permit this. The speakers on this advanced panel will discuss divisibility, the realistic probability test, and the circumstance-specific approach.

- When to Apply the Categorical Approach: Overbroad and Indivisible and HARD STOP There!
- Divisibility: When to Move on to the Modified Categorical Approach, Documents That Then Come into Play
- Circumstance Specific Approach Doesn’t Mean That Everything Goes: How to Analyze and Limit the Use of This Approach, the Relevant Criminal Records
- Mental Gymnastics and Improbable Hypotheticals: How to Satisfy the Realistic Probability Test When It Applies

(DL) = Discussion Leader

** = invited, not confirmed*

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Michael Sharma-Crawford (DL), Kansas City, MO

Mary Kramer, AILA Author, Immigration Consequences of Criminal Activity: A Guide to Representing Foreign-Born Defendants, 8th Ed., Miami, FL

Cory Forman, New York, NY

Jeffrey Bruce Widdison, Wilmington, NC

Emma Winger, Staff Attorney, American Immigration Council, Boston, MA

10:30 am–11:15 am

Networking & Exhibit Hall Break

11:15 am–12:15 pm

Preventing Removal of SIJ Beneficiaries: From USCIS to Federal Court and Everything in Between

Panelists on this intermediate to advanced panel will take a dive into Special Immigrant Juvenile (SIJ) petitions with a focus on appeal strategies. The panelists will discuss advocating against the removal of SIJ beneficiaries, including federal litigation strategies. Panelists also will cover best practices for avoiding denial by USCIS and AAO, including how and when to litigate in federal court.

- Removal of SIJ Beneficiaries in Visa Backlogs at IJ and BIA Level
- Current Status of Circuit Courts on SIJ Removals and Strategies for Taking Your Case to Federal Court
- USCIS/AAO Review of State Court Order in SIJ Cases, When/How to Use Federal Litigation

Bradley B. Baniyas (DL), Charleston, SC

Dalia Castillo-Granados, Houston, TX

Stacie A. Hammond, Memphis, TN

Rebecca Scholtz, Minneapolis, MN

12:15 pm–1:15 pm

Lunch Break

1:15 pm–2:15 pm

Objection! Not Just “Taking It” in Immigration Court and Making Your Record

The Federal Rules of Evidence are not strictly followed in immigration court. However, evidence must be relevant and fundamentally fair. If the evidence is not, no protest is too much. Panelists on this interactive session will discuss the latest legal theories to protect your client’s rights against the government’s use of social media, facial recognition, and other technologies.

- Making Objections to Evidence Presented by DHS
- Preventing (or Dealing with) DHS’s Use of Your Client’s Social Media Activity and Other Technology
- Preparing Questions for Cross-Examination

(DL) = Discussion Leader

** = invited, not confirmed*

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- Preserving Arguments and the Record for Appeal

Michelle Natalia Mendez (DL), Silver Spring, MD

Mirella Ceja-Orozco, St. Paul, MN

Amy Prokop Lenhart, Los Angeles, CA

Richard A. Phelps (The Honorable), US Immigration Judge, Retired

2:15 pm–2:45 pm

Networking Break

2:45 pm–3:45 pm

Never Give Up, Never Surrender! Motions to Reopen in Immigration Court

When it's over, it's over . . . unless it's not over. Panelists will discuss advanced issues in reopening removal proceedings, including equitable tolling and reopening reinstated orders.

- Statutory Motions to Reopen (MTRs) vs. Sua Sponte MTRs (or Both!), Crafting a Stellar Sua Sponte MTR
- Equitable Tolling: When It Is Necessary and When Is It Available
- Reopening Reinstated Orders
- Successive MTRs: When Is a Second or Third MTR Available?
- Litigating Motions in Circuit Courts

Jesse A. Lloyd (DL), Oakland, CA

Jodi Goodwin, Southern Border Taskforce Vice Chair, Harlingen, TX

Allison Chan, Cleveland, OH

Kristin MacLeod-Ball, American Immigration Council, Brookline, MA

3:45 pm–4:15 pm

Networking Break

4:15 pm–5:15 pm

INA §237(a)(1)(H) Works Like Magic: Fraud Waivers

This advanced panel will cover strategies for overcoming fraud stemming from alleged “erroneous” LPR admissions, including when and how to use the §237(a)(1)(H) waiver.

- Seeking Fraud Waivers for LPRs, Conditional Residents, and VAWA Self-Petitioners
- Discretion vs. Hardship
- Preparing for Travel, Detention, and Waiver Application Prospectively
- Approved Fraud Waiver’s Impact on Future Applications for Relief or Naturalization

Jonathan Willmoth (DL), Kansas City, MO

Juliana G. Lamardo, Miami, FL

David Isaacson, New York, NY

Margaret W. Wong, Cleveland, OH

(DL) = Discussion Leader

** = invited, not confirmed*

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BUSINESS TRACK

9:30 am–10:30 am

Managing the COVID Fallout for NIV Applications at the Consulates

COVID-19 created major disruptions at consulates with widespread closures and delays. When consulates did reopen, the U.S. Department of State's (DOS's) decision to let each post determine their work schedules and appointment availability led to a variety of delays and uncertainty for nonimmigrant visa applicants, problems that have persisted throughout the pandemic. Panelists on this intermediate session will address the wide variety of issues that nonimmigrant visa applicants continue to face.

- DOS Policies and Operations
- Nonimmigrant Visa Appointment Availability, Requesting Emergencies, and Other Avenues for Getting Your Client to the Window
- Remote Work and Other Post-Approval Changes
- Trends and New Developments
- FAM Updates

Daniel J. Parisi (DL), London, UK

Ganesh Kalyanaraman, AILA Board of Governors, Sacramento, CA

Lynn Marie Lee, Springfield, VA

Christopher M. Richardson, Greenville, SC

10:30 am–11:15 am

Networking & Exhibit Hall Break

11:15 am–12:15 pm

Consular Nuances for E-1 and E-2 Visa Applications

With increasing obstacles imposed on visa options for investors and entrepreneurs ushered in under the “Buy American and Hire American” (BAHA) executive order, coupled with the economic fallout of the pandemic and prolonged reduction of operations at consular posts and international travel, E visa applicants face considerable hurdles. Panelists on this intermediate panel will highlight some of the procedural nuances of various U.S. embassies and discuss strategies for increasing the chances of visa approval abroad.

- Impacts of COVID-19 on E Renewals
- When Is an E-1 a Better Option?
- Special Considerations for New Applicants, Extensions, Initial Investors, and Employees
- Consular Programs: Company Registration and “Secret” Lists
- Navigating Document and Page Requirements/Limitations
- FAM and Reciprocity Table Updates and Other Policy Updates

Cindy Azoulay (DL), AILA Board of Governors, Ramat Gan, Israel

Dominique Pando Bucci, Coral Gables, FL

Ian E. Scott, New York, NY

(DL) = Discussion Leader

** = invited, not confirmed*

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12:15 pm–1:15 pm

Lunch Break

1:15 pm–2:15 pm

Oh, Where Are the Good Old Times? Trying to Be an L-1 Intracompany Transferee

According to USCIS data, L-1s are being more heavily scrutinized than ever before, with more RFEs, denials from USCIS, and issues at the visa application stage. This advanced panel will provide practical tips for preparing cases for success by looking at recent adjudication trends, common RFEs from USCIS, and adjudication trends for L-1 Individual and Blanket Visa Applicants from U.S. consular posts.

- Putting in the Kitchen Sink, Filing with USCIS
- Strategies for Addressing RFEs
- That Sounds FAMiliar! Heightened Adjudication Standards for Blanket L-Based Petitions at Consular Posts
- Legacy Issues: BAHA, Travel Bans, and National Interest Exceptions
- Current Trends at USCIS and Consular Posts

Elise Fialkowski (DL), Philadelphia, PA

Mahsa Khanbabai, AILA Board of Governors, Easton, MA

David J. Wilks, Buffalo, NY

Fuji Whittenburg, Calabasas, CA

2:15 pm–2:45 pm

Networking Break

2:45 pm–3:45 pm

The New World of H-1Bs

There have been unprecedented developments the last four years regarding H-1Bs. These changes range from the registration process to new interim final regulations, from increased use of salary surveys to litigation. Panelists will provide an overview of H-1B developments and how to deal with them effectively in your practice.

- RFE Trends
- Contractors, Remote Working, and Third-Party Placement
- Specialty Occupation Issues
- Status of Regulatory Changes and Impact of Recent Litigation
- Lessons Learned from the Registration Process and Lottery

Matthew D. Stump (DL), Oklahoma City, OK

Eleanor Pelta, AILA Past President, Washington, D.C.

Brad Hendrick, Boulder, CO

Dustin J. O'Quinn, Seattle, WA

(DL) = Discussion Leader

** = invited, not confirmed*

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3:45 pm–4:15 pm
Networking Break

4:15 pm–5:15 pm
H-2 Practice: What Are We So Afraid Of?

One of the most pressing issues facing our seasonal businesses clients is finding short-term reliable employees to meet seasonal needs, yet H-2B practices remain rare in the immigration bar. For practitioners new to this area, our expert panelists will navigate through the complex maze of the H-2A and H-2B visa programs and provide an overview of visa requirements, procedures, compliance, and employer obligations under the programs. This session will arm you with additional tools to offer your clients with additional options.

- H-2A and H-2B Basics: Navigating the Maze
- What Is Temporary Need?
- Strategies and Best Practices: Year-Round Employment?
- Recent Trends: The DOL “Single Employer Test”

Leonard J. D’Arrigo (DL), Albany, NY
Sujata P. Ajmera, Austin, TX
Ashley Floret Dees, Lake Charles, LA
Loan T. Huynh, Minneapolis, MN

LAW PRACTICE MANAGEMENT & TECHNOLOGY

9:30 am–10:30 am
Show Me the Money: Financial Best Practices

Financial literacy from successful planning equips you with the knowledge and skills needed to manage finances effectively. Panelists will discuss financial best practices for small businesses on setting fees and managing your firm’s money. They also will advise on how solo and small law firms can better manage day-to-day finances, covering time tracking, billing software, payment plans and much more.

- Flat, Hourly, and Hybrid Fee Structures: Strengths and Weaknesses of Each, Which to Use
- How to Implement Successful Payment Plans
- Credit Card Payments and Other Options
- Time-Tracking and Billing Software
- Best Practices in Invoicing, Payment, and Collection Systems
- Ethics Considerations

Kirby Gamblin Joseph (DL), Aurora, CO
John “Jack” Pinnix, AILA Past President, Raleigh, NC
Jill Wayland, Bethesda, MD

10:30 am–11:15 am

(DL) = Discussion Leader

** = invited, not confirmed*

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Networking & Exhibit Hall Break

11:15 am–12:15 pm

The Lawyer as Manager

Being a great lawyer does not automatically translate to being a great manager. Panelists will offer advice on how best to manage processes, people, and time, whether the practitioner is at a large firm or runs a solo practice.

- Effective Communication with Staff and Clients
- Hands Off vs. Hands On: How to Get the Most Out of Staff
- Strategies and Resources to Be a More Effective Manager
- Employee Performance Improvement Plans
- How to Handle Termination of an Employee
- Best Practices for Managing Contractors and Vendors

Becki Young (DL), Silver Spring, MD

*Ellen Freeman, AILA Board of Governors, AILA GMS Steering Committee Chair,
Pittsburgh, PA*

Justin Estep, Austin, TX

Julie Reddig, Bethesda, MD

12:15 pm–1:15 pm

Lunch Break

1:15 pm–2:15 pm

Automation 101: Law Practice Technology No Immigration Firm Should Be Without

Panelists will dive into how to think about your law firm's technology needs, the types of solutions that are out there, and how to stay ahead of the curve as new technologies emerge.

- Where to Start: What Foundational Tech Tools and Programs Do You Need?
- Mapping Out Your Process Flow, Assessing Your Existing Tech Tools and Capabilities
- Overview of Common Programs, How to Maximize Their Potential
- How Frequently Should You Revisit Your Tech?
- Basic Security Measures Everyone Forgets ... Until It Is Too Late

Nadine Heitz (DL), Lake Worth Beach, FL

John Ting, Houston, TX

Charity Anastasio, AILA Associate Practice Management Advisor, Washington, D.C.

Hana Boston, Austin, TX

2:15 pm–2:45 pm

Networking Break

2:45 pm–3:45 pm

Automation 102: Achieving the Ultimate Lean Law Firm

(DL) = Discussion Leader

** = invited, not confirmed*

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Now that you have mastered Automation 101, the experts on this panel will guide you closer to achieving a lean law firm status. They will discuss how to address change management (ADKAR Model) and overcoming resistance to change.

- What Additional Tools Should You Keep an Eye Out For?
- Prioritize and Build Out Customizations and Get Started
- Learn to Address Bugs and Roadblocks in Your Customization Projects
- Cut Friction by Half and Get Double the Productivity Out of Your Tech and Staff
- Change Management: Get Buy-In and Build Excitement in Your Practice for the Next Adoption Phase by Utilizing the ADKAR Model

Ron Matten (DL), West Hollywood, CA

Lilia G. Alcaraz Tocchini, Phoenix, AZ

Roman Zelichenko, Kew Gardens, NY

3:45 pm–4:15 pm

Networking Break

4:15 pm–5:15 pm

Maximizing Remote and In-Person Teamwork and Communication

With many of us working 100% remotely, panelists will address ways to make your firm more efficient and profitable through some key management tools and must-have suggestions. Team building is imperative to a successful business, especially in times of constant change. It builds trust, mitigates conflict, encourages communication, and increases collaboration. A strong team and culture can make or break a business.

- Fostering a Workplace Culture
- Managing Staff Remotely
- Building Healthy Work Relationships: “We Are a Team”
- Identifying the Team’s Needs, Providing Employee Support
- Driving Employee Motivation
- Forming Essential Communication Policies and Expectations

Ruby Lichte Powers (DL), AILA Author, Build and Manage Your Successful Immigration Law Practice (Without Losing Your Mind), AILA Annual Conference Special Sessions Chair, Houston, TX

Amanda S. Brill, AILA University Co-Chair, London, UK

Jonathan A. Grode, Philadelphia, PA

Beata Leja, Chicago, IL

(DL) = Discussion Leader

** = invited, not confirmed*

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