



ANNUAL AILA CALIFORNIA CHAPTERS VIRTUAL CONFERENCE

The AILA Northern California Chapter welcomes colleagues throughout the state and beyond to participate in the 34th Annual AILA California Chapters Conference. Originally planned as a hybrid live/virtual program, the conference now will be entirely virtual in light of continuing travel concerns. Rest assured, however: the sessions will remain as interesting and instructive as ever! Nationally recognized experts will provide attendees of all experience levels with critical updates across a wide range of immigration law topics. Don't miss this opportunity to earn specialized CLE credit and receive important information specific to practicing immigration law in California, all from the comfort and convenience of your home or office!

NOVEMBER 18-19, 2021

ALL TIMES LISTED ARE PACIFIC STANDARD TIME

THURSDAY, NOVEMBER 18, 2021

TRACK I: BUSINESS

7:50 am – 8:00 am

WELCOME ADDRESS

Maxine D. Bayley, Conference Program Co-Chair, San Francisco, CA

8:00 am – 9:00 am

HOT TOPICS IN BUSINESS IMMIGRATION

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

- Almost One Year into the Biden Administration: What Have We Already Accomplished and What Lies Ahead?
- Changes That May Impact Your Clients
 - I-9s When Offices Reopen
 - National Interest Exceptions and Whether Travel Bans Will Ever Go Away
 - Immigrant Visa and Adjustment of Status Backlogs
 - The H-1B Cap
- Litigation Opportunities and Updates

Faculty:

(DL) = Discussion Leader

** = Invited Speakers, Not Confirmed*

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

Jonathan Wasden (DL), Burke, VA
Allen Orr, AILA President, Washington, DC
Farshad Owji, AILA First Vice President, San Francisco, CA

10:30 am – 11:15 am **VIRTUAL NETWORKING & EXHIBIT HALL BREAK**

11:15 am – 12:15 pm **CAN I GET A DOWNGRADE? I-140S A YEAR AFTER THE BIG FILING RUSH OF 2020**

Now that immigration attorneys have a year of I-140 downgrades under their belts, how should they approach the next expected filing season in the last quarter of 2021?

- Hot Topics with Downgrades
 - Amended vs. New Filings
 - Rejections
 - Whether to Use Premium Processing
 - Adjudication Trends and RFEs
- Gazing into the Crystal Ball: Priority Dates, Adjudication Timing, and Needing to Upgrade Later
- Best Practices for Handling a Big Rush of Inquiries/Cases

Faculty:

*Roujin Mozaffarimehr (DL), AILA Business Section Steering Committee,
Conference Program Committee, Newark, CA*
Alexander Dgebuadze, AILA DOL Liaison Committee, Woodland Hills, CA
Lisa Baker Jones, Santa Clara, CA

12:15 pm – 1:00 pm **VIRTUAL LUNCH BREAK**

1:00 pm – 2:00 pm **THE RESURRECTED INTERNATIONAL ENTREPRENEUR PROGRAM**

After being virtually eliminated during the Trump administration, the international entrepreneur program (IEP) is back. Our panel of experts will discuss the latest trends and recent developments.

- Preliminary Issues: Which Clients Benefit Most from This Program? Is It a “Last Resort” Option?
- Practice Pointers: The Latest on the Viability of the Program
 - Are Applications Being Accepted, Adjudicated?
 - What Are the Requirements?
- Practical Issues: How and When to Move a Client from IEP to Nonimmigrant or Immigrant Status

Faculty:

Anita Koumriqian (DL), Mountain View, CA
Robert G. Nadalin, San Diego, CA
Sophie M. Alcorn, Mountain View, CA

2:00 pm – 2:30 pm **VIRTUAL COFFEE BREAK**

2:30 pm – 3:30 pm **START-UP PANEL: PATHWAYS FOR ENTREPRENEURS**

(DL) = Discussion Leader

** = Invited Speakers, Not Confirmed*

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How can a start-up entrepreneur (with no income or office space) still qualify for a visa? The panelists will explore the unique circumstances of start-ups, and how immigration attorneys can describe the compelling nature of their business models and effectively secure a visa.

- Visa Options: Occupation Choices for Founders
- Identifying Appropriate Visa Types
- Documentation of Start-Up Financials
- The Founder/Company Control Conundrum
- Office Space and Work Locations Founder-Owner Issues

Faculty:

Lisa Spiegel (DL), San Francisco, CA

Ellen D. Kregel, Stateline, NV

Kalpana Vrudhula Peddibhotla, Newark, CA

Silvina Tondini, Carlsbad, CA

3:30 pm – 4:00 pm

VIRTUAL NETWORKING & EXHIBIT HALL BREAK

4:00 pm – 5:00 pm

TRAVEL BANS AND NATIONAL INTEREST EXCEPTIONS

The panelists will discuss the end of the COVID bans and national interest exceptions (NIEs), including the current state of play at US Embassies and Consulates on visa appointment availability, expedite requests, and Third-Country National processing, as well as the impact on visa applications left in limbo, other relevant Presidential Proclamations, and best practices in consideration of State & CBP variance.

- A Brief Background: Travel Bans, NIEs & Exemptions
- Current State of Play: Securing Visa Appointments & Submitting Expedite Requests
- Best Practices by Consulate: Differences at Consular Posts, TCN Processing & Securing Visas for Cases Previously Denied NIE Waivers
- What's Next?: Lifting of the Regional Travel Bans & Introduction of Vaccination Requirements

Faculty:

Alexis S. Axelrad (DL), AILA Secretary, New York, NY

Ganesh Kalyanaraman, AILA Asia Pacific Chapter Chair, Sacramento, CA

Lynn Marie Lee, AILA DOS Liaison Committee, Clifton, VA

TRACK II: FAMILY/REMOVAL

8:00 am – 9:00 am

HOT TOPICS IN FAMILY– AND REMOVAL-BASED CASES

AILA leadership will address the current hot topics in family– and removal-based cases, discuss the latest decisions and policies that impact these areas of immigration, and provide information on how AILA is helping you to grow your practice and serve your clients. Panelists will address:

- Recent Changes in California Law That May Impact Your Clients
- Developments in Family– and Removal-Based Immigration

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- U.S. Supreme Court, Ninth Circuit, and BIA Decisions
- Vulnerable Populations (DACA, U and T Visas, etc.)
- The New Prosecutorial Discretion
- Consular Processing and Waivers

Faculty:

Matthew G. Holt (DL), Conference Program Committee, San Diego, CA

Aubra Camille Fletcher, Sacramento, CA

Leah L. Chavarria, San Diego, CA

Cynthia Lucas, AILA VAWA, Us, and Ts Committee, Conference Program Committee, Los Angeles, CA

9:00 am – 9:30 am

VIRTUAL COFFEE BREAK

9:30 am – 10:30 am

GOVERNMENT AGENCIES: LATEST UPDATES AND TRENDS FOR FAMILY AND REMOVAL PRACTITIONERS

Given the constant changes that have occurred in the last year, it's difficult for immigration attorneys handling family- and removal-based cases to keep up with the latest information. Panelists will provide updates on the current state-of-play, offer cutting-edge advice on how to adapt to changes and trends, and weigh in on potential future developments.

- Family-Based Applications: Problematic RFEs, Delays, and More
- “To Waive or Not to Waive”: Fraud Waivers with Adjustment of Status, at Naturalization
- What’s Happening at the Asylum Office?
- What’s New at the Enforcement and Removal Operations (ERO)?
- Changes at the Executive Office for Immigration Review (EOIR)

Faculty:

Courtney McDermed (DL), Oakland, CA

Elizabeth Young, Assistant Chief Immigration Judges, EOIR, San Francisco, CA

Emilia Bardini, Director, Asylum Offices, USCIS, DHS, San Francisco, CA

Mark H. Carlson, Chief, Program Manager, Admissibility/Immigration Policy, CBP, DHS, San Francisco, CA

10:30 am – 11:15 am

VIRTUAL NETWORKING & EXHIBIT HALL BREAK

11:15 am – 12:15 pm

NAVIGATING TRICKY ASYLUM ISSUES

Asylum law and policy has been in flux over the past few years, which has made it more challenging for asylum seekers to obtain protection. The panelists will highlight recent changes and discuss strategies for building a winning asylum claim.

- Updates on Key Asylum Decisions and Policies
- Tips for Formulating Particular Social Groups
- Evidentiary Considerations for Nexus
- Strategies for Factual Development

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Faculty:

Christine Louise Lin (DL), Conference Program Committee, San Francisco, CA

Megan A. Brewer, Pasadena, CA

Noemy Cruz, San Diego, CA

12:15 pm – 1:00 pm

VIRTUAL LUNCH BREAK

1:00 pm – 2:00 pm

ADVANCED FAMILY IMMIGRATION

The panelists will discuss recent legal developments and the more challenging issues confronting family-based immigration law.

- TPS Adjustment (Post-Matter of Z-R-Z-C- and Sanchez v. Mayorkas)
- Overcoming Obstacles in Consular Processing
- Thorny Child Status Protection Act Issues
- Strategic Considerations for Unlawful Presence Waivers
- I-751 Waivers

Faculty:

Amy Prokop Lenhert (DL), Conference Program Committee, Los Angeles, CA

Charles Wheeler, AILA Author, Immigration Law and the Family, 6th Ed.,

AILA's Focus on the Child Status Protection Act, 3rd Ed., Oakland, CA

Kathrin S. Mautino, San Diego, CA

2:00 pm – 2:30 pm

VIRTUAL COFFEE BREAK

2:30 pm – 3:30 pm

ADVANCED RELIEF FROM REMOVAL

My client did what?! Managing expectations and understanding the record are critical to the process of obtaining relief for clients with complex or severe criminal histories. The panelists will focus on the forms of relief that are not always top of mind.

- How to Request and Analyze Criminal Records
- Who Has the Burden of Proof?
- Collateral Remedies: Post-Conviction Relief, U and T Visas, Post-Removal Options

Faculty:

Andrew K. Nietor (DL), AILA Board of Governors/CBP Liaison Committee/

EOIR-ICE Joint Committee, San Diego, CA

Helen Beasley, San Francisco, CA

Nerea Sholl Woods, San Diego, CA

3:30 pm – 4:00 pm

VIRTUAL NETWORKING & EXHIBIT HALL BREAK

4:00 pm – 5:00 pm

THE CHALLENGES (AND SOMETIMES UGLY SIDE) OF REMOVAL PRACTICE

The whirl of changes with court practice in recent years has immigration attorneys pulling their hair out or going grey (or both!). The panelists will discuss practical strategies for dealing with the challenges of appearing before "difficult" judges and calendar mayhem.

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- Establishing the Record
- Motions to Recuse
- Communicating (or Not) with DHS Counsel
- The Scheduling Merry-Go-Round

Faculty:

Chelsea E. HaleyNelson (DL), Oakland, CA

Sabrina Rachel Damast, AILA Amicus Committee Chair, Los Angeles, CA

Ilana E. Greenstein, Senior Attorney, Immigration Justice Campaign, Brookline, MA

FRIDAY, NOVEMBER 19, 2021

TRACK I: BUSINESS

8:00 am – 9:00 am

CONSULAR PROCESSING

Is it even possible to consular process anymore? With consulates closed or operating at minimal levels since the COVID pandemic began, it certainly has become more difficult. The panelists will discuss the current state of nonimmigrant (NIV) and immigrant visa (IV) processing.

- NIV and IV Processing: Current State of Consular Operations, How to Request Emergency Appointments, etc.
- Consular Updates for Major Posts: Europe, India, and China
- Third-Country Nationals: Viable Anywhere?

Faculty:

Shannon Reed (DL), AILA Client Resources Committee, San Jose, CA

Yeu S. Hong, Los Angeles, CA

Otto H. Van Maerssen, Palo Alto, CA

9:00 am – 9:30 am

VIRTUAL COFFEE BREAK

9:30 am – 10:30 am

PRESIDENTIAL MEMORANDA AND POLICIES

The Trump administration made an average of one change per day to immigration-related policies and regulations. What has changed in the ten months since the Biden administration was sworn in? The panelists will provide details of the Trump era policies/memoranda that have been rescinded, discuss the new Biden era rules now in place, and explain what immigration attorneys should look out for in the coming months.

- Executive Orders and Proclamations: New and Exciting Biden Memoranda?
- The State of Trump Memoranda Rescissions and Rollbacks
- The Deference Memorandum Is Back and the RFE Memorandum Is Gone: What Else Should Immigration Lawyers Be Tracking?

Faculty:

Atessa Chehrazi (DL), AILA CBP Liaison Committee, San Francisco, CA

Scott A. Emerick, Los Angeles, CA

Sweta Khandelwal, San Jose, CA

(DL) = Discussion Leader

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10:30 am – 11:15 am **VIRTUAL NETWORKING & EXHIBIT HALL BREAK**

11:15 am – 12:15 pm **PERM BEST PRACTICES IN LIGHT OF COVID**

In a year of economic downturn and recovery, can I still run PERM? The panelists will take a deep dive into complex PERM issues now prevalent in the COVID/Post-COVID world.

- Audit Trends
- Recruitment and Remote Work
- Impact on Hiring and Retaining Talent: Layoffs and Recruitment
- Wage Surveys

Faculty:

Jennifer L. Carr (DL), San Francisco, CA

Greg Berk, Costa Mesa CA

La Verne A. Ramsay, San Francisco, CA

12:15 pm – 1:00 pm **VIRTUAL LUNCH BREAK**

1:00 pm – 2:00 pm **BEST PRACTICES FOR H AND L VISAS**

Panelists will revisit H-1Bs and L-1s and offer a best practices primer for stateside and consular filings.

- Blanket Ls and USCIS Filings vs. Embassy Filings
- Individual L-1Bs: Are They Viable Again?
- H-1B Registration: Lessons Learned and Gearing Up
- Student Issues and the Cap Gap

Faculty:

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

Sameera Chehab, San Jose, CA

Desire Lance, Grover Beach, CA

TRACK II: FAMILY/REMOVAL

8:00 am – 9:00 am **RELIEF FOR IMMIGRANT CHILDREN**

The panelists will provide an overview of the forms of relief available for immigrant children in defensive and affirmative contexts, including those who are unaccompanied or in mixed family settings. They also will highlight special considerations when working with children.

- Evaluating Eligibility for Relief: Asylum, Special Immigrant Juvenile Status, VAWA, U Visas, T Visas, and Family-Based Options
- Navigating Conflicts Between Children and Adult Family Members
- Best Practices When Working with Children

Faculty:

Haley Millner (DL), Oakland, CA

Rocio La Rosa, Los Angeles, CA

Julianna Rivera Maul, Oakland, CA

(DL) = Discussion Leader

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- 9:00 am – 9:30 am **VIRTUAL COFFEE BREAK**
- 9:30 am – 10:30 am **REPRESENTING DETAINED CLIENTS**
Panelists will address the challenges and nuances of representing detained respondents. They also will advise on best practices on how to navigate these issues to secure the best possible outcomes for your clients.
- Current Detention Issues with COVID-19 and Vaccination
 - Which Detention Centers Are Currently Operating in California? Which Immigration Courts Have Jurisdiction?
 - Overview on Procedures for Bond Hearings/Mandatory Detention
 - Challenging a Prior Order of Removal
 - How to Get Your Client Removed from the Plane with Emergency Stay Requests
- Faculty:*
Christina H. Lee (DL), Conference Program Committee, Oakland, CA
Tessa Maria Cabrera, San Diego, CA,
Rebekah Wolf, Staff Attorney, Immigration Justice Campaign and Policy, Washington, DC
- 10:30 am – 11:15 am **VIRTUAL EXHIBIT HALL BREAK**
- 11:15 am – 12:15 pm **U VISAS: BEYOND THE BASICS**
The Biden administration has announced policies that will greatly increase the benefits to U visa applicants. Still, there remain many hurdles for clients without clean cases. The panelists will discuss the Biden era changes, and address the potential pitfalls for U visa applicants.
- Bona Fide Determination Work Authorization, How Cases Are Being Processed
 - Strategies for After-Acquired Spouses: *Medina-Tovar* vs. Form I-929
 - Best Practices for Filing the Waiver Application Responding to RFEs: Police Reports, Juvenile Records, and Evidence to Support a Favorable Exercise of Discretion
- Faculty:*
Elisabeth Ann Pellegrin (DL), Berkeley, CA
Michelle Carey, Directing Attorney, Los Angeles Center for Law & Justice, Los Angeles, CA
Catherine Seitz, AILA VAWA, Us, and Ts Committee, San Francisco, CA
- 12:15 pm – 1:00 pm **VIRTUAL LUNCH BREAK**
- 1:00 pm – 2:00 pm **MOTIONS TO REOPEN OR RECONSIDER**
Getting out from under removal orders (including expedited orders) is an uphill battle. The panelists will offer best practices for approaching the Biden administration's agencies to maximize successful outcomes.
- Overcoming In Absentia Orders

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- Motions Practice Beyond the BIA Brief
- *Lozada* Motions
- Challenging Expedited Removal Orders
- I-212s: When All Else Fails

Faculty:

Merle D. Kahn (DL), San Jose, CA

Karl William Krooth, San Francisco, CA

Denise M. Flores, San Francisco, CA

UNIFIED TRACK: SPECIAL SESSIONS

2:30 pm – 3:30 pm

TRAUMA-INFORMED LAWYERING AS PROFESSIONAL RESPONSIBILITY: VICARIOUS TRAUMA, SELF-CARE, AND RESILIENCE (COMPETENCE)

As immigrant advocates, we often bear witness to severe trauma, which can lead to a spectrum of positive and negative responses. The panelists will focus on the importance of self-care and its direct correlation to maintaining and improving competence as practitioners.

- Working with Traumatized Clients
- Understanding the Spectrum of Responses to Work-Related Trauma
- Fostering Personal and Organizational Resilience
- Self-Care as Professional Responsibility

Faculty:

Sarah Kate Heilbrun (DL), Conference Program Committee, Oakland, CA

Steven Shafer, Managing Attorney, Esperanza Immigrant Rights Project, Los Angeles, CA

Cecilia Candia, San Francisco, CA

3:30 pm – 4:00 pm

VIRTUAL COFFEE BREAK

4:00 pm – 5:00 pm

THE ABCS OF GROWING YOUR PRACTICE AND GROWING OLDER (PRACTICE MANAGEMENT)

Whether you want to grow your practice or downsize with the idea of retirement, our panelists will look at the many practical and ethical issues associated with both.

- Adding Associates and Partners: The Upsides and the Pitfalls
- Financial Partner Structures/Agreements
- How to Retire Wisely and Ethically: Balancing Financial Welfare with Clients' Interests

Faculty:

Jesse A. Lloyd (DL), Oakland, CA

Veronica Barba, Los Angeles, CA

Olivia Serene Lee, AILA Board of Governors, San Francisco, CA

Reid F. Trautz, AILA Senior Director, Practice and Professionalism Center, Washington, DC

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5:00 pm

CONFERENCE CONCLUDES

CONFERENCE PROGRAM COMMITTEE

Maxine D. Bayley, Conference Program Co-Chair, San Francisco, CA

Rosy H. Cho, Conference Program Co-Chair, San Francisco, CA

Ashima Duggal, AILA Santa Clara Chapter Chair, Mountain View, CA

Roujin Mozaffarimehr, AILA Business Section Steering Committee, Newark, CA

Sarah Kate Heilbrun, Oakland, CA

Matthew G. Holt, San Diego, CA

Christina H. Lee, Oakland, CA

Amy Prokop Lenhart, Los Angeles, CA

Christine Louise Lin, San Francisco, CA

Cynthia Lucas, Los Angeles, CA

Claire S. Pratt, San Francisco, CA

Elham Sadri, San Jose, CA

Rachel Sheridan, San Bruno, CA

Michael J. Orlando, AILA Associate Director, Professional Development, Washington, DC

JJ Area, AILA Education Program Manager, Washington, DC

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