



2021 AILA PARALEGALS VIRTUAL CONFERENCE

August 17-18, 2021

(All times are Eastern Time Zone)

The course is designed to give paralegals and law office support staff deeper insight into the complexities and practicalities of immigration law, allowing them to assist their supervising attorneys and clients more effectively. This two-day virtual conference features two separate tracks (Employment and Removal/Humanitarian) with beginner- and intermediate-level sessions.

Our panels of experts will provide an overview of fundamental immigration law and procedure, focusing on the paralegal's role related to key legal and factual issues, forms, and client service. Panelists will also discuss common ethical quandaries that paralegals face, and share insights into cross-cultural and trauma-informed best practices. Experts on the Hot Topics panel will address cutting-edge developments including COVID-related challenges and policy changes from the Biden administration. A question-and-answer period follows each session, allowing attendees to interact with faculty and gain further insight. Finally, the practicum will conclude several panels to give a detailed review of completing forms and offer other helpful practice pointers.

Viewing Options: On Tuesday and Wednesday, August 17-18, 2021, faculty members will present two full days of live sessions. These sessions will be held virtual and viewable from the convenience of home or the office. The program is live and interactive! All participants will receive a link to the conference recording, so any sessions missed (particularly helpful for our West Coast participants given the time difference) or in need of review can be revisited back at the office.

Please Note: All registrations are subject to approval. Attendance at this conference is solely restricted to AILA law student members and the paralegals and support staff of AILA members. AILA will not be administering CLE for this program.

TUESDAY, AUGUST 17, 2021

DAY 1: IMMIGRATION BASICS

9:50 am-10:00 am

WELCOME AND GREETINGS

Lillian S. Axelrod, Conference Program Chair, Memphis, TN

(DL) = Discussion Leader

** = invited, not confirmed*

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

10:00 am–11:00 am

ETHICS & THE ROLE OF PARALEGALS IN IMMIGRATION PRACTICE

Paralegals want to help clients meet their goals and support attorneys in providing excellent service. But when a tricky situation comes up, it's not always obvious what the "right" thing to do is. This panel will explore common ethical quandaries that paralegals face, and how to recognize and navigate them.

- Introduction to the Rules of Professional Conduct (RPC) and Rule 5.3: Your Boss Wants You to Be Ethical and Must Supervise You. Don't Be Afraid to Ask for Help
- How Paralegals' Work Supports Ethical Practice—Calendar Deadlines, Tracking Case Progress, and Updating Clients on Their Cases (1.3 Diligence, 1.4 Communications, 7 Communications Concerning a Lawyer's Services)
- Common Dilemmas Facing Paralegals:
 - Finding the Line Between Client Communication and Legal Advice
 - Who Is the Client? Flagging Confidentiality Challenges and Potential Conflicts of Interest
 - Zealous Advocacy vs. Candor to the Tribunal—What to Do When You Learn Something You Didn't Want to Know?

Faculty:

Michele N. Carney (DL), AILA Ethics Committee Chair, Seattle, WA

Brittany Thomas Faith, AILA Board of Governors, AILA Ethics Committee, Chattanooga, TN

Miguel Vela, AILA Ethics Committee, San Antonio, TX

**Tamara L. Jezic, Wheaton, MD*

11:00 am–11:20 am

VIRTUAL NETWORKING & COFFEE BREAK

11:20 am–12:20 pm

CROSS-CULTURAL AND TRAUMA-INFORMED CLIENT SERVICE

We have the privilege to work with people from across the globe, with diverse backgrounds and life experiences. This panel will explore how paralegals can identify and navigate common cross-cultural communication challenges without stereotyping clients, and how to incorporate trauma-informed practices.

- Peeling the Onion: Gaining Trust with Clients Across Cultures
- Trauma Informed Client Service: What Are PTSD and CPTSD? Recognizing Signs & Strategies to Limit Retraumatization
- Understanding and Facing Our Secondary Trauma — Knowing the Signs, Pacing Ourselves, Understanding Our Roles, and Asking for Help.
- Addressing Harmful Patterns— Overidentification with Clients, All-or-Nothing Thinking, Failure to Create Boundaries, etc.

Faculty:

Sabrineh Ardalan (DL), Cambridge, MA

Lorilei Alicia Williams, Brooklyn, NY

Nicole Marcelle Avila, Orlando, FL

Thalia Hernandez, Memphis, TN

(DL) = Discussion Leader

** = invited, not confirmed*

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

12:20 pm–12:55 pm **VIRTUAL LUNCH/COFFEE BREAK**

12:55 pm–1:55 pm **GETTING THE RECORDS**

In this session you will learn how to access hidden and public information. Different agencies hold different information. Learn where to go for what you need. Unearth government records through the Freedom of Information and Privacy Act requests. Panelist will explain where to go for criminal records, FBI histories, birth, death, marriage and divorce records.

- Basics of the Freedom of Information Act, Pursuing FOIAs and Privacy Act Requests of DHS, CBP, USCIS, DHS OBIM, DOL, DOS, ICE, EOIR
- Obtaining FBI Records Checks
- Searching for State Court Criminal Records
- Resources from CDC.GOV Vital Records
- Getting IRS Tax Records, Social Security Records, Selective Service Records
- Obtaining Educational Records, Medical Records, Drivers License Records
- Requesting Employment Records and I-9 Declarations
- Getting Overseas Records Recognized by the State Department Reciprocity

Faculty:

Amber L. Weeks (DL), Albuquerque, NM

Anam Rahman, Fairfax, VA

Raul A. Pinto, American Immigration Council, Washington, DC

1:55 pm–2:30 pm **VIRTUAL LUNCH/COFFEE BREAK**

2:30 pm–3:30 pm **HOT TOPICS**

This session will address the latest immigration updates and developments from the Biden administration.

- What's New in Washington
- COVID-Related Changes: Field Office Policies, Consular Processing Challenges, Travel Bans, Border Issues
- The New Era of Prosecutorial Discretion: ICE Priority Memo, OPLA PD Memo & EOIR Response Memo
- EOIR: Docket Shuffling, Case Flow Processing, Standing Orders, Priority Dockets
- Employment-Based Updates
- Misinformation on Social Media

Faculty:

Lillian S. Axelrod (DL), Conference Program Chair, Memphis, TN

Jeff Joseph, AILA Secretary, Aurora, CO

Diego Aranda Teixeira, San Ysidro, CA

(DL) = Discussion Leader

** = invited, not confirmed*

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3:30 pm–3:55 pm

VIRTUAL NETWORKING & COFFEE BREAK

3:55 pm–4:55 pm

ALL IN THE FAMILY

How to immigrate through familial relationships. This session will delve into who can petition for whom, what are the requirements, and how to prove your case. Which is better, a fiancé(e) petition or marriage abroad and consular processing?

- Immediate Relatives and Preference Categories FB-1 Through FB-4
- Petitioner Status and Familial Relationship Evidence
- Marital Relationship Evidence, Bona Fides of a Marriage, Burden of Proof
- Commonly-Used Forms: I-130, I-130A, and I-129F
- Concurrent Filing of I-130 and I-485, I-765, I-131, & I-864
- Affidavit of Support Obligations and Meeting the Requirements
- How to Proceed If Consular Processing Outside the U.S.

Faculty:

Charles Wheeler (DL), AILA Author, Immigration Law and the Family, 6th Ed, Oakland, CA

Sophath Chou, Bellevue, WA

Scott D. Pollock, Chicago, IL

4:55 pm–5:15 pm

VIRTUAL NETWORKING & COFFEE BREAK

5:15 pm–6:15 pm

ALL THINGS NATURALIZATION BASICS

Explore the basic requirements on how to go from green card to citizenship. Who is eligible, and what does it take to qualify? What are the pitfalls to avoid and what to consider if naturalization fails? What records and supporting evidence does the applicant need?

- Who Is Eligible? 3- and 5-Year Applicants
- Timing Issues: Residency in District, Physical Presence and Continuity of Residency
- Good Moral Character Pitfalls-Criminal Issues, Child Support, Back Taxes and More
- More Pitfalls: Improvident Green Cards, False Claims to USC, Registering to Vote & Voting
- Disability Waivers of English Literacy and Civics / History Exams with an N-648

Faculty:

Noah Klug (DL), AILA Editor, AILA's U.S. Citizenship and Naturalization Law Toolbox, New York, NY

Sandra Bruno, Ithaca, NY

David L. Wilson, Minneapolis, MN

(DL) = Discussion Leader

** = invited, not confirmed*

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WEDNESDAY, AUGUST 18, 2021

DAY 2: EMPLOYMENT-BASED TRACK

10:00 am–11:00 am **VIEW FROM ABOVE: BASIC CONCEPTS IN EMPLOYMENT-BASED IMMIGRATION**

This panel will discuss relationships and obligations in employment-based immigration and ethics rule concerns and potential conflicts of interests from a high altitude perspective; concepts of nonimmigrant intent versus immigration “green card” intent including suggestions for appropriate immigration categories depending on whether the “green card” is being pursued; An overview of labor certification issues including the recruitment phase; the strategies that are employed in the ever changing visa bulletin.

- Petitioner/Beneficiary and Dual Representation vs. Self-Petitioners
- Nonimmigrant vs. Immigrant Intent and Dual Intent Classifications
- Labor Certification (aka “PERM” or “Form 9089”) Issues
- The Visa Bulletin—Differences Between Final Action Dates and Filing Dates and a Discussion of the Impact on Priority Dates and “Speed” of the Green Card Process
- Visas vs. Status
- Red Flag Issues: Authorized Status, Period of Stay Authorized by the Attorney General (POSABAG) and the 3- and 10-Year Bars from Admission

Faculty:

Reginald A. Pacis (DL), Detroit, MI

Ellen Freeman, AILA Board of Governors, Pittsburgh, PA

Ginny Hsiao, AILA Ethics Committee, Arcadia, CA

David Wilks, AILA Board of Governors, Rochester, NY

11:00 am–11:20 am **VIRTUAL NETWORKING & COFFEE BREAK**

11:20 am–12:20 pm **H-1B, E-3 & H-1B1: CONCEPTS AND PRACTICE**

This session will zoom in on the basics of H-1B status, navigating the standards, employer requirements, beneficiary qualifications and DOL occupational sources - all to ensure H-1B approvals. We will explore AC21 and timing issues, and provide an overview of alternatives.

- Definition of “Specialty Occupation”
- SOC Codes, Job Requirements and Beneficiary Qualifications
- Timing and Travel Issues
- AC21 Extensions and Amended Petitions
- Differences Between H-1B, E-3 and H-1B1 Visas

Faculty:

Robert H. Cohen (DL), Columbus, OH

Robin O'Donoghue, Cambridge, MA

Bilal Sultan, New York, NY

(DL) = Discussion Leader

** = invited, not confirmed*

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

- 12:20 pm–12:55 pm **VIRTUAL LUNCH/COFFEE BREAK**
- 12:55 pm–1:55 pm **OTHER EB NIVS: TN, L-1 AND E-2 VISAS**
Panelists will discuss when to consider TN, L-1 and E-2 visas and their relative advantages. The panel will explore procedures, ‘intent’ issues and pathways to a green card from these visas.
- Nonimmigrant vs. Immigrant Intent
 - TN Visas, Procedure, and Occupations
 - L-1 or E-2? Choosing the Right Visa Category
 - Knowing When to Petition or Apply, Including ‘Border’ Applications
 - Mechanics of Nonimmigrant Intent vs. Immigrant Intent
 - Paths to Permanent Residence
- Faculty:*
Amanda S. Brill (DL), London, UK
Matthew S. Myers, San Antonio, TX
Daniel P. Joyce, Buffalo, NY
- 1:55 pm–2:30 pm **VIRTUAL LUNCH/COFFEE BREAK**
- 2:30 pm–3:30 pm **EMPLOYMENT-BASED GREEN CARDS: PERM, EB-2, AND EB-3**
The panel will delve into all aspects of PERM, including travel. Learn about timing and AC21 considerations, as well as post-PERM I-140 strategies, EB-2 I-140s and EB-3 “downgrades.”
- PERM Overview
 - Determining Job Requirements; Prevailing Wages; and Recruitment
 - Structuring PERM for Remote Worksites and Travel
 - PERM timing and AC21 Issues
 - EB-2 Green Cards and 3 EB-3 Downgrades—Best Practices
- Faculty:*
Magaly Rojas Cheng (DL), Boston, MA
William A. Stock, AILA Past President/Innovation & Technology Committee
Chair, Philadelphia, PA
Sheela Murthy, Owings Mills, MD
Phil D. Ortega, Mesa, AZ
- 3:30 pm–3:55 pm **VIRTUAL NETWORKING & COFFEE BREAK**
- 3:55 pm–4:55 pm **HIGHLY SKILLED INDIVIDUALS: A DISCUSSION ON NONIMMIGRANT AND IMMIGRANT VISA PETITIONS FOR “TALENTED” FOREIGN NATIONALS**
This session will discuss the nonimmigrant and immigrant classifications for those that are highly skilled beyond the professional level qualifications. Panelists will discuss the eligibility and documentary requirements for each of these classifications and provide practical tips regarding the presenting of petition submissions and responses to Requests for Evidence.

(DL) = Discussion Leader

** = invited, not confirmed*

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- O-1 Extraordinary Ability
- Competitive Athletes to Foreign Rock Bands. The P-1 Player or Performer Classification Eligibility and Whether Others May Tag Along
- Extraordinary Ability as an Immigrant Visa Petition Classification for the Green Card
- Outstanding Researchers/ Professors and Why Certain Members of This Category May Be Eligible to “Skip” the Labor Certification Requirement
- Multinational Manager/ Executive and the Importance of Documenting Past Management of Professionals/ Executive Activities
- National Interest Waiver of the Labor Certification Requirement (NIW Document Requirements, Strategies and NYSDOT and Related Cases)

Faculty:

W. Scott Railton (DL), Bellingham, WA

Andrea B. Huerta-Rodriguez, Miami, FL

Flavia Santos Lloyd, Irvine, CA

**Timothy G. Payne, Chicago, IL*

4:55 pm–5:15 pm **VIRTUAL NETWORKING & COFFEE BREAK**

5:15 pm–6:15 pm **EMPLOYMENT-BASED ADJUSTMENT OF STATUS (AOS)**

What if the employee has a history of changing employers or locations? What if the sponsoring company has undergone a corporate change? What if there are periods of unlawful presence and out of status issues embedded in a foreign national’s immigration case. The panelists on this session will discuss legal tools that will help cases facing these challenges.

- AC21 Portability and the I-485J
- Successor in Interest
- 245(i) May Help
- Employing 245(k) to Help Resolve Filing Cases Who Are Out of Status Within a Certain Time Frame

Faculty:

Diane M. Butler (DL), Seattle, WA

Ian Wagreich, Chicago, IL

**Don Lacsina Pangilinan, San Francisco, CA*

DAY 2: EOIR & HUMANITARIAN TRACK

10:00 am–11:00 am **ALL IN THE FAMILY: MARRIAGE-BASED IMMIGRATION**

Smoke and mirrors or reality? Proving a real marriage is sometimes a challenge. What does USCIS investigate? What are the tell tale signs that can raise red flags and how can you overcome them? What ethical dilemmas can arise from dual representation? When will one need a waiver and for what when applying for adjustment of status? This panel will address these issues and more.

(DL) = Discussion Leader

** = invited, not confirmed*

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- Inspected, Admitted or Paroled? Or 245(i)? — *Areguillin, Quilantan, and Orozco* Entries
- Spotting Marriage Fraud, Addressing the Problems, and Consequences
- Does It Add Up? I-864 Analysis, Tips and Tricks
- Other Common Issues of Inadmissibility (False Claims to USC, Voting, Fraud / Misrepresentation, Criminal History, Etc.)

Faculty:

Bashir Ghazialam (DL), San Diego, CA

Michelle Saenz Rodriguez, AILA Board of Governors, Dallas, TX

Ari J. Sauer, AILA Author, AILA's Immigration Law Practice & Procedure

Manual: A "Cookbook" of Essential Practice Materials, Memphis, TN

**Nayef Mubarak, Orlando, FL*

11:00 am–11:20 am

VIRTUAL NETWORKING & COFFEE BREAK

11:20 am–12:20 pm

DOCUMENTING HARDSHIP

For many applications, we must establish that the client or a qualifying relative will suffer some form of hardship. There are different levels of hardship, and documenting each type has unique challenges. This panel will discuss each different type of hardship, the different applications where we must establish hardship, and how to be creative in documenting hardship.

- Hardship-Based Applications: I-601, I-601A, EOIR-42B, 212(c), I-751, U Visas, NACARA, and VAWA
- Standards: Hardship, Extreme Hardship, and Exceptional and Extremely Unusual Hardship
- Common & Creative Ways to Document Hardship
- Drafting the Declarations

Faculty:

Elina Magaly Santana (DL), Miami, FL

Diana Cachaya, Nashville, TN

Andres Rodrigo Guerra, Sacramento, CA

**Dagmar Butte, Portland, OR*

12:20 pm–12:55 pm

VIRTUAL LUNCH/COFFEE BREAK

12:55 pm–1:55 pm

EOIR 101

This panel will introduce the Immigration Court system, including key processes, documents, concepts, and agencies.

- Who does what? EOIR (immigration courts and BIA, clerks and judges), DHS (CBP, ICE ERO, and ICE OPLA)
- Basics of Immigration Court Procedure and the Life of an Immigration Court Case: Common Documents and Procedures from Case Initiation to Resolution
- Basics of Detention and Bond: The Standard for Bond, Gathering Documents, Bond Hearings

(DL) = Discussion Leader

** = invited, not confirmed*

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

- How to File and Serve: Eservice, ECAS / CASE, E-mail Filing, Physical Filing by Mail & Courier
- Policy Manual & Local Standing Orders

Faculty:

Eliana Christina Nader (DL), Boston, MA

Andrew J. Rankin, Memphis, TN

**Rosina Carmelina Stambaugh, York, PA*

1:55 pm–2:30 pm

VIRTUAL LUNCH/COFFEE BREAK

2:30 pm–3:30 pm

MANAGING ASYLUM CASES

Asylum is a complex form of relief that requires attention to detail and organizational skills. This panel will discuss how to manage asylum cases, gather documents, and make sure all deadlines are met.

- Overview of Asylum Law
- Asylum-Specific Deadlines and Exceptions
- Completing the I-589
- Declaration Drafting
- Gathering Supporting Documents & Country Conditions Research
- Coordinating with Experts and Other Witnesses

Faculty:

Joanna Gaughan (DL), Durham, NC

Cori A. Hash, AILA Asylum Committee Member, Austin, TX

Valeria Gomez, Hartford, CT

**Ruben Luis Reyes, Phoenix, AZ*

3:30 pm–3:55 pm

VIRTUAL NETWORKING & COFFEE BREAK

3:55 pm–4:55 pm

INTRODUCTION TO USCIS HUMANITARIAN RELIEF

This panel will introduce different types of humanitarian relief and the logistical hurdles each entail. This panel will provide an overview of what types of humanitarian relief are available with USCIS and what forms need to be filed.

- U Visas
- T Visas
- Special Immigrant Juvenile (SIJ)
- VAWA
- TPS
- DACA

Faculty:

Sarah B. Pitney (DL), Washington, DC

**Robin Dalton, AILA VAWA, Us, and Ts Committee Vice Chair, Madison, WI*

Lorena Rivas, Tulsa, OK

Rachel Alexa Benedict, Cambridge, MA

(DL) = Discussion Leader

** = invited, not confirmed*

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4:55 pm–5:15 pm **VIRTUAL NETWORKING & COFFEE BREAK**

5:15 pm–6:15 pm **MOCK HEARINGS AND INTERVIEW**

What happens at USCIS or immigration court, and how does a paralegal help set the attorney and client up for success? Panelists will role-play mock interviews and hearings, and answer questions about best practices for preparation and file organization.

- Master Calendar Hearings
- Adjustment of Status Interviews: Marriage-Based vs. Other Family-Based Interviews
- Naturalization Interviews
- Consular Interviews

Faculty:

Hardeep Sull (DL), AILA Board of Governors, Las Vegas, NV

Michael W. Gahagan, Metairie, LA

Brian Scott Green, Littleton, CO

6:15 pm **CONFERENCE CONCLUDES**

PARALEGAL CONFERENCE COMMITTEE

Lillian S. Axelrod, Conference Program Chair, Memphis, TN

Breanna Cary, AILA Board of Publications Chair, Oklahoma City, OK

Alexander Dgebuadze, Woodland Hills, CA

Reginald A. Pacis, Detroit, MI

Steven C. Thal, Minnetonka, MN

Emmie R. Smith, Director, Professional Development, Washington, DC

JJ Area, AILA Education Program Manager, Washington, DC

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