

AILA 2010 Annual Conference

June 30 - July 3, 2010

Sessions And Speakers

Wednesday, June 30, 2010

5:00 pm - 6:30 pm **Grand Opening**

5:00 pm - 8:30 pm **Registration and Exhibits**

5:45 pm - 6:30 pm **New Attendees Orientation**

Faculty:

Grace Woods, (Speaker), AILA Education Director, Washington, DC

Crystal Williams, (Speaker), AILA Executive Director, Washington, DC

Michelle Funk, (Speaker), AILA Washington DC Chapter Chair, Washington, DC

Gayle Oshrin, (Speaker), AILA Board of Governors, New York, NY

David W. Leopold, (Speaker), AILA President Elect, Cleveland, OH

Cory Caouette, (Speaker), AILA Board of Governors, New Members Division Chair, San Diego, CA

2 Hour Practice Roundtables (6:30 PM - 8:30 PM)

6:30 pm - 8:30 pm **Doing the Math: Reading Business and Financial Documents**

Business immigration lawyers must often review and analyze financial documents as they relate to "ability to pay" and certain immigrant and nonimmigrant visa categories (EB-5, E-1/E-2, etc.). This roundtable panel will discuss what every immigration lawyer needs to know about the most common financial documents.

- Financial Reports for Public and Private Companies
- Federal Tax Returns—What's the Bottom Line?
- W-2 vs. 1099
- Payroll Documents
- How to Use Financial Documents to Strengthen a Case and How to Use Them to Effectively Support Your Case
- Alternative Evidence to Support Your Case

Faculty:

Romulo E. Guevara, (Speaker), Phoenix, AZ

Elise A. Fialkowski, (Speaker), AILA Philadelphia Chapter Chair, Philadelphia, PA

Lincoln Stone, (Speaker), Los Angeles, CA

Helen L. Jugovic, (Discussion Leader), Wilmington, NC

Neil S. Dornbaum, (Speaker), Newark, NJ

6:30 pm - 8:30 pm **Getting Out More Often: Bond Hearings Before the Immigration Judge**

This intermediate panel will delve into a discussion of bond issues, including when the mandatory detention rules do and do not apply, strategic preparations for the bond hearing, dealing with a government appeal (and emergency stay) and the possibility of bond for asylum seekers after a credible fear determination.

- What Triggers §236(c)? Is a “Conviction” Necessary, or Just the Commission of an Offense?
- Exceptions to Mandatory Detention under §236(c)
- Establishing that Your Client Is Not a Flight Risk and Danger to the Community
- Presenting Your Evidence; Negotiating with Trial Counsel
- What About Those Who Are Not Bond Eligible?
- At What Point Can An Asylum Seeker Request Bond?
- The Emergency Stay Procedure and Challenges to the Procedure

Faculty:

Jonathan D. Montag, (Discussion Leader), San Diego, CA

Kara Hartzler, (Speaker), Florence, AZ

Vanessa Allyn, (Speaker), Washington, DC

Jayashri Srikantiah, (Speaker), Stanford, CA

6:30 pm - 8:30 pm **How to Launch Your Own Immigration Practice**

The nuts and bolts of preparing and launching your own immigration firm—from choice of business entity to marketing, from office space to office systems, from getting work to getting paid.

- LLP, LP, Inc. or PC
- Establishing a Network of Colleagues in Your Area
- Building Your Client Base Starting Today
- Managing Your Business Ethically and Profitably
- Case Management Systems
- Analyzing Staffing Needs—Who Do You Hire?
- HR Compliance Requirements—Payroll, Insurance and Benefits
- Setting Your Fees and Getting Paid
- Advertising and Marketing

Faculty:

Reid Trautz, (Speaker), Director, AILA Practice and Professionalism Center, Washington, DC

Douglas D. Hauer, (Speaker), Boston, MA

David G. Katona, (Discussion Leader), New York, NY

Jennifer A. Kain-Rios, (Speaker), Denver, CO

6:30 pm - 8:30 pm **To Be or Not to Be: Preparation of Marriage-Based Adjustment of Status Applications**

The marriage-based adjustment of status case is probably one of the most frequently encountered in the practice of immigration law. This panel will provide advice regarding the nuts and bolts of preparing and documenting the application and will explore issues that may arise in the process.

- Initial Client Interview—Intake and Gathering Specific Information
- Flagging Potential Issues and Full Discussion with Clients
- Ethical Obligations and Disclosure Regarding Dual Representation
- Documentation Required and How to Resolve Documentary Issues
- Timing Issues for Filing, *e.g.* Entry Issues, Travel Issues, Employment Authorization
- Specific Issues to Watch Out For on the Forms
- Interview Preparation
- Accompanying the Client and the Role of the Lawyer at the Interview
- Mock Interview
- Post-Interview Considerations

Faculty:

Gali Schaham Gordon, (Speaker), San Francisco, CA

Giselle Carson, (Speaker), Jacksonville, FL

Angela J. Ferguson, (Discussion Leader), Kansas City, MO

Robert J. Casazza, (Speaker), New York, NY

Charla S. Haas, (Speaker), Nashville, TN

1 Hour Practice Roundtables (6:30 PM - 7:25 PM)

6:30 pm - 7:25 pm Can They Do That To Me? Dealing with Port of Entry Searches and Seizures

As persons legally outside the United States, applicants for admission have fewer rights than those who have been inspected and admitted. This advanced panel will discuss court interpretations of the rights of persons seeking admission, as well as viable legal arguments and defenses to help protect clients from unreasonable border searches.

- What Is an Examination and What Is an Inspection?
- Scope of Search—Can They Search My Laptop and E-mail Accounts?
- USCs, LPRs, and Nonimmigrants—Do They Have Different Substantive Rights?
- What You Can Do to Challenge a Search
- When Does a Person Have a Right to Counsel?
- Withdrawal of the Application for Admission

Faculty:

Reginald A. Pacis, (Discussion Leader), AILA CBP Committee Vice-Chair, Detroit, MI

Michael Kohler, (Speaker), Syosset, NY

Manuel F. Rios, (Speaker), Seattle, WA

6:30 pm - 7:25 pm Maintaining Residence: When "Permanent" Is Not Eternal

The status of a lawful permanent resident can be abandoned either voluntarily or involuntarily as a result of extensive travel abroad. Numerous factors must be taken into account when advising a client on how to protect his or her status. This panel will discuss the consequences of lengthy absences from the United States and provide strategies on how to protect the client's LPR status.

- Voluntarily Relinquishing Residency vs. Involuntary Abandonment
- What Does DHS Consider When Making a Determination of Abandonment?
- How Much of a Factor Is the LPR's Intentions?
- How to Maintain LPR Status While Working or Studying Abroad
- The Benefits of Having a Re-entry Permit and When It Does Not Help
- Strategies to Rebut the Presumption of Abandonment

- When Is LPR Status Officially Terminated?

Faculty:

Gary E. Endelman, (Speaker), Houston, TX

Linda W. Lau, (Discussion Leader), Los Angeles, CA

Lourdes Santos Tancinco, (Speaker), San Francisco, CA

Anthony Drago, (Speaker), AILA New England Chapter Chair, Boston, MA

6:30 pm - 7:25 pm **Media Policy or Media Frenzy? The Keys to Media Advocacy**

Getting the facts straight and your message across is the key to effective media advocacy. This panel will help steer the immigration practitioner in the right direction when looking for facts to round out an op-ed or news article. Learn how to pitch a story to your local media and how AILA can help you get the most up-to-date information.

- Where Do I Get Objective and Factual Information?
- Media Guides
- Sample Press Releases, Editorials and Letters
- Public Service Announcements and On-Camera Interviews

Faculty:

Charles H. Kuck, (Speaker), AILA Immediate Past President, Atlanta, GA

George Tzamaras, (Speaker), AILA Communications Director, Washington, DC

Lori Torgerson Chesser, (Discussion Leader), Des Moines, IA

Jenny Levy, (Speaker), AILA Manager, Outreach and Communications, Washington, DC

6:30 pm - 7:25 pm **What You Need Besides Your Pocket Constitution: Legal Resources for Immigration Practitioners**

This interactive session will discuss the various legal resources available to immigration practitioners and offer suggestions on where to start looking for answers to your everyday case questions.

- Books that Every Immigration Practitioner Should Own
- Primary Resources
- Tips to Searching the Regulations
- Online Resources
- AILA InfoNet, Foreign Affairs Manual, and Other Important Resources

Faculty:

C. Lynn Calder, (Discussion Leader), Raleigh, NC

Naomi Schorr, (Speaker), New York, NY

Dan H. Berger, (Speaker), AILA Board of Publications Chair, Northampton, MA

Gail A. Goeke, (Speaker), North Kansas City, MO

1 Hour Practice Roundtables (7:30 PM - 8:30 PM)

7:30 pm - 8:30 pm **Expatriation from America: Love It or Leave It**

The expatriation process is a highly specialized and somewhat enigmatic process for many practitioners. The purpose of this panel is to de-mystify the process as well explore the various aspects of relinquishing U.S. citizenship from a formal legal perspective as

well as a practical, nuts and bolts perspective.

- Statutory, Regulatory and Legislative Underpinnings of Current Expatriation Rules
- Step-by-Step Instructions for Handling of Expatriation Case from Start to Finish
- Locating the Proper Venue for Expatriation and Laying the Groundwork for the Presentation of Your Client's Case
- Documentation Required and Format for Presentation
- Detailing the Interview Process
- Post-Expatriation Issues

Faculty:

Carmen A. DiPlacido, (Speaker), Arlington, VA

Paula M. Jones, (Discussion Leader), Philadelphia, PA

7:30 pm - 8:30 pm **Schedule A Professions and Group II: Revisiting an Old Friend**

This panel will address the requirements for Schedule A, as well as Schedule A, Group II processing of employment-based immigrant petitions and discusses the benefits offered by this category. The panel will also provide practical tips and insight on legislation and litigation on the horizon.

- Professions that Fit under Schedule A
- Requirements and Adjudication Trends for Nurses and Physical Therapists
- Special Licensing Requirements and Visa Screen Timing
- Tips for Multiple Openings
- Use of Schedule A, Group II—What Is Really Required?
 - Documentation to Prove Exceptional Ability
- Potential Legislative Changes and Litigation

Faculty:

Rita Sostrin, (Discussion Leader), Santa Monica, CA

Roberta Freedman, (Speaker), Washington, DC

Matthew Dunn, (Speaker), New York, NY

Karen Weinstock, (Speaker), Atlanta, GA

7:30 pm - 8:30 pm **Term Limits: Counseling the Terminated Employee**

Consulting with individuals that have been terminated from their job and find themselves in an extremely stressful situation can be challenging. This panel will address how to counsel an individual who has been terminated or will be terminated in both the nonimmigrant and immigrant visa contexts. This session will also cover what benefits are available to the terminated employee, as well as provide tips for working with an individual that is suffering through a traumatic experience.

- Counseling the Terminated Regarding Changing or Extending Nonimmigrant Status
 - Special Considerations When Contemplating a Change to B-2 Visitor Status
 - Extension of Status vs. Departure and Reentering
- Counseling the Terminated Who Are in the Process of Pursuing Permanent Residence—Permanent Portability Under AC21 and Other Considerations
- Benefits for the Terminated—Return Transportation, Unemployment Insurance,

etc.

- The Trauma of Termination—Tips for Consulting with a Stressed Out Client
- Dual Representation Issues—When the Terminator is Your Client

Faculty:

Kristi A. Taylor, (Discussion Leader), Dallas, TX

Tanya Goldsmith, (Speaker), New York, NY

7:30 pm - 8:30 pm **When Relationships Are Amended: How Changes in Family Relationships Can Affect Our Sense of Time**

This panel will discuss how changes in different family relationships may impact the immigration process in both the immigrant and nonimmigrant contexts. Learn how small changes can affect priority dates, alter preference categories or possibly lead to revocation of a petition. The panel will also provide an overview of the Child Status Protection Act, who it helps and how it works.

- Marriage
- Divorce
- Death
- Aging-Out
- CSPA—Higher Mathematics for the Under 21 Generation
- Cross-Chargeability

Faculty:

Cynthia B. Hemphill, (Discussion Leader), Washington, DC

Kristin Hoffman, (Speaker), Hartford, CT

Alexander G. Rojas, (Speaker), New York, NY

Thursday, July 1, 2010

7:30 am - 5:15 pm **Registration and Exhibits**

Opening Plenary Sessions

8:45 am - 9:15 am **Conference Kickoff**

9:15 am - 9:45 am **President's Installation**

9:45 am - 11:00 am **Hot Topics**

Faculty:

Crystal Williams, (Speaker), AILA Executive Director, Washington, DC

Eleanor Pelta, (Speaker), AILA First Vice President, Washington, DC

Gayle Oshrin, (Discussion Leader), AILA Board of Governors, New York, NY

Gregory Chen, (Speaker), AILA Director of Advocacy, Washington, DC

11:00 am - 12:15 pm **Interagency Government Panel**

Faculty:

Robert P. Deasy, (Speaker), AILA Director of Liaison and Information, Washington, DC
David W. Leopold, (Speaker), AILA President Elect, Cleveland, OH
Robert C. Divine, (Speaker), AILA Inter-Agency Liaison Committee Chair, Chattanooga, TN
Thomas Winkowski, (Speaker), Washington, DC
Susan M. Cullen, (Speaker)

Federal Court Mini Track/Special Sessions

9:45 am - 10:50 am Federal Court “Nuts and Bolts” for the Immigration Practitioner

This panel is designed for the immigration practitioner who is interested in delving into a federal court practice. The seminar is designed to be a “nuts and bolts” overview for attorneys new to federal court practice. Hear seasoned practitioners’ perspectives on what works and what doesn’t work, mistakes to avoid, and important issues to which you should pay attention.

- Jurisdiction and Venue
- Learning the Rules
- Drafting an Effective Complaint/Petition for Review
- Electronic Filing and Effective Service
- Seeking Immediate Relief—Stays and Injunctions
- Motions Practice
- Discovery
- Pre-trial Issues and Settlement Conferences
- Rule 12 and Summary Judgment
- Attorneys Fees and EAJA

Q&A (10:50 am - 11:00 am)

Faculty:

Carol L. Edward, (Speaker), Seattle, WA
Mark R. Barr, (Speaker), Denver, CO
Steven A. Morley, (Speaker), Philadelphia, PA
David K.S. Kim, (Discussion Leader), New York, NY

11:05 am - 12:05 pm Adjudication Delays, Mandamus and Petitions for Naturalization Review

This advanced panel is for the experienced district court litigator. The panel will discuss drafting an effective complaint, dealing with the government’s motion to dismiss, motion for summary judgment and potential trial. The panel will also discuss discovery motions and strategic decisions such as whether to agree to remand or keep the case in federal court.

- Effectively Drafting the Complaint and Petition
- Effectively Opposing a Motion to Dismiss--Dealing with the Usual Government Arguments
- Discovery—How to Use It to Your Advantage
- Do You Agree to Remand or Try to Keep the Case in Federal Court?

Q&A (12:05 pm - 12:15 pm)

Faculty:

Jennifer M. Rotman, (Discussion Leader), Portland, OR
Emily Creighton, (Speaker), AIC Staff Attorney, Washington, DC

Joshua Goldstein, (Speaker), , Boston, MA

12:45 pm - 2:00 pm **Comprehensive Immigration Reform (CIR) Town Hall Meeting**

This AILA town hall meeting will focus on the current state of Comprehensive Immigration Reform. Come to discuss current pending legislation and get your voice heard.

Faculty:

Crystal Williams, (Discussion Leader), AILA Executive Director, Washington, DC
Eleanor Pelta, (Speaker), AILA First Vice President, Washington, DC
David W. Leopold, (Speaker), AILA President Elect, Cleveland, OH
Angela Maria Kelley, (Speaker), VP for Immigration Policy and Advocacy, Center for American Progress, Washington, DC
Mary Giovagnoli, (Speaker), IPC Director, Washington, DC
Gregory Chen, (Speaker), AILA Director of Advocacy, Washington, DC
Ali Noorani, (Speaker), Executive Director, National Immigration Forum, Washington, DC

2:05 pm - 3:05 pm **Build a Better System: If You Could Invent the Perfect Immigration System, What Would It Look Like?**

As the debate for Comprehensive Immigration Reform (CIR) reaches its crescendo, how can we ensure that any possible legislative reform has the necessities and abilities to cure what we as practitioners have seen as a broken system for generations. Come and openly discuss with your colleagues what provisions you would like to see as part of CIR. Is our system of immigration laws too antiquated for its day? Should we start fresh? Is there such a thing as a “perfect” immigration system?

- What Should Be Salvaged?
- What Should Go?
- What Must Be Incorporated?
- Is this Feasible?
- What Can We Learn from Other Countries?
- Who Do We Have To Convince?

Faculty:

Frank Sharry, (Speaker), America’s Voice, Washington, DC
Leon Fresco, (Speaker), Washington, DC
Gregory Chen, (Discussion Leader), AILA Director of Advocacy, Washington, DC
Ali Noorani, (Speaker), Executive Director, National Immigration Forum, Washington, DC
Ur Jaddou, (Speaker)

3:05 pm - 4:05 pm **Out in the Cold: People With No Options Under Our Current Immigration System**

Under U.S. immigration law, all men are not created equal. Many foreign nationals who have developed deep ties and bonds to the U.S., find themselves unable to obtain permanent resident status and remain in the U.S. For some, such as gay partners, spouses of U.S. citizens that entered without inspection, certain widows, property owners and grandparents, the law provides no opportunity for residency. For others, such as unskilled workers who have become integral to U.S. employers or brothers and sisters of U.S. citizens, the wait for a green card is too long to offer any realistic solution. This panel will discuss the inequities that exist under the current system, current efforts, and what the

future may hold.

- Inequities that Are Created Under the U.S. Immigration System
- Overview of Grassroots Efforts and Legislation
- What Does the Future Hold?

Faculty:

Brent W. Renison, (Discussion Leader), Lake Oswego, OR

Anna Marie Gallagher, (Speaker), Washington, D.C.,

Daniel L. Weiss, (Speaker), Freehold, NJ

Kerri Sherlock Talbot, (Speaker), Office of the Honorable Sen. Menendez, Silver Spring, MD

4:05 pm - 5:05 pm **The Future of Immigration Courts: Should Immigration Courts Be Article I Courts?**

There is general consensus that our immigration courts are overburdened, inefficient and in need of reforms. The real issue is how to obtain real reform of the immigration court system while at the same time preserving due process for non-citizens and the protecting the rule of law. This panel will examine some of the difficult challenges facing the current system and address the questions that arise in considering whether to move to an Article I immigration court system.

- What Does Article I Status Entail and How Is that Different than the Current Administrative Immigration Court System?
- Should the Immigration Courts Have Article I Status?
- Should Sitting Judges Prove Fitness for Article I Status, and if so, What Testing/Recruitment Process Should Current and New Judges Endure?
- Would Article I Status Improve Court Efficiency or Lead to More Backlog?
- What Effect Will Article I Status Have on Circuit Court Review? Are There Risks that Article I Status Will Further Shelter Immigration Court Decisions from Judicial Review?

Faculty:

Laura Lichter, (Discussion Leader), AILA Second Vice President, Denver, CO

Russell Wheeler, (Speaker), Visiting Fellow, Governance Studies, Brookings Institute, Washington, DC

Fundamentals

9:45 am - 10:50 am **Immigration as a Second Language: Key Concepts and Terms**

This panel will provide an overview of the key concepts, language and rules that are unique to the practice of immigration law.

- Visa vs. Status
- Immigrant vs. Nonimmigrant
- Visa Waiver, Visa Exempt, ESTA
- Presumption of Immigrant Intent
- Short Trips Outside the U.S. to Contiguous Territory
- Maintaining, Changing and Extending Status
- Overstaying and Other Violations of Status
- Unlawful Presence and the 3- and 10-Year Bars
- Consular Processing vs. Adjustment of Status

- Consular Processing vs. Change of Status

Q&A (10:50 am - 11:00 am)

Faculty:

Ilana J. Drummond, (Discussion Leader), San Francisco, CA

Vincent W. Lau, (Speaker), Cambridge, MA

JoAnn L. Barten, (Speaker), Ames, IA

Tina R. Niedzwiecki, (Speaker), New York, NY

11:05 am - 12:05 pm **A More Perfect Union? A Work in Progress: Agencies Involved in Immigration**

This panel will provide an overview of the federal agencies an attorney will encounter when handling immigration matters. The program will identify the types of applications that are filed with each agency, how jurisdiction is established, and how the agencies interact with each other and with attorneys.

- Department of Homeland Security
 - U.S. Citizenship and Immigration Services
 - Regional Service Centers
 - District Offices
 - Customs and Border Protection
 - Immigration and Customs Enforcement
- Department of State
 - National Visa Center
 - KCC
 - Consulates
 - LEGALNET
- Department of Labor
 - Atlanta and Chicago Processing Centers
 - BALCA
 - Administrative Review Board
- Department of Justice
 - Executive Office for Immigration Review
 - Office of Immigration Litigation
 - Office of Special Counsel
- Social Security Administration and Internal Revenue Service

Q&A (12:05 pm - 12:15 pm)

Faculty:

Charina P. Garcia, (Speaker), Oakland, CA

Peter L. Ashman, (Speaker), AILA Las Vegas Chapter Chair, Las Vegas, NV

Gerard M. Chapman, (Speaker), Greensboro, NC

Margaret H. McCormick, (Discussion Leader), AILA Past President, Chicago, IL

12:45 pm - 2:20 pm **Give Me Your Huddled Masses Yearning to Be Free, Or How About All Those NIVs: Nonimmigrant Visas 101**

This comprehensive mega-session starts during lunch and continues on during the main track. It will provide a succinct and fundamental overview, over a two hour period of time, of the employment-based nonimmigrant visa categories that are common for most immigration law practitioners.

- B-1/B-2 Temporary Visitors—Visa Waiver and Border Crossing Cards
- J-1 Exchange Visitors and H-3 Trainees

- F-1/M-1 Academic and Vocational Students
- H-1B Professionals, Including H-1B1s
- TN Canadian/Mexican Professionals
- E-3 Australian Professionals
- H-2A/H-2B Non-professionals
- L-1A/L-1B Intracompany Managers and Executives/Specialized Knowledge
- E-1/E-2 Traders, Investors and Essential Employees
- O and P Extraordinary Ability Individuals/Performers and Athletes
- Other Visas

Q&A (2:20 pm - 2:40 pm)

Faculty:

Romy K. Kapoor, (Discussion Leader), AILA Board of Governors, Atlanta, GA

Amy Erlbacher-Anderson, (Speaker), Omaha, NE

Grant Sovern, (Speaker), Madison, WI

Mark D. Koestler, (Speaker), New York, NY

Robin D. O'Donoghue, (Speaker), Cambridge, MA

2:45 pm - 3:45 pm **Are All Men Created Equal? Not in Employment-Based Immigration: The Preference Categories**

This session will provide a basic overview of the immigrant visa preference system, numerical limitations, the Visa Bulletin, and other key concepts, rules and procedures in relation to the employment-based immigration process.

- What Is Employment-Based Immigration?
- What Are the Preference Categories?
 - Which Categories Require a Job Offer?
 - Which Categories Do Not Require Labor Certification? EB-1(1)s and NIWs
- What Are the Numerical Limitations?
 - How Are the Visa Numbers Counted?
- The Visa Bulletin—What Is It and How Do You Read It?

Faculty:

Andrew W. Shackelford, (Speaker), Phoenix, AZ

Noemi E. Masliah, (Speaker), New York, NY

Robert S. Whitehill, (Speaker), , Pittsburgh, PA

Scott F. Cooper, (Speaker), Troy, MI

Matthew G. Thompson, (Discussion Leader), Houston, TX

3:45 pm - 4:05 pm **Networking Break**

4:05 pm - 4:45 pm **Are All Men Created Equal? Not in Employment-Based Immigration: The Preference Categories Cont.**

This session is a continuation of the previous panel and will pick up where the previous panel left off before the networking break.

Q&A (4:45 pm - 5:05 pm)

Faculty:

Andrew W. Shackelford, (Speaker), Phoenix, AZ

Noemi E. Masliah, (Speaker), New York, NY

Robert S. Whitehill, (Speaker), , Pittsburgh, PA

Scott F. Cooper, (Speaker), Troy, MI

Matthew G. Thompson, (Discussion Leader), Houston, TX

Lunch

12:45 pm - 1:35 pm **Dealing with Challenging Immigration Courts and Trial Attorneys**

This intermediate panel will present practical recommendations for dealing with challenging immigration judges and trial attorneys, as well as strategies to zealously protect your client's rights while preserving your reputation and avoiding retaliation.

- Professional Conduct Rules for Attorneys and Judges: Conduct Unbecoming the Profession
- Using the ACIJ Complaint Process for Immigration Judges; Recusal Motions
- Complaint Process for Trial Attorneys, Office of Professional Responsibility; Can You File a Complaint with the State Bar?
- Strategies to Avoid Retaliation
- Preserving the Record for Appeal and Circuit Court Review
- Collecting and Sharing Information

Faculty:

Andres Benach, (Discussion Leader), Washington, DC

Erich C. Straub, (Speaker), , Milwaukee, WI

Matthew D. Baxter, (Speaker), Huntingdon Valley, PA

Rekha Sharma-Crawford, (Speaker), Overland Park, KS

12:45 pm - 1:35 pm **Issues and Ethics in FDNS Fraud Investigations**

Revocations have risen exponentially with the number of disciplined practitioners and the huge increase in fraud fees. USCIS has issued notices to deceased or out-of-business petitioners decades after the fact, raising due process concerns. The Office of Fraud Detection and National Security (FDNS) has increased its efforts and often contact employers and employees without the benefit of counsel. These potential fraud and misrepresentation issues implicate petitioners, beneficiaries and attorneys. The speakers will discuss how attorneys can be prepared and how to advise clients, both employers and employees.

- Government Investigations of Fraud After Attorney Discipline
- H and L Site Investigations from the USCIS Fraud Unit (FDNS)
- Trends and Areas to Be on the Lookout
- Notice of Revocation, Invalidation or Other Government Action
- Invalidation of §245(i) and §204.5(e) Eligibility
- Due Process and the Interplay Between §§204 and 205
- Federal Court Remedies
- Civil and Criminal Concerns

Faculty:

Paul L. Zulkie, (Speaker), AILA Past President, Chicago, IL
Michael E. Piston, (Speaker), Troy, MI
Nancy B. Elkind, (Speaker), Denver, CO
Kevin Lashus, (Discussion Leader), Austin, TX

12:45 pm - 1:35 pm **Let FREE-dom Ring! Pro Bono 101**

This panel will address the benefits and issues in representing pro bono clients. Learn the common pitfalls and stumbling blocks as they relate to pro bono representation and how pro bono clients can help you.

- Pro Bono Developments at EOIR—Why the Courts Support Pro Bono Attorneys
- Making the Business Case for Pro Bono
- Overcoming Challenges to Incorporating Pro Bono into Your Practice
- Legal Services Organization Perspective
- Large Law Firm Perspective
- Ethical Issues in Pro Bono
- AILA Pro Bono Opportunities
- How to Set Up a Chapter Pro Bono Program

Faculty:

Cyrus D. Mehta, (Discussion Leader), AILA Pro Bono Committee Chair, New York, NY
Suzan Kern, (Speaker), Washington, DC
Deborah Ann Sanders, (Speaker), Washington, DC
Susan Timmons, (Speaker), AILA Pro Bono Associate, Washington, DC

12:45 pm - 1:35 pm **Milestone Ages of Immigrant and Nonimmigrant Children**

Immigrant and nonimmigrant children are often up against the clock when it comes to immigration benefits. This game show will address some non-CSPA scenarios where a child's age becomes a cause for concern, milestone ages that must always be considered, and strategies that can be employed to avoid problems.

- 16th Birthday: Adoptions without Sibling
- 18th Birthday: Child Citizenship Act, Step-Children, Legitimation, Adoptions with Sibling
- 21st Birthday: Dependent Visa Holders (H-4, K-4, E-2, F-2, etc.)
- Children of TPS Recipients
- Special Provisions for G-Visa Dependent Children
- Special Immigrant Juveniles—Identifying the Age Cutoff

Faculty:

Leslie A. Holman, (Speaker), AILA Secretary, Burlington, VT
Maurice H. Goldman, (Speaker), , Tucson, AZ
Lindsay A. Curcio, (Discussion Leader), Brooklyn, NY

12:45 pm - 1:35 pm **No Taxation Without Representation: Common Tax Issues for Immigrants and Nonimmigrants**

This session will discuss the common tax issues immigration law practitioners face when representing their clients. Panelists will cover how to determine whether an individual is

a resident or non-resident for taxation purposes, the extent to which individuals or business are subject to U.S. income tax, estate tax issues, and other tax matters.

- Who, in General, Is Subject to U.S. Income Taxes?
- Resident vs. Non-Resident—The Tax Definition vs. the Immigration Definition
- Undocumented and Low Income Tax Filers
- Transfer, Gift and Estate Taxes
- Employer Specific Tax Issues

Faculty:

Samuel C. Rock, (Discussion Leader), Louisville, KY

Douglas R. Holly, (Speaker), Houston, TX

Donna Kepley, (Speaker), President, Arctic International LLC, Washington, DC

12:45 pm - 1:35 pm **Welcome to the United States? Gambling with the Diversity Lottery**

For many practitioners, diversity lottery (DV) cases do not walk through the door on a regular basis. However, when they do arise, it is important to have a basic understanding of the program and how it works. The panelists will provide a general overview of the DV lottery program and the differences between consular processing and adjustment of status.

- Review of the Diversity Lottery Statute, Regulations and Documentary Requirements
- AOS Issues for Those Lucky Winners Inside the U.S.
- AOS, Consular Processing or both?
- Issues at the Consulate—Unlawful Presence, Grounds of Inadmissibility
- Correcting Mistakes on Family Members
- Timing Issues—the Clock Is Running
- Litigation Updates

Faculty:

Terry Weir, (Speaker), Houston, TX

Naveen Rahman Bhora, (Discussion Leader), New York, NY

Dick A. Zonneveld, (Speaker), St. Paul, MN

Business

1:40 pm - 2:30 pm **PERM: Post-Filing Issues**

This panel will examine post-filing PERM issues and processes and will discuss strategies for responding to audits and preparing PERM motions and appeals. The panel will also discuss best practices for documenting recruitment in a PERM case.

- PERM Processing Time Frames—Now and in the Future
- DOL's Latest Audit Trends
- Responding to Audits and Use of Documentary Evidence
- Strategies for Preparing Motions and Appeals
- Withdrawals, Re-filings and Second PERM Applications
- Dealing with Subsequent Invalidations

Q&A (2:30 pm - 2:40 pm)

Faculty:

Marcine Seid, (Discussion Leader), AILA Board of Governors, San Jose, CA
Steven A. Clark, (Speaker), AILA Past President, Cambridge, MA
Deborah J. Notkin, (Speaker), AILA Past President, New York, NY
Cheryl Lenz-Calvo, (Speaker), Chicago, IL

2:45 pm - 3:35 pm **Supervised Recruitment in PERM Cases**

This panel will review the current state of affairs in connection with supervised recruitment in the labor certification process. In addition, the panel will detail strategies and procedures required to comply with the PERM supervised recruitment process.

- Triggers for Supervised Recruitment
- DOL Time Frames and Deadlines
- Special Advertising Requirements
- The Recruitment Report and Supporting Documentation
- Strategies to Ensure Your Client Meets the Supervised Recruitment Requirements

Q&A (3:35 pm - 3:45 pm)

Faculty:

Linda Rose, (Speaker), AILA Board of Governors, Nashville, TN
Susan M. MacLean, (Discussion Leader), , Chicago, IL
Martine Cuomo, (Speaker), New York, NY

3:45 pm - 4:05 pm **Networking Break**

4:05 pm - 4:55 pm **Monumental Decisions Affecting Labor Certification Practice: BALCA Cases**

Hear the latest straight from the labor certification experts. BALCA representatives will join practitioners to discuss significant cases and strategies for appealing to the agency.

- Recent Significant BALCA Decisions
- Pre-PERM BALCA Precedent
- Strategies on How to Use BALCA Decisions to Benefit Your Clients
- Revamping Internal Procedures to Comport with New Decisions

Q&A (4:55 pm - 5:05 pm)

Faculty:

Robert H. Cohen, (Speaker), Columbus, OH
Paige L. Taylor, (Discussion Leader), Dallas, TX

Due Process/Enforcement

1:40 pm - 2:30 pm **Dada or Nada: Stays of Removal and Voluntary Departure**

This panel will discuss cutting-edge issues relating to stays of removal and voluntary departure, and the effect of the 2009 voluntary departure regulations on established case law.

- The Interplay Between a Stay of Removal and Voluntary Departure
- The Effect of Filing a Motion to Reopen/Reconsider or a Petition for Review on Voluntary Departure
- Tolling vs. Reinstating the Voluntary Departure Period

- Staying Removal During Judicial Review or a Motion to Reopen
- When Is it Better Not to Ask? Strategic Considerations for Requesting or Extending Voluntary Departure or a Stay of Removal
- *Dada vs. Mukasey*—How Do You Withdraw a Voluntary Departure Request?

Q&A (2:30 pm - 2:40 pm)

Faculty:

Joseph C. Hohenstein, (Discussion Leader), Philadelphia, PA

Raed Gonzalez, (Speaker), Houston, TX

David Isaacson, (Speaker), New York, NY

2:45 pm - 3:35 pm **Motions Practice Before EOIR**

Motions practice is a key component of litigation, allowing you to frame the hearing and establish a record. This advanced panel will present ideas and practice tips for effective motions practice before EOIR.

- Do the Federal Rules of Civil Procedure or Evidence Apply?
- Motions to Continue for Pending Petitions before USCIS (I-130s, I-140s, U visas, I-360s), *Matter of Hamshi*
- Motions to Withdraw and Amendment of Pleadings
- Motions for Subpoenas and Other Discovery Requests
- Motions for Administrative Closure, Termination and Repapering
- Motions to Suppress Evidence

Q&A (3:35 pm - 3:45 pm)

Faculty:

Philip Smith, (Discussion Leader), Portland, OR

Rex Chen, (Speaker), Newark, NJ

Lawrence H. Rudnick, (Speaker), Philadelphia, PA

3:45 pm - 4:05 pm **Networking Break**

4:05 pm - 4:55 pm **In Absentia Orders: How to Rescind and Reopen**

Over the years, the applicable standards for rescinding an in absentia deportation or removal order have changed. This intermediate panel will explain how to determine the correct law to apply to an in absentia case and then walk through the procedures on how to file the motion and keep your client in the U.S.

- Obtaining the Evidence You Need to Support the Motion
- What to Include with the Motion, Stays of Removal
- Different Statutory and Regulatory Rules for Motions to Rescind
- Burden of Proof—How To Demonstrate Improper Service or Lack of Service
- Timelines/Deadlines/Exceptions
- Appeal to the BIA—What to Expect

Q&A (4:55 pm - 5:05 pm)

Faculty:
Linda Kenepaske, (Discussion Leader), , New York, NY
Robert Pauw, (Speaker), Seattle, WA
Beth Werlin, (Speaker), AICLitigation Clearinghouse Attorney, Washington, DC
Victor D. Nieblas Pradis, (Speaker), AILA Board of Governors, City of Industry, CA

Family

1:40 pm - 3:25 pm When Marriage Adjustment Turns Into Removal Proceedings

Applications for adjustment of status based on marriage can be straightforward and rewarding, but sometimes the suspicion of marriage fraud arises. This panel discusses I-130 denials, the marriage fraud interview and how an attorney should advise clients prior to the interview. It will also take a close look at strategies for challenging marriage fraud in immigration court.

- The Newly Married Couple and Limited Documentary Evidence
- What Does DHS Intrepret "Fraudulent at Inception?"
- Preparing Clients for a Marriage Fraud Interview
- Dual Representation and Other Ethical Concerns
- Strategies in Responding to NOIDs Alleging Marriage Fraud
- When the I-130 Is Denied, Do I Appeal or Re-file?
- When Should Criminal Counsel Be Consulted?
- Challenging a Marriage Fraud Charge in a Subsequent Petition
- Challenging a Marriage Fraud Charge in Immigration Court
- Potential Criminal and Civil Penalties

Q&A (3:25 pm - 3:45 pm)

Faculty:
Melanie K. Corrin, (Speaker), Centennial, CO
Rosy H. Cho, (Speaker), San Francisco, CA
Steven C. Thal, (Discussion Leader), Minnetonka, MN
Michelle Saenz Rodriguez, (Speaker), Dallas, TX

3:45 pm - 4:05 pm Networking Break

4:05 pm - 4:55 pm Review of I-751s in Removal Proceedings

This panel examines the issues that arise when conditional residency is terminated by USCIS and your client is placed in removal proceedings. What do you need to be aware of in terms of the client's options and what are some strategies for dealing with an I-751 denial?

- What Is the Scope of Jurisdiction of the Immigration Judge After USCIS Denies an I-751?
- Should You Re-file the I-751 with USCIS, and if so, When?
- What if You Are Changing Your Theory on the I-751; What if You Have More than One Theory?
- Strategies for Avoiding the Accrual of Unlawful Presence
- Travel while I-751 is Pending in Removal Proceedings

Q&A (4:55 pm - 5:05 pm)

Faculty:

Deborah S. Smith, (Discussion Leader), Helena, MT
Jim Tom Haynes, (Speaker), Washington, DC
Nicolas Chavez, (Speaker), Dallas, TX

Law Practice Success

1:40 pm - 2:30 pm Internet Marketing Outside the Beltway

Listen in as the panelists discuss the newest Internet-based tools available to establish your presence on the worldwide web. Learn how to choose the tools that will be most useful to your marketing plan and how to integrate all Internet options to effectively attract the clients you want. Space is limited so get there early to receive the answers to your most pressing questions!

- Blogs
- Twitter
- Use of Social and Professional Networking Sites
- Interactive Q&As
- Integration of All Internet-Based Marketing Options to Establish an Effective Web Presence
 - Website Branding
 - Website Creation and Upkeep
 - Website Optimization—How Search Engines Rank Search Results
 - Search Engine Marketing

Q&A (2:30 pm - 2:40 pm)

Faculty:

Gregory Howard Siskind, (Discussion Leader), Memphis, TN
Nikki Mehrpoo Jacobson, (Speaker), Los Angeles, CA
Sheela Murthy, (Speaker), Owings Mills, MD

2:45 pm - 3:35 pm Anyone Can Do This, Right? WRONG! The Unauthorized Practice of Law

This unique and informative panel will address the various issues that are created by the Unauthorized Practice of Law. In the United States, the practice of law is conditioned upon admission to the bar of a particular state or other territorial jurisdiction, but regulation of the practice of law is left to the individual states. Come learn where your State stands. Space is limited so get there early to receive the answers to your most pressing questions!

- How UPL Affects You
- Latest Developments—State-by-State
- Can the Damage to Your Client Be Undone?
- How AILA Is Helping the Fight
- Not Your Jurisdiction? Practice Limitations
- Global Immigration—At What Point Are You Engaging in UPL?

Q&A (3:35 pm - 3:45 pm)

Faculty:

Jason Abrams, (Speaker), New York, NY
Peter D. Williamson, (Speaker), AILA Past President, Houston, TX
Barbara Strickland, (Speaker), San Diego, CA

Alan Diamante, (Discussion Leader), AILA UPL Committee Chair, Los Angeles, CA

3:45 pm - 4:05 pm **Networking Break**

4:05 pm - 4:55 pm **Attracting, Retaining and Promoting Legal Support Staff and Associates**

Who you hire can significantly affect the functioning and success of your practice. Learn how to locate, hire, enrich, reward, and retain your best people. Space is limited so get there early to receive the answers to your most pressing questions!

- Determining the Position and Person You Want to Hire
- Controlling Attrition
- Effective Management Techniques
- Training and Mentoring
- Beyond the Raise—Promotion, Increased Responsibility, Leadership, Involvement in Firm Development and Marketing
- Creating Personalized and Attractive Compensation and Benefits Packages

Q&A (4:55 pm - 5:05 pm)

Faculty:

Suzanne B. Seltzer, (Speaker), , New York, NY

Shawn A. Orme, (Speaker), AILA Texas Chapter Chair, Dallas, TX

Kirby Gamblin Joseph, (Discussion Leader), Aurora, CO

Jim Calloway, (Speaker), Director, Management Assistance Program, Oklahoma Bar Association, Oklahoma City, OK

Open Forums

1:40 pm - 3:10 pm **Executive Office for Immigration Review (EOIR) Open Forum**

Space is limited so get there early to receive the answers to your most pressing questions!

Faculty:

Amy L. Peck, (Discussion Leader), AILA EOIR Liaison Committee Chair, Omaha, NE

Maria T. Baldini-Potermin, (Speaker), AILA EOIR Liaison Committee Vice-Chair, Chicago, IL

3:15 pm - 4:45 pm **Customs and Border Protection (CBP) Open Forum**

Space is limited so get there early to receive the answers to your most pressing questions!

Faculty:

Reginald A. Pacis, (Speaker), AILA CBP Committee Vice-Chair, Detroit, MI

Kathleen Campbell Walker, (Discussion Leader), AILA General Counsel/AILA CBP Liaison Committee Chair, El Paso, TX

Open Forums II

1:40 pm - 3:10 pm **DOJ HQ Open Forum**

Space is limited so get there early to receive the answers to your most pressing questions!

Faculty:

T. Douglas Stump, (Discussion Leader), AILA Treasurer, Oklahoma City, OK

3:15 pm - 4:45 pm **CIS Ombudsman Open Forum**

Space is limited so get there early to receive the answers to your most pressing questions!

Faculty:

Vic Goel, (Discussion Leader), AILA Ombudsman Liaison Committee Chair, Reston, VA
Cora Denise Tekach, (Speaker), AILA Ombudsman Liaison Committee Member,
Washington, DC

5:15 pm - 6:30 pm **AILA Annual Membership Meeting**

6:50 pm - 7:50 pm **Presidents Reception**

1 Hour Practice Roundtables (8:00 PM- 8:55 PM)

8:00 pm - 8:55 pm **But I Didn't Inhale: Health-Related Grounds of Inadmissibility**

This intermediate panel will discuss recent developments and challenges involving health-related grounds of inadmissibility and their associated waivers.

- §212(g) Waivers—Eligibility and Strategy
- Removal of HIV Bar to Admission
- Vaccinations—Ways to Challenge the Vaccination Requirements
- Drug Use Inadmissibility and Challenges
- Dealing with DUIs—What to Do with Single or Multiple DUI Offenses
- Public Charge Implications of Health Conditions

Faculty:

Nancy Alaine Peterson, (Speaker), St. Paul, MN
James Alexander, (Discussion Leader), Washington, DC

8:00 pm - 8:55 pm **It's a Law! It's a Regulation! No, it's a Policy Memorandum**

USCIS policy memoranda are supposed to provide guidance to the government in connection with the adjudication of cases. However, recently issued memos seem to effectively change the law. The November 20, 2009 and January 8, 2010 Neufeld Memos have dramatically altered H-1B, O and P eligibility and are making practitioners rethink how to handle these types of cases. Are we entering an age of rulemaking through policy memo? This session will examine the impact of recent policy memos, identify how those memos have changed benefits eligibility and procedure, and provide tips on how to prepare petitions in this new era.

- Overview of the Latest Policy Memos
- How the Memos Have Changed Visa Eligibility and Petition Preparation

- Petition Extensions—What to Do When A New Memo Changes the Game and Your Client May No Longer Be Eligible
- Rulemaking Through Memoranda—Can They Do That?

Faculty:

Vic Goel, (Discussion Leader), AILA Ombudsman Liaison Committee Chair, Reston, VA
Avram E. Morell, (Speaker), Newark, NJ

8:00 pm - 8:55 pm **Managing Outbound Issues: Appointing Your Ambassadors to the World**

As the world gets smaller and competition grows, clients expect their lawyers to advise on immigration matters no matter where the destination may be. This roundtable is directed toward business immigration lawyers who are faced with these questions and issues and will offer insight on the best way to manage the multinational client's needs.

- Defining Your Level of Involvement
- Engaging Co-Counsel or Local Experts
- Global Organizations and Web Resources
- The Issue of Fees
- Quality Control Issues
- Limiting Your Liability

Faculty:

Henry J. Chang, (Discussion Leader), , Toronto, ON
Laura Devine, (Speaker), , London,
Manuela Morais, (Speaker), Philadelphia, PA
Roland Lechner, (Speaker), Phoenix, AZ

2 Hour Practice Roundtables (8:00 PM - 10:00 PM)

8:00 pm - 10:00 pm **Advising Graduating Students on OPT, STEM, and Cap Gap**

This workshop will provide answers to common questions raised by graduating students who are seeking employment in the United States, including eligibility for STEM benefits and "cap gap" relief.

- SEVIS Requirements
- Working with the DSOs—Serving as An Intermediary
- Falling Out of Status and Reinstatement
- CPT/OPT—What's the Difference?
- Eligibility for STEM Benefits Including a Discussion of STEM Fields and E-Verify Registration
- Cap Gap Eligibility
- Proving Completion of the Degree—The True Definition
- Travel Concerns for Students with Pending or Approved H-1B Cap Petitions

Faculty:

Stephen D. Springer, (Discussion Leader), Metairie, LA
Frances C. Berger, (Speaker), New York, NY

Dyann DeVecchio, (Speaker), AILA Students & Scholars Committee Chair, Boston, MA
Helene Nell Robertson, (Speaker), Director, Int'l Student of America, Center for Global Education, Catholic University, Washington, DC

8:00 pm - 10:00 pm **All Rise! Procedures in Immigration Court 101: From Master to Merits**

This roundtable will explain basic procedures in immigration court, from pre-master calendar hearing to presenting your client's case for relief at the merits hearing stage.

- Master Calendar Hearing—Appearance (Waiver, Telephonic, Pro Se), Request for Continuance
- Denying NTA Allegations and Charges Despite Pressure from the Court
- Discussions with DHS Office of Chief Counsel and Prosecutorial Discretion
- Motion to Terminate Proceedings (Defective NTA, Insufficient Evidence for Criminal Charge of Removal)
- Bond Hearing
- Determining Whether to Pursue the Available Relief and Advising the Client about Expectations
- Filing the Application for Relief and Supporting Evidence, Immigration Court Procedures Manual, Immigration Judge Benchbook
- Choosing Witnesses
- Presenting the Case in Court—Burden of Proof, Opening Statements, Offer of Evidence, Objections, Rehabilitation of Witness, Closing Statements
- Alternative Requests for Relief

Faculty:

John Patrick Pratt, (Speaker), Miami, FL
Jodi Goodwin, (Speaker), Harlingen, TX
Jerard A. Gonzalez, (Discussion Leader), Hackensack, NJ
C. Mario Russell, (Speaker), New York, NY

8:00 pm - 10:00 pm **Asylum or Withholding Victory! Now What?**

This panel will discuss the issues and procedures that arise after an individual has been granted asylum, withholding of removal or relief under the Convention Against Torture, including applications for derivatives, adjustment of status, travel and rescission of status.

- The I-730 and Nunc Pro Tunc Applications for Derivatives
- Child Status Protection Act for Derivatives
- Does the Grant of an I-730 Nullify a Removal Order?
- The Long-Term Implications of a Grant of Asylum, Withholding or CAT (Changing/Adjusting Status)
- Sticky Issues in §209 Adjustments and §209(c) Waivers
- Rescission of Asylee Status
- Traveling Back to the Home Country Before and After Adjustment

Faculty:

R. Mark Frey, (Speaker), St. Paul, MN
Paul O'Dwyer, (Speaker), AILA Refugee, Asylum & International Programs Liaison Committee Chair, New York, NY
Farshad Owji, (Discussion Leader), San Francisco, CA

Lauris Wren, (Speaker), Hempstead, NY

8:00 pm - 10:00 pm **Hot Topics in LGBT Cases**

This panel will explore the status of pending legislation and case law pertaining to LGBT issues, the current adjudicatory practice of USCIS with respect to LGBT cases, and how to handle these issues within the current framework.

- Update on Uniting Families Act, Defense of Marriage Act and Related Legislation
- Impact on U.S. Immigration Status Where There Is a Legally Recognized Same Sex Marriage from a Foreign Jurisdiction or U.S. State
- USCIS Processing and Case Law Involving Transgender Marriages
- Use of a Visa for Accompanying Partners
- Removal of the HIV Bar to Admission
- Update on LGBT Issues in the Asylum Context
- Ethical Issues in Representation of LGBT Clients

Faculty:

Michael R. Jarecki, (Discussion Leader), AILA LGBT Immigration Issues Working Group Chair, Chicago, IL

Nancy M. Robinett, (Speaker), Pullman, WA

Scott C. Titshaw, (Speaker), Macon, GA

Navid Dayzad, (Speaker), Los Angeles, CA

Aaron C. Morris, (Speaker), New York, NY

8:00 pm - 10:00 pm **Independence Day: Immigration Law and the Solo Practitioner**

This Roundtable will address the issues that specifically affect the practice of a solo practitioner. Learn the intricacies of marketing and establishing a network of reliable colleagues and discuss various tools that will help you manage and streamline your practice so you can thrive, prosper and enjoy the practice of immigration law.

- Marketing and Building Your Practice
- Do You Specialize or Keep Your Practice Broad?
- Establishing a Network of Solo Practitioners in Your Area
- What Happens When You Are Not There?
- I Can't Be in Two Places at One Time—Solutions and Options
- Keeping a Practice Afloat During Tough Economic Times
- True Office Space vs. Virtual Office Space
- Work/Life Balance

Faculty:

Reid Trautz, (Speaker), Director, AILA Practice and Professionalism Center, Washington, DC

Stuart J. Reich, (Discussion Leader), New York, NY

Becki L. Young, (Speaker), Washington, DC

Lisa Helen York, (Speaker), Denver, CO

8:00 pm - 10:00 pm **Taste of DC**

1 Hour Practice Roundtables (9:00 PM - 10:00 PM)

9:00 pm - 10:00 pm **"Capitol-izing" on Allied Treatment: Special Treatment for Certain Countries (NAFTA, H-1B1, E-3)**

This panel will provide an overview of the special nonimmigrant categories that are based on nationality, as well as an analysis of how to assess the benefits and pitfalls involved in these categories. Emphasis will be placed on special processing options and a comparison of alternative categories.

- Visa Waiver Program and ESTA Registration
- Chile and Singapore—It Looks Like an H-1B But Its Really an H-1B1
- The Australian E-3—An H-1B in Disguise?
- Canada Gets All the Breaks—No Visa Requirement, TN-1, Border L-1
- Mexico TN-2—Better than Nothing

Faculty:

Michelle Funk, (Discussion Leader), AILA Washington DC Chapter Chair, Washington, DC

William Z. Reich, (Speaker), Buffalo, NY

Donald Kyle Sheppard, (Speaker), AILA San Diego Chapter Chair, San Diego, CA

Valentine A. Brown, (Speaker), Cherry Hill, NJ

Friday, July 2, 2010

7:15 am - 5:15 pm **Registration and Exhibits**

Morning Roundtables

7:30 am - 8:30 am **Anchors Aweigh!! Traveling while a Petition or Application Is Pending**

The panelists will discuss the potential consequences of foreign travel while a petition or application is pending with USCIS and will discuss measures which can be taken to avoid problems at the border upon return.

- Foreign Travel while a Change of Status Petition Is Pending
- Foreign Travel while an Extension of Status Petition Is Pending
- Foreign Travel while an Adjustment of Status Application Is Pending
- Triggering the 3 and 10-year Bars

Faculty:

Donald Jay Wolfson, (Speaker), New York, NY

Martha J. Schoonover, (Speaker), McLean, VA

John Jay Strimel, (Speaker), Houston, TX

7:30 am - 8:30 am **Appealing USCIS Decisions: Is the AAO the Ultimate "Decider"?**

As USCIS continues to apply a high level of scrutiny to cases and develop new standards resulting in denials, practitioners must include in their arsenal a firm grounding in appellate options. This panel will address procedural and strategic considerations in appeals to the Administrative Appeals Office.

- Developing a Strategy—Appeal, Re-file or Both?
- Procedural Requirements for Motions to Reopen/Reconsider and Appeals

- Burden of Proof
- Effective Use of Precedent and Agency Guidance
- Considerations of Style and Format
- Recourse after an AAO Denial

Faculty:

Ruth K. Oh, (Discussion Leader), AILA Board of Governors, Honolulu, HI

Atessa Chehrazi, (Speaker), , San Francisco, CA

Stephen Yale-Loehr, (Speaker), Ithaca, NY

7:30 am - 8:30 am **Nonimmigrant Visa Waivers Under §212(d)(3)**

An intermediate panel on how to assist a nonimmigrant with obtaining a waiver of inadmissibility under INA §212(d)(3). The panel will discuss what grounds of inadmissibility can be waived, relevant case law, and the differences in processing the waiver depending on the consular post or port of entry where the applicant applies.

- Which Grounds of Inadmissibility Are Waivable?
- *Matter of Hranka* Factors
- Do You Need to Show Rehabilitation? How Important Is the Passage of Time?
- The Adjudication Process—Timeline and Agencies Involved

Faculty:

Allen E. Kaye, (Speaker), AILA Past President, New York, NY

Leigh N. Ganchan, (Speaker), Houston, TX

Elaine H. Witty, (Discussion Leader), New York, NY

7:30 am - 8:30 am **Separation of Church and State: USCIS Practices in Religious Worker Cases**

This panel will cover current adjudication trends in religious worker petitions, addressing both substantive issues and lessons learned from government investigations.

- Nonimmigrant and Immigrant Issues and Strategies
- Dealing with Volunteer Experience and Compensation Issues
- Making Your Case for Vocational Religious and Occupational Workers
- Filing Strategies when the Sponsoring Denomination Is Different from the Beneficiary's Denomination
- Preparing for a USCIS Investigation
- Adverse and Inconsistent Adjudication Trends at the Service Centers and AAO

Faculty:

Sandra M. Wagner, (Speaker), AILA Religious Workers Committee Vice-Chair, San Diego, CA

Cliff Rosenthal, (Discussion Leader), Santa Monica, CA

7:30 am - 8:30 am **Special Immigrant Juveniles: What's in Their Best Interest?**

This panel will examine the process of preparing a petition for special immigrant juvenile status and the interplay between the findings of a juvenile court and DHS. Share your own

experiences with the expert panelists during this interactive session.

- Filing I-360 SIJS Petitions
- Non-detained vs. Detained Juveniles
- TVPRA 2008
- Inadmissibility Issues
- Aging-Out and Retaining Priority Dates

Faculty:

David B. Thronson, (Speaker), Las Vegas, NV
Judy Flanagan, (Discussion Leader), Phoenix, AZ
Kristin Ann Petri, (Speaker), Westminster, CO

7:30 am - 8:30 am **Third Country National Processing: Getting in Through the Back Door**

This roundtable will provide the current state of third country national (TCN) processing, providing practical tips and allowing ample opportunity to ask your burning questions.

- How to Strategically Present NIV Applications for TCNs at Border Posts in Mexico and Canada
- Security Checks and Delays
- Role of the Attorney and Communicating with the Post
- Particulars about Processing E-1/E-2, H-1B, E-3, and L-1 Visas

Faculty:

Edward Rios, (Speaker), El Paso, TX
Avi Friedman, (Discussion Leader), Santa Monica, CA
Jeffrey W. Goldman, (Speaker), Boston, MA

Small Track Interactive Workshops

7:30 am - 8:30 am **A Feather in Your Cap: Completing I-129 Forms Correctly**

This interactive session will address how to complete Form I-129, petition for nonimmigrant worker, and will review what documents should be included depending on the type of petition. Seats are limited to allow for more interaction so be sure to arrive early!

- Line-by-Line Analysis of the I-129 and Supplements
- Supporting Documents for H, L, TN, and O Petitions
- Filing Fees and Filing Locations
- Initial Petition vs. Extension of Status—Documentation Required and When a Failure to Maintain Status Can Be Excused

Faculty:

Jeffrey M. Crusha, (Discussion Leader), New York, NY
Elizabeth L.A. Garvish, (Speaker), Atlanta, GA
Jeremy Fudge, (Speaker), Dallas, TX

8:35 am - 9:35 am **To Have and To Hold, From This Day Forward... Basic Concepts of I-130 Preparation**

This fundamentals workshop will explain how to prepare and file an I-130 family-based petition. The panelists will review the form section-by-section and will discuss what documents should be included with the petition. Seats are limited to allow for more interaction so be sure to arrive early!

- Analysis and Completion of the I-130 Form
- Appropriate Documentation to Establish the Family Relationship
- DNA Testing
- Evidentiary Support
- Where to File the I-130 Petition
- Your I-130 Is Approved—Now What?
- Automatic Revocation
- Heightened Burden of I-130 in Removal Proceedings

Faculty:

Miko A. Tokuhama-Olsen, (Discussion Leader), San Diego, CA

Socheat Chea, (Speaker), AILA National Benefits Center Liaison Committee Chair, Duluth, GA

Myron R. Morales, (Speaker), Austin, TX

George Rodriguez, (Speaker), Dallas, TX

9:40 am - 10:40 am **Checks and Balances: Completing the I-864 Affidavit of Support**

This interactive session will address how to complete the I-864 affidavit of support. Work through real-life scenarios and learn how to proceed when the primary sponsor's income fails to meet the minimum poverty guidelines. Seats are limited to allow for more interaction so be sure to arrive early!

- Completing the I-864 Form
- No Income? What Kinds of Assets Will Suffice and How Do You Document?
- Evidence that Will Likely Be Rejected and Suggested Alternatives
- Self-Employed Sponsor
- Joint Sponsor
- When an Affidavit of Support Is Not Enough—Public Charge Issues
- I-134 vs. I-864

Faculty:

Wendy Castor Hess, (Discussion Leader), Jenkintown, PA

Vicki Yudenfriend, (Speaker), Tenafly, NJ

Charles A. Tievsky, (Speaker), Reston, VA

10:40 am - 11:00 am **Networking Break**

11:00 am - 12:00 pm **Fostering International Relations: The NIV Consular Interview**

This interactive panel will discuss the main issues encountered when scheduling and preparing a client for a nonimmigrant visa consular interview, from booking the appointment to visa issuance. Seats are limited to allow for more interaction so be sure to

arrive early!

- Preparing the Documents and Your Client
- Don't Forget the Family
- Managing Expectations
- The Interview Process
- Anticipating Issues Including SAOs, Waivers and Delays
- Dealing with Refusals

Faculty:

Bernard P. Wolfsdorf, (Speaker), AILA President, Santa Monica, CA
Anastasia Tonello, (Discussion Leader), London,
Roberto D. Caballero, (Speaker), Houston, TX

1:40 pm - 3:10 pm **I Beg Your Pardon... I-601 Workshop**

Using hypotheticals, this workshop will explain how to complete an I-601 waiver application and will discuss the necessary evidence for a successful waiver based on extreme hardship to a qualifying family member. Waivers of the 10-year bar and a criminal conviction will be covered, as well as the procedure for filing in the United States and at a U.S. consulate abroad. Seats are limited to allow for more interaction so be sure to arrive early!

- Anchor Relatives— What Family Members Qualify for the Different Waivers?
- Burden of Proof
- Types of Evidence Needed—How “Extreme” Is Extreme Hardship?
- Who Makes the Decision?
- Practical Tips

Faculty:

Kelli Jo Stump, (Discussion Leader), Oklahoma City, OK
Raquel E. Hecht, (Speaker), Eugene, OR
Kerry E. Doyle, (Speaker), Boston, MA
Philip Hornik, (Speaker), Portland, OR

3:10 pm - 3:30 pm **Networking Break**

3:30 pm - 5:00 pm **Don't Believe Everything You Read: Challenging the Notice to Appear**

This intermediate workshop will address the potential problems associated with how DHS prepares and serves the Notice to Appear (NTA) and ways to challenge the NTA in immigration court. Seats are limited to allow for more interaction so be sure to arrive early!

- Who Can Issue the Notice to Appear?
- What Is Proper Service and How Has that Changed Since 1997? Service under *Matter of G-Y-R-*
- Strategic Reasons to Challenge Service, Issuance or Legal Sufficiency of the NTA
- Determining the Sufficiency of the Allegations, Charges and Evidence
- Burdens of Proof for §237 Removal Cases and §212 Inadmissibility Cases

- What Are the Remedies for a Deficient Notice to Appear?

Faculty:

Brian K. Bates, (Speaker), AILA Board of Governors, Houston, TX

Melissa Frisk, (Discussion Leader), Washington, DC

Royal F. Berg, (Speaker), Chicago, IL

Stan Weber, (Speaker), New York, NY

Open Forums

8:30 am - 10:00 am **Department of State (DOS) Open Forum**

Faculty:

Palma R. Yanni, (Discussion Leader), AILA Past President/AILA DOS Liaison

Committee Chair, Washington, DC

Jerome G. Grzeca, (Speaker), AILA Board of Governors/AILA DOS Liaison Committee

Vice-Chair, Milwaukee, WI

10:05 am - 11:35 am **Department of Labor (DOL) Open Forum**

Faculty:

Catherine L. Haight, (Discussion Leader), AILA DOL Liaison Committee Chair, Los Angeles, CA

Jeanne M. Malitz, (Speaker), AILA DOL Liaison Committee Vice-Chair, San Diego, CA

12:20 pm - 1:50 pm **Immigration and Customs Enforcement (ICE) Open Forum**

Faculty:

Howard Silverman, (Speaker), AILA ICE Liaison Committee Vice-Chair, Boston, MA

Cheryl David, (Discussion Leader), AILA Board of Governors/AILA ICE Liaison Committee Chair, New York, NY

Phyllis Coven, (Speaker), Washington, DC

1:55 pm - 3:25 pm **U.S. Citizenship and Immigration Services (USCIS) Open Forum**

Faculty:

Alexis S. Axelrad, (Speaker), AILA USCIS Liaison Committee Vice Chair, New York, NY

Sharon R. Mehlman, (Discussion Leader), AILA USCIS Liaison Committee Chair, San Diego, CA

3:30 pm - 5:00 pm **DHS HQ Open Forum**

Faculty:

Robert P. Deasy, (Discussion Leader), AILA Director of Liaison and Information, Washington, DC

Robert C. Divine, (Speaker), AILA Inter-Agency Liaison Committee Chair, Chattanooga, TN

Business

8:35 am - 9:25 am **"Lobbying" for the Government's Interest: Advanced IGA J-1 Waivers**

This session will address complex issues in preparing "interested government agency" J-1 waiver applications and will provide practitioners with an opportunity to ask questions of AILA experts and IGA representatives.

- Preparation of IGA Waiver Applications

- IGAs with Established Protocols and Programs—HHS, NSF, DOE, DOD
- Choosing Among IGAs
- What to Do if There Is No Established Program
- Quirks and Commonalities of IGA Waivers

Q&A (9:25 am - 9:35 am)

Faculty:

Khorzad Adi Mehta, (Speaker), Owings Mills, MD

Elizabeth A. Quinn, (Discussion Leader), Washington, DC

Ingrid K. Brey, (Speaker), Grosse Pointe Park, MI

9:40 am - 10:30 am **RFEs in IV Cases: Multinational Managers and PERM-Based Petitions**

The practice of business immigration law is often made more challenging by the issuance of complex and sometimes unwarranted Request for Evidence (RFE). This session will focus on trends in RFEs for multinational manager and PERM-based I-140 petitions. The panel will provide recommendations and practical tips for successfully responding to such RFEs.

- Current Trends and Successful Response Strategies
- Multinational Managers—New Tactics for Function Managers
- Issues in PERM-Based Cases
- • How to Handle Position and Company Changes
- In Case of Denial—Appeal or Re-file?

Q&A (10:30 am - 10:40 am)

Faculty:

Fausta Maria Albi, (Speaker), , San Diego, CA

Allen Orr, (Speaker), , Washington, DC

David Grunblatt, (Speaker), , Newark, NJ

A. James Vazquez-Azpiri, (Discussion Leader), San Francisco, CA

10:40 am - 11:00 am **Networking Break**

11:00 am - 11:50 am **RFEs in NIV Cases: Investigative Reporting for H-1Bs and L-1s**

This panel will discuss the current trends in Requests for Evidence (RFEs) from USCIS with respect to employment-based nonimmigrant petitions, with a particular focus on H-1Bs and L-1s.

- Responding to Boilerplate and Overly Burdensome RFEs
- What if They Ask for Something That Doesn't Apply to My Case?
- But I Submitted That with My Initial Petition!
- H-1B RFEs—Third Party Consulting Arrangements, “Three for One” Rule
- L-1 RFEs—Specialized Knowledge for L-1Bs
- Strategies for Getting the Information and Documentation You Need from Your Client

Q&A (11:50 am - 12:00 pm)

Faculty:

Teri A. Simmons, (Speaker), Atlanta, GA

Annie Jen Wang, (Speaker), New York, NY
Ian David Wagreich, (Speaker), Chicago, IL
Larry L. Drumm, (Discussion Leader), San Francisco, CA

1:40 pm - 2:55 pm **H-2B Status for Seasonal and Temporary Workers**

This panel will analyze the H-2B requirements from a practical standpoint to provide practitioners with the building blocks needed to prepare successful cases. This primer for attorneys will include a summary of the regulations and key legal issues, guidance on the temporary labor certification procedures, and best practices and tips to address complex issues.

- Overview of H-2B Requirements and Regulations for Nonagricultural Temporary Workers
 - Job Contractors vs. Fixed Site Employer
- Defining Seasonal, Peak, One-Time Occurrence and Intermittent Need
 - 3-Year One Time Need—Extensions with USCIS and Rerecruiting
- Recruitment Issues and the Temporary Labor Certification Process
- USCIS and Consular Processing Issues and Concerns
- Practical Tips and Common Pitfalls in Filing H-2B Cases
 - FLSA Issues—Decatur and Arriaga
 - Employer Assurances and Obligations—Recruitment Fees and How to Advise Employers
 - Sanctions Against Clients and Attorneys

Q&A (2:55 pm - 3:10 pm)

Faculty:

Jay C. Ruby, (Discussion Leader), Atlanta, GA
Vard R. Johnson, (Speaker), Boston, MA

3:10 pm - 3:30 pm **Networking Break**

3:30 pm - 4:45 pm **I-9 Litigation: What We Really Need to Know and How Employers Can Respond**

For years, ICE focused almost exclusively on the criminal prosecution of employers. Now, as ICE shifts its focus back to civil fines, it's time to dust off OCAHO procedures and case law and review new ICE guidance related to fine assessments to prepare to defend our employer clients against civil penalties. In lieu of criminal prosecution, ICE is also resolving corporate criminal investigations through the use of Non-Prosecution and Deferred Prosecution Agreements (“NPAs” and DPAs”). The speakers will review OCAHO procedures and leading case law and discuss the nuts and bolts of high profile NPA agreements (Walmart, IFCO and Pilgrim’s Pride Corporation).

- Review of a Sample OCAHO Case—From Requesting a Hearing, Responding to Complaints, Affirmative Defenses, Motions for Summary Decision, Challenging Fine Assessments and Much More
- Review of ICE Policy Memos and OCAHO Case Law
- NPAs and DPAs—Redefining Immigration Corporate Liability
- Potential Conflict Between “Enhanced Voluntary Compliance Programs” and IRCA’s Anti-Discrimination Provisions

Q&A (4:45 pm - 5:00 pm)

Faculty:

Josie Gonzalez, (Discussion Leader), AILA Board of Governors, Pasadena, CA

Jeff Joseph, (Speaker), AILA Board of Governors, Aurora, CO

Jay T. Jorgensen, (Speaker), Washington, DC

Richard A. Gump, (Speaker), Dallas, TX

Ellen K. Thomas, (Speaker), Administrative Law Judge, EOIR, OCAHO , Falls Church, VA

Family

8:35 am - 9:25 am **Cutting Through the Red Tape: National Visa Center and Consular Processing Procedures**

This panel explores the requirements and procedures for immigrant visa processing at the U.S. consulates. The panel will also provide valuable information and tips for responding to requests from the NVC and ensuring that all required documentation is submitted.

- How to Deal with the NVC and Get the Right Information
- What Must Be Sent to the NVC and Do They Need to Be Originals?
- What Documents Does Your Client Need for the Immigrant Visa Interview?
- Procedural Aspects of Waivers Taken at the Consulate
- What Can Be Done in the Case of a Denial?

Q&A (9:25 am - 9:35 am)

Faculty:

Heather N. Segal, (Discussion Leader), AILA Board of Governors, Toronto, ON

Paul L. Samartin, (Speaker), , London,

Ellen Freeman, (Speaker), AILA Pittsburgh Chapter Chair, Pittsburgh, PA

9:40 am - 10:30 am **Conditional Residency: The Good, The Bad, The Waivers**

This intermediate panel examines the basic procedures for the jointly filed I-751 petition, and details different strategies for filing including waivers of the joint requirement.

- What Are the Filing Procedures and Documentary Requirements in Filing a Joint Petition?
- Filing for NonConventional Marital Arrangements
- Events that Permit Early Filing
- Our Documentation Is Substantial, Why Is an Interview Scheduled?
- When Are Dependents Included in the Petition?
- What Are the Waivers Available?
- The Interplay Between Conditional Residency and Naturalization

Q&A (10:30 am - 10:40 am)

Faculty:

Jonathan S. Greene, (Discussion Leader), Columbia, MD

Suzanne Brown, (Speaker), St. Louis, MO

David Kolko, (Speaker), Denver, CO

10:40 am - 11:00 am **Networking Break**

11:00 am - 11:50 am **Petitioner Bars under the Adam Walsh Act**

The Adam Walsh Act (AWA) established bars for U.S. citizen and permanent resident petitioners with certain convictions. Who will get tripped by an AWA bar, and who will qualify for an exception? What are the avenues for appeal if USCIS determines the petitioner has not demonstrated “beyond any reasonable doubt” that he or she does not present a risk?

- Convictions that Qualify Under the Adam Walsh Act to Bar Family Petitioners
- Types of Petitions Affected
- Making the Case for an Exception
- Appealing a Denial
- The "Beyond Any Reasonable Doubt" Standard

Q&A (11:50 am - 12:00 pm)

Faculty:

David K. Link, (Discussion Leader), Wichita, KS

Christopher Kozoll, (Speaker), Louisville, KY

Raymond R. Bolourtchi, (Speaker), St. Louis, MO

1:40 pm - 2:55 pm **To Adjust or Not to Adjust, This is the Question We Ask of Thee.....**

One of the most important aspects of advising a client is to provide them with a clear explanation of all of their available options. This is especially important when dealing with a married or engaged couple who must decide whether to pursue adjustment of status, consular processing, or a fiancé visa. The panel will provide a comparison of these options and examine issues that may arise.

- Overview of Procedures and Timelines
- Marriage Abroad vs. Marriage in the U.S. on a K-1 Visa
- Whether the “Ceremony” that Took Place Abroad Counts as a Legally Binding Marriage
- K-1 and K-3 Timing Issues—Which One Will Reunite the Couple the Quickest?
- Visa Waiver or B-2 Entry—Advice and Issues Regarding Nonimmigrant Intent
- Issues that May Arise at the Consulate, But Not at an Adjustment Interview, and Vice Versa

Q&A (2:55 pm - 3:10 pm)

Faculty:

Gloria Roa Bodin, (Speaker), Coral Gables, FL

Gerald E. Burns, (Discussion Leader), AILA Arizona Chapter Chair, Chandler, AZ

Alan J. Pollack, (Speaker), Newark, NJ

Mark J. Newman, (Speaker), Atlanta, GA

3:10 pm - 3:30 pm **Networking Break**

3:30 pm - 4:45 pm **Unlawful Presence: Waiving Goodbye to Inadmissibility**

Of all of the devastating effects of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), the concept of unlawful presence is perhaps one of the harshest. Given the role of unlawful presence in determining admissibility, immigration practitioners must understand its implications and be familiar with the associated waivers. This session will also provide expert strategies to employ in submitting these applications at U.S. consulates.

- What Is Unlawful Presence and How Does It Differ From Being Out of Status?
- How Is Unlawful Presence Counted for Purposes of Triggering the 3- and 10-Year Bars, and the Permanent Bar?
- Recent Agency Guidance on Unlawful Presence
- Exceptions to Unlawful Presence (Minors, Asylees, Battered Women and Children, Victims of Trafficking)
- Waivers of Inadmissibility (3- and 10-Year Bars, Permanent Bar, VAWA)
- Conflicts Between the BIA and Circuit Courts in the Interpretation of Unlawful Presence and §245(i)
- Practical Tips in Preparing the I-601 Application
- Strategies for Processing the Waivers at U.S. Consulates

Q&A (4:45 pm - 5:00 pm)

Faculty:

Paula J. Solorio, (Discussion Leader), San Francisco, CA

B. John Ovink, (Speaker), Tampa, FL

Laurel Scott, (Speaker), Houston, TX

Fundamentals

8:35 am - 9:25 am **The DOL Is Coming! The DOL Is Coming!: No, It's Just The PERM Process, Part I**

This panel will start at the beginning of the PERM process. Faculty will take a practical approach to this cumbersome process by presenting a general mock intake interview between the attorney, the employer and the employee. Learn what questions to ask and what information you need in order to get the ball rolling.

- What Is PERM?
- Your Client Wants to Begin the PERM Process—Now What?
- Information the Attorney Needs to Know
- Who Can/Must Pay for the PERM Process? Is There any Leeway?
- Dual Representation Issues

Q&A (9:25 am - 9:35 am)

Faculty:

Punam Singh Rogers, (Speaker), Boston, MA

Janet L. Henner, (Speaker), AILA New York Chapter Chair, New York, NY

Michael P. Nowlan, (Discussion Leader), Detroit, MI

Bradley D. Maier, (Speaker), Portland, OR

9:40 am - 10:30 am **The DOL Is Coming! The DOL Is Coming!: No, It's Just The PERM Process, Part II**

This session will focus on the fundamental steps of preparing the documentation for a PERM application. Faculty will discuss pre-filing steps and issues, how to organize the information and lay out recruitment, and will explain the steps the attorney can take in guiding the employer through this tricky process.

- OK, I Have the Minimum Requirements, Now What? Can I file? What Do I Look for?
- What Is a Busted SVP? What Is a Job Zone?
- Prevailing Wage Determinations—What Are They? Issues that Can Arise

- Is the Employer Registered with DOL?
- Types of Recruitment
 - What Forms Are Required?
 - Timelines
- Recruitment Is Done—Now What?
- Screening Applicants—The Attorney’s Role and Common Pitfalls

Q&A (10:30 am - 10:40 am)

Faculty:

Steven Howard Garfinkel, (Speaker), Charlotte, NC

Amy Fallon, (Speaker), New York, NY

Jane W. Goldblum, (Discussion Leader), Jenkintown, PA

Helene Nguyen Dang, (Speaker), Houston, TX

10:40 am - 11:00 am **Networking Break**

11:00 am - 11:50 am **The DOL Is Coming! The DOL Is Coming!: No, It’s Just The PERM Process, Part III**

This hands-on session will focus on the fundamental and practical steps of completing the ETA 9089. Avoid common mistakes and learn how to spot critical issues from some of AILA’s most seasoned PERM practitioners.

- Completing the ETA 9089
- What Boxes Do I Check?—How to Answer the Tricky Questions
- You’ve Finally Filed your Case—What Can You Expect Next?
- Audit, Denial, or Certification?

Q&A (11:50 am - 12:00 pm)

Faculty:

Rebecca R. Massiatte, (Speaker), Dallas, TX

Susan C. Ellison, (Discussion Leader), Boston, MA

Lauren Aucoin, (Speaker), San Francisco, CA

1:40 pm - 2:55 pm **Like Mom and Apple Pie: Family-Based Immigration**

Learn the nuts and bolts as this panel of experts provides an overview of the family-based immigrant and nonimmigrant visa categories and outlines the basic processes for family-based petitions.

- Immediate Relatives
- Preference Categories
- Excluded Relatives
- Visa Bulletin
- K-1s and K-3s

Q&A (2:55 pm - 3:10 pm)

Faculty:

Gloria A. Goldman, (Speaker), , Tucson, AZ

Sharon Dulberg, (Discussion Leader), San Francisco, CA

Noemi Ramirez, (Speaker), , Los Angeles, CA

Lee A. O'Connor, (Speaker), AILA Indiana Chapter Chair, South Bend, IN

3:10 pm - 3:30 pm **Networking Break**

3:30 pm - 4:45 pm **O'Beautiful for Patriot Dream: Green Cards Part I—Adjustment of Status**

This panel will explain the basic concepts regarding a foreign national's eligibility to apply for lawful permanent residence through adjustment of status, which may be available to qualified persons who are physically present in the United States.

- What Is a "Priority Date" and How Does It Attach?
- Chargeability
- How to Read the Visa Bulletin
- Adjustment of Status/When Can You File?
- Look Out for §245(i)
- Ancillary Benefits and Travel Restrictions

Q&A (4:45 pm - 5:00 pm)

Faculty:

Robert Lee DeMoss, (Speaker), AILA Texas Service Center Liaison Chair, Montgomery, AL

Barbara H. Lutes, (Speaker), San Francisco, CA

Sharon Cook Poorak, (Discussion Leader), Atlanta, GA

David A. Harston, (Speaker), Denver, CO

Law Practice Success

8:35 am - 9:25 am **Drafting Ethical and Profitable Representation Agreements and Conflict Waivers**

Nothing is more important to the attorney-client relationship than a clearly drafted representation agreement that sets forth the rights and obligations of both parties. But not all such agreements are created equally. Come learn the best content and drafting techniques for representation/fee agreements and waivers. Bring a copy of your current agreement and be prepared to edit! Space is limited so get there early to receive the answers to your most pressing questions!

- Necessary Components of All Agreements
- Compliance with Rules of Professional Conduct and Ethics Rulings
- Does One Agreement Work in All Situations?
- How to Address Dual Representation in the Agreement
- Using the Representation Agreement to Discuss Payment of Fees
- Best Methods for Presenting the Agreement to the Client

Q&A (9:25 am - 9:35 am)

Faculty:

George S. Newman, (Speaker), St Louis, MO

Helena S. Younossi, (Discussion Leader), South San Francisco, CA

Mark A. Mancini, (Speaker), Washington, DC

9:40 am - 10:30 am **It Ain't Just Political Spin, It's Marketing for Your Firm**

How do you incorporate marketing and firm promotion into all of your firm's practices, from correspondence to billing, from professional activities to staff activities, from office

image to virtual image? And most importantly, how do you find the time to integrate all of these practices? Space is limited so get there early to receive the answers to your most pressing questions!

- Avenues for Firm Promotion, within and Outside of Your Office
- Incorporating All of Your Firm's Practices into Your Marketing Plan
- Utilizing Every Member of Your Staff for Marketing
- Making Time for Marketing

Q&A (10:30 am - 10:40 am)

Faculty:

Warren R. Leiden, (Speaker), , San Francisco, CA

Mark A. Ivener, (Speaker), Los Angeles, CA

Francis E. Chin, (Discussion Leader), Boston, MA

10:40 am - 11:00 am **Networking Break**

11:00 am - 11:50 am **Making the Most of Your Partnerships: Maximizing Client Relationships and Increasing Profit**

In today's changing business climate, the challenge of finding new tactics to garner additional business from an existing client base tests even the best market gurus and strategists. Learn to take a simple approach, returning to practice basics while adding a twist of innovation and maintaining consistent attention to profitability and return on investment. Space is limited so get there early to receive the answers to your most pressing questions!

- Consistency and Small Touches Go a Long Way
- Creative Fee Discussion Tactics
- Be Direct and Ask for What You Want
- Take on Smart Projects

Q&A (11:50 am - 12:00 pm)

Faculty:

Jerome G. Grzeca, (Discussion Leader), AILA Board of Governors/AILA DOS Liaison Committee Vice-Chair, Milwaukee, WI

Davis C. Bae, (Speaker), Seattle, WA

Kelly McCown, (Speaker), San Francisco, CA

1:40 pm - 2:55 pm **The Fine Art of Getting Paid**

An annual conference top-rated seminar! An interactive session devoted to everyone's favorite topic – money! Space is limited so get there early to receive the answers to your most pressing questions!

- Learn How to Analyze and Set Fees
- Develop Better Fee Agreements
- Avoid Taking Clients Who Won't Pay You
- Enhance Profitability and Improve Client Satisfaction

- Billable vs. Flat Fee
- Setting Up Bank Accounts Properly—Methods of Payments

Q&A (2:55 pm - 3:10 pm)

Faculty:

Carl Falstrom, (Discussion Leader), New Orleans, LA

Jim Calloway, (Speaker), Director, Management Assistance Program, Oklahoma Bar Association, Oklahoma City, OK

David H. Paruch, (Speaker), Troy, MI

3:10 pm - 3:30 pm **Networking Break**

3:30 pm - 4:45 pm **I Blew It! What's Next?**

This panel will review protective and remedial measures to take when a practitioner misses a deadline or makes a mistake during the course of representation. Speakers will provide guidance as to what to do, or not to do, including malpractice liability and ineffective assistance claims. Space is limited so get there early to receive the answers to your most pressing questions!

- Communication with Client, Opposing Counsel and the Court—What Must You Communicate and When?
- Remedial Measures that Must Be Taken—What Can You Do to Try and Fix the Problem?
- Is There a Conflict in Continuing Representation? When to Stop and Refer to New Counsel
- When Must You Notify Your Malpractice Carrier?
- Should You Lawyer Up? Hiring Malpractice Defense Counsel

Q&A (4:45 pm - 5:00 pm)

Faculty:

John L. Pinnix, (Discussion Leader), AILA Past President, Raleigh, NC

Edwin R. Rubin, (Speaker), AILA Past President, Newark, NJ

Robert E. Juceam, (Speaker), AILA Past President, New York, NY

Masters Due Process

8:35 am - 10:20 am **The Categorical Approach and Modified Categorical Approach Post-Nijhawan and Silva-Trevino**

The recent Supreme Court decision in Nijhawan fundamentally changed the categorical analysis for aggravated felonies, and possibly other removal grounds, and opened the door for evidentiary hearings in immigration court. Similarly, the BIA's Silva-Trevino decision creates challenges for attorneys litigating crimes involving moral turpitude. This panel will provide an up to date legal analysis and discuss what evidence can and should or cannot and should not be presented in court.

- Supreme Court *Nijhawan* Decision Bifurcation of Analysis
- The Supreme Court Decision in *Duenas-Alvarez*
- When Does the *Shepard/Taylor* Approach Still Apply
- The BIA Decision in *Silva-Trevino*
- Aggravated Felony vs. CIMT vs. DV and Other Grounds
- What Documents and Evidence Can Be Presented?

- Re-litigating the Facts or Not?

Q&A (10:20 am - 10:40 am)

Faculty:

Mary E. Kramer, (Discussion Leader), Miami, FL

Dan Kesselbrenner, (Speaker), Boston, MA

Matt Adams, (Speaker), Seattle, WA

Thomas Edward Moseley, (Speaker), Newark, NJ

Katherine Brady, (Speaker), , San Francisco, CA

10:40 am - 11:00 am **Networking Break**

11:00 am - 11:50 am **Cutting Edge Issues in VAWA**

This masters panel will discuss some of the more complicated issues involving Violence Against Women Act self-petitions and cancellation of removal. The panel will discuss strategies and tips for best protecting your client from the various players in the system.

- Strategic Approaches to the Panoply of Benefits Available to Victims of Gendered Harms—Thinking About the T, U, VAWA Self Petitions, Battered Spouse and Child Waivers, and VAWA Cancellation Together
- Privacy and VAWA—The Benefits and the Limits
- VAWA Exceptions to Inadmissibility and Waivers for VAWA Grantees
- VAWA - Related Consular Processing
- VAWA and Reinstatement

Q&A (11:50 am - 12:00 pm)

Faculty:

Julie E. Dinnerstein, (Discussion Leader), Kew Gardens, NY

Sally L. Kinoshita, (Speaker), San Francisco, CA

Alexandre I. Afanassiev, (Speaker), Houston, TX

1:40 pm - 2:55 pm **Aggravated Felonies: Hot Issues**

This masters panel will discuss recent developments in the case law surrounding the parameters and definition of “aggravated felony.” The panel will review circuit splits on various issues and the remaining legal challenges that may still be raised to the finding that a particular crime is an aggravated felony.

- Sexual Abuse of Minors
- Fraud vs. Theft
- Second Possession of Drug Offenses
- Crimes of Violence—Burglary, Trespass and Mischief
- Alien Smuggling
- Other Emerging Issues

Q&A (2:55 pm - 3:10 pm)

Faculty:

Hilary A. Han, (Speaker), Seattle, WA

Manuel D. Vargas, (Speaker), New York, NY
Zachary Nightingale, (Discussion Leader), San Francisco, CA
Charles Roth, (Speaker), Chicago, IL

3:10 pm - 3:30 pm **Networking Break**

3:30 pm - 4:45 pm **Not in My Backyard! Dealing with Cross-Circuit Conflicts in the Law**

This masters panel will address the challenges that arise when dealing with conflicts of law between the BIA and circuit courts as well as intra-circuit conflicts of law. The panel will address the challenges presented by the Supreme Court decision in Brand X, and will discuss current issues that present conflict of law problems.

- Identifying Cross-Circuit Issues in Advance (Where Is the Arrest, Where Is the Detention, Where Is the Court?)
- *Brand X*—The Eternal Tug-of-War Between the BIA and the Circuit Courts
- Cross-Circuit Distinctions in Jurisdiction Over “Discretionary” Decisions
- The Categorical Approach Post *Silva-Trevino* and *Nijhawan*
- Preserving Federal Appeal on Issues that Have Been Resolved by the BIA But Not yet Addressed by the Circuit

Q&A (4:45 pm - 5:00 pm)

Faculty:

Stephen Manning, (Discussion Leader), AILA Amicus Committee Chair, Portland, OR
Javier N. Maldonado, (Speaker), San Antonio, TX
Gerald P. Seipp, (Speaker), Oldsmar, FL
Russell Abrutyn, (Speaker), Troy, MI

Lunch

12:30 pm - 1:35 pm **Addressing the Masses: Preparing Public Presentations**

This lunch session provides training and tips for effectively addressing and educating audiences of varying ages and backgrounds on immigration issues and advocating for immigration reform.

- Don’t Write a Dissertation—Simplifying Your Presentations
- PowerPoint and War Stories and How to Make Them Personal
- Discussing Immigration Policy with a General Audience
- Making the Case for Immigration Reform
- Know Your Audience
- Bring the Right Materials

Faculty:

George Tzamaras, (Speaker), AILA Communications Director, Washington, DC
Carlina Tapia-Ruano, (Discussion Leader), AILA Past President, Chicago, IL
Jenny Levy, (Speaker), AILA Manager, Outreach and Communications, Washington, DC
Claire Tesh, (Speaker), AIC Curriculum Center Manager, Washington, DC

12:30 pm - 1:35 pm **Criminal Procedure 101 for the Immigration Practitioner**

This lunch panel is designed as a refresher to criminal procedure for the immigration

attorney. Taught by attorneys who regularly practice in criminal court, the seminar will provide an overview of the main concepts of criminal procedure and highlight the main criminal procedure principles which an immigration attorney may encounter in his or her practice.

- The Criminal Process from Arrest to Appeal
- Burdens of Proof in the Various Stages of a Court Proceeding
- Differences between State Court Criminal Procedures and Federal Court Criminal Procedures
- Overview of the Sentencing Guidelines
- Search and Seizure and Suppression
- Immigration Considerations in the Criminal Plea Context—Take the Plea or Take it to Trial?
- Sentencing
- Appeal

Faculty:

Hans Meyer, (Discussion Leader), Denver, CO

Lauren DeBellis, (Speaker), , New York, NY

Rockne Cole, (Speaker), Iowa City, IA

12:30 pm - 1:35 pm **Ethical Considerations in Family-Based Cases**

Every marriage-based case and most family-based cases involve dual representation. What are the challenges of dual representation and what can you do to protect yourself? Do the rules concerning candor to a tribunal apply to USCIS adjudications? To what extent are you vouching for your client's representations? Do you have an obligation to investigate them? Get the answers to these pressing questions and more.

- Dual Representation Issues
- Vetting Your Clients—What's the Obligation?
- Dealing with Overseas Beneficiaries
- Candor to the Adjudicator
- Which Rules Apply?

Faculty:

Randall Caudle, (Speaker), AILA Membership Committee Chair, San Francisco, CA

Jacqueline B. Martinez, (Speaker), Pittsburgh, PA

Cory Caouette, (Discussion Leader), AILA Board of Governors, New Members Division Chair, San Diego, CA

12:30 pm - 1:35 pm **Give Me Liberty or Give Me Death! Cutting Edge Issues in Convention Against Torture Claims**

This masters panel will discuss recent developments in the law regarding the Convention Against Torture and the limitations that the government has placed on its applicability in removal proceedings.

- What if the Torturer Is a Private Person?
- When Does a Government "Acquiesce" in the Torture? What Constitutes "State Action?"
- When Is a Government "Willfully Blind?" Circuit Court Jurisprudence

- Can Harsh Prison Conditions Constitute Torture?

Faculty:

Karen Musalo, (Discussion Leader), San Francisco, CA

Hiroko Kusuda, (Speaker), New Orleans, LA

Jason Dzubow, (Speaker), Washington, DC

12:30 pm - 1:35 pm **Give Us Your Tired and Hungry But Your Poor Will Need a Sponsor: Affidavits of Support**

This panel will cover the fundamentals of the affidavit of support, when it is required, and what to do when the sponsor doesn't meet the federal poverty guidelines.

- What Obligations Does the Affidavit of Support Place on the Sponsor, and When Do Those Obligations Terminate?
- When Is an Affidavit of Support Required?
- Joint Sponsors and Household Members, When Required, Who Qualifies, Ethical Issues Concerning "Representation"
- What Qualifies as Income?
- Determining Family Size
- Supporting Documentation
- Anticipating a Request for Evidence

Faculty:

Thomas J. Geygan, (Speaker), Cincinnati, OH

Joy F. Athanasiou, (Discussion Leader), Lakewood, CO

Miriam B. Riedmiller, (Speaker), Washington, DC

12:30 pm - 1:35 pm **Not All Degrees Are Created Equally: Degree Equivalency Issues**

An analysis and update on degree equivalency issues. This lunch panel will cover issues in nonimmigrant and permanent residence cases and will review case law, agency interpretations and service center practices.

- The Rules Regarding Degree Equivalency
- Analyzing Potential Issues at the Very Beginning of a Case
- Three-Year Bachelor's Degrees
- Getting a Credential Evaluation that Will Succeed
- If Not EB-2, Will It Work for EB-3?

Faculty:

Ronald Y. Wada, (Speaker), San Francisco, CA

Loan T. Huynh, (Speaker), Minneapolis, MN

Jenifer M. Brown, (Discussion Leader), Indianapolis, IN

12:30 pm - 1:35 pm **Searching the National Archives for the Elusive H-3 and B-1 Trainee Visas**

H-3 and B-1 visas are useful for the U.S. employer who wants to bring in trainees but are becoming more difficult to obtain. This panel will discuss the preparation of H-3 trainee petitions and will consider when the B-1 may be useful in training situations.

- H-3 Trainee Visa—Assessing and Preparing a Successful Petition
- B-1 in Lieu of H-3—What to Present at the Consular Interview and How to Prepare Your Client
- B-1 in Lieu of J-1—Specific Considerations for a Successful Application
- Obtaining a B Visa vs. Utilizing the Visa Waiver Program

Faculty:

Laura A. Edgerton, (Discussion Leader), Raleigh, NC

Susan J. Cohen, (Speaker), Boston, MA

Dale M. Schwartz, (Speaker), AILA Past President, Atlanta, GA

Maxine Lee, (Speaker), Edison, NJ

6:00 pm - 7:30 pm **New Members Division Reception**

6:30 pm - 10:00 pm **American Immigration Council Reception & Dinner**

Saturday, July 3, 2010

7:15 am - 4:15 pm **Registration and Exhibits**

Morning Roundtables

7:30 am - 8:30 am **Believe It or Not: I Am a U.S. Citizen!**

As ICE enforcement efforts continue, a claim to U.S. citizenship may be the answer to your client's prayers. This panel will provide the details of filing for a certificate of citizenship and strategies for proving your client is a U.S. citizen when he or she didn't even know it.

- How to Determine if Your Client Is a U.S. Citizen
- Evidence and Burden of Proof—Birth Records/Registrations of Birth
- U.S. Midwife Birth Records vs. Foreign Birth Records
- What if the Child Is Born Out-of-Wedlock?
- Filing Procedures for a Certificate of Citizenship
- Applying for U.S. Passport

Faculty:

Robert A. Mautino, (Speaker), AILA Board of Governors, San Diego, CA

Lisa S. Brodyaga, (Speaker), San Benito, TX

Heather Barbus, (Speaker), Chicago, IL

Stephanie Theresa DiPietro, (Discussion Leader), New York, NY

7:30 am - 8:30 am **Blast from the Past: The Impact of Old Laws on Present-Day Practice**

What are CSS and LULAC? Is it really true that everyone who is eligible for NACARA has already applied? Is everyone with an April 30, 2001 priority date 245(i) eligible? This panel will discuss immigration laws and benefits which, while no longer on the books (or at least no longer common), may still hold tremendous importance for our clients.

- NACARA and ABC Class Members

- CSS/LULAC
- SAW
- NSEERS Special Registration
- TPS Late Initial Registration
- §245(i)
- Registry

Faculty:

Denyse Sabagh, (Speaker), AILA Past President, Washington, DC
 Robert Frank, (Speaker), Newark, NJ
 Iris Gomez, (Discussion Leader), Boston, MA

7:30 am - 8:30 am **Breakfast with the Experts Room**

This session will feature Experts from the Fundamentals, Business, Family, Due Process/Enforcement/Asylum and Law Practice Success community. Grab your breakfast and come to this room to get the answers for your toughest practice questions!

- **Fundamentals:** Bernadette McGuire, AILA Colorado Chapter Chair, Lakewood, CO
- **Business:** Dinesh P. Shenoy, Minneapolis, MN
- **Family:** Nancy Ann Fellom, San Francisco, CA
- **Due Process/Enforcement/Asylum:** Linda A. Cristello, Boston, MA
- **Law Practice Success:** Reid Trautz, Director, AILA Practice & Professionalism Center, Washington, DC
 Jim Calloway, Director, Management Assistance Program Oklahoma Bar Association, Oklahoma City, OK

Faculty:

Reid Trautz, (Speaker), Director, AILA Practice and Professionalism Center, Washington, DC
 Nancy Ann Fellom, (Speaker), San Francisco, CA
 Dinesh P. Shenoy, (Speaker), Minneapolis, MN
 Jim Calloway, (Speaker), Director, Management Assistance Program, Oklahoma Bar Association, Oklahoma City, OK
 Bernadette McGuire, (Speaker), AILA Colorado Chapter Chair, Lakewood, CO
 Linda A. Cristello, (Speaker), Boston, MA

7:30 am - 8:30 am **Don't Send Your Client Down the Potomac Without a Paddle: Setting Up Immigration Policies and Processes for Corporate Clients**

At a time when enforcement actions and audits from USCIS, DOL and ICE are at record numbers, it is more important than ever that corporate clients establish internal policies and ensure that their files and employee paperwork are complete and in compliance with federal requirements. This session will help practitioners assess a corporate client's internal immigration issues and help them create policies and processes to address the same and related matters.

- Assessing a Corporation's Immigration Processes and Policies—Hiring of Foreign Nationals, Outsourcing, SSA Issues, Discrimination Issues, LPR Sponsorship, HR Internal Training and Compliance
- RIFs and Reorganizations
- FMLA and Acceptable Leave for Immigration Purposes

- PERM/LPR Sponsorship Policies

Faculty:

Angelo A. Paparelli, (Speaker), Irvine, CA
 Mareza I. Estevez, (Speaker), Teaneck, NJ
 Carla Tarazi, (Discussion Leader), San Francisco, CA

7:30 am - 8:30 am **O’Beautiful for Patriot Dream: Green Cards Part II—Consular Processing**

This fundamentals panel will teach the nuts and bolts of how to file an application for permanent residence at a U.S. consulate abroad for a foreign national who is not eligible or does not wish to apply for adjustment of status.

- Nuts and Bolts of Consular Processing
 - What Should the Client Bring and What Kind of Questions Will Be Asked?
 - Filing Considerations—How to Get an Approved Petition to a Consulate
 - National Visa Center
- Waivers—How to File and How Long Will It Take?
- Entering the U.S. After Approval—The Immigrant Visa

Faculty:

Nita Nicole Upadhye, (Speaker), , London, England,
 Donald L. Mooers, (Speaker), Bethesda, MD
 George N. Miller, (Speaker), Charlotte, NC
 Lisa E. Battan, (Discussion Leader), Boulder, CO

7:30 am - 8:30 am **Politics and Money: Update on Wage & Hour Division LCA Investigations**

This panel will provide an advanced-level review of current trends and policy considerations in Wage and Hour Division investigations related to H-1B LCA obligations. Speakers will analyze recent court decisions, as well as agency investigative tactics. As the current administration increases investigations of employers at all levels, including contact with companies and employees without involvement of counsel, it is essential that attorneys understand and proactively advise their clients who utilize the H-1B program.

- Increasing Scrutiny and Traps for the Unwary
- Trends in WHD Investigations—Impact of the Economy and Current Administration
- Techniques Used and Sanctions Imposed
- Recent ALJ and ARB Decisions
- What to Expect Going Forward

Faculty:

Eileen M.G. Scofield, (Discussion Leader), Atlanta, GA
 Robert S. White, (Speaker), Schaumburg, IL
 Bonnie K. Gibson, (Speaker), Phoenix, AZ

7:30 am - 8:30 am **Rambo Litigation in Circuit Courts**

This is an advanced panel for the experienced federal litigator. The panel will address effective brief writing and strategic tips for keeping current on the law. It will also discuss how to prepare and present an effective oral argument. Finally, the panel will discuss alternative settlements such as staying a briefing schedule to pursue a joint motion to reopen or a motion to reopen with the BIA.

- Effective and Persuasive Brief Writing
- Strategic Legal Research—Keeping Abreast of the Most Current Case Law
- Preparing a Slam-Dunk Oral Argument
- Alternative Dispositions

Faculty:

Ira J. Kurzban, (Speaker), AILA Past President, Miami, FL

Jessica Boell, (Speaker), Portland, OR

H. Raymond Fasano, (Discussion Leader), New York, NY

7:30 am - 8:30 am **Waivers Around the World: Strategies and Practice Tips for Waiver Processing at Select Consular Posts**

This roundtable will provide an opportunity to "take a pulse" on waiver processing, and will offer strategies and tips at select consular posts around the world. Veteran consular processing experts will share anecdotes and practice tips for consular-specific waiver processing.

- Approval Rates at Consular Posts—Where Are Waivers Approved? Where Are Waivers Denied?
- What Level of Attorney Communication Is Available at Posts Throughout the World?
- What Level and Type of Documentation Is Helpful or Required at Various Posts?
- Do Clients Have to Show Rehabilitation? If So, How Much, How Long?

Faculty:

Andrew Stevenson, (Discussion Leader), Santa Monica, CA

Kehrela M. Hodkinson, (Speaker), , London, England,

Maria L. Celebi, (Speaker), AILA Rome District Chapter Chair, Istanbul, Besiktas V.D.,

Business

8:30 am - 9:45 am **I-9 Audits In the Dragnet: Will Other Government Agencies Take Notice?**

This panel will address the anatomy of an I-9 audit from start to finish, as well as the ancillary issues and other investigations that can arise from an I-9 audit. The panel will also cover current trends and enforcement strategies including potential audit triggers.

- How to Prepare for an I-9 Self-Audit
- How to Reduce Potential Civil and Criminal Liability
- What to Do When the Government Shows Up at Your Client's Door
- A Step-by-Step Analysis Following Service of the Notice of Inspection
- Workers' Rights
- Discrimination Liability
- Will This Audit Trigger Other Audits?

- Employment Issues to Consider—EEOC, FMLA, Military Caregiver Leave Policy, FLSA, ADA

Q&A (9:45 am - 10:00 am)

Faculty:

Margaret Hu, (Speaker), Special Policy Counsel, Office of Special Counsel for Immigration-Related Unfair Employment Practice, DOJ, Washington, DC

Lisa Spiegel, (Discussion Leader), San Francisco, CA

Charles M. Miller, (Speaker), AILA Compliance Auditing Standards Task Force Chair, Studio City, CA

10:00 am - 10:20 am **Networking Break**

10:20 am - 11:40 am **AC21: Holding the Door Open**

This session moves beyond the basic overview of AC21 and provides an opportunity to get answers from the experts on your most pressing AC21 questions. The panelists will also cover new developments in AC21 law, explain how to deal with the uncertainty of an extended permanent residence process, and provide suggestions for the many areas left uncovered by official guidance.

- Review of AC21 Guidance and What Has Changed Over the Years
- Application of AC21 in Nonimmigrant Cases
- Impact of Changing Positions for Green Card Sponsorship
- What to Do When the I-140 Is Denied and Impact on H-1Bs and Permanent Portability
- Impact of Company Changes
- Whether to Maintain the Underlying NIV Status

Q&A (11:40 am - 11:55 am)

Faculty:

Eleanor Pelta, (Speaker), AILA First Vice President, Washington, DC

Nathan A. Waxman, (Speaker), New York, NY

Bennett Savitz, (Discussion Leader), Boston, MA

1:35 pm - 2:35 pm **Take the Beltway or Go Straight Down Connecticut Ave: Is it Better to File L-1 or E-1/E-2?**

With the extra scrutiny of L-1 petitions by USCIS, and the lengthy time frames for review of E registration applications by U.S. consulates abroad (don't hold your breath in London!), it is getting more difficult to move multinational employees. The choice can be a toss-up depending on the time frames, the client goals and the documents in hand. This panel will discuss how to analyze a client's situation to determine whether L-1, E-1 or E-2 processing is the better option.

- L-1 Petition—Can the Company withstand USCIS Scrutiny?
- E-1/E-2 Visa Registration—Is the Trade Real or Is the Investment Marginal, Only the Client Knows!
- L-1 Executive or Manager—Better Get it Right the First Time!
- Specialized Knowledge—Is It the Same for L and E Classification?
- The New Office for Ls and Es—What to Look for and How to Help the Client Set It Up from the Start
- Consular Review—Know the Post You Are Dealing with...Uniformity? What

Uniformity?

Q&A (2:35 pm - 2:45 pm)

Faculty:

Joanne Orizal, (Discussion Leader), New York, NY
Barbara Wong, (Speaker), San Francisco, CA
Monika V. Szabo, (Speaker), Toronto, ON
Robert M. Foley, (Speaker), Seattle, WA

2:50 pm - 3:50 pm **EB-5: Investing in America, Creating Jobs**

This panel is directed toward practitioners interested in learning more about the employment-based fifth preference immigrant visa category. Speakers will provide a thorough analysis of the EB-5 category and current processing trends.

- Choosing between EB-5 and Other Options
- Choosing between Individual and Regional Center EB-5
- Choosing a Regional Center
- Risks for the Regional Center Investor
- Issues and Problems in Removal of Conditions
- Dealing with Complex Source and Tracing of Funds Issues

Q&A (3:50 pm - 4:00 pm)

Faculty:

Martin J. Lawler, (Speaker), San Francisco, CA
H. Ronald Klasko, (Discussion Leader), AILA Past President, Philadelphia, PA
Carolyn S. Lee, (Speaker), Ithaca, NY
Boyd F. Campbell, (Speaker), Montgomery, AL

Due Process/Enforcement

8:30 am - 9:45 am **BIA and Federal Court Update**

This panel will review key issues that have been addressed by the Board of Immigration Appeals and federal immigration courts in the past year. Speakers will provide a survey of critical decisions and will present strategies for dealing with the decisions and litigation issues that remain unresolved.

- *Matter of Lozada*, *Matter of Compean*, and the Right to Effective Assistance of Counsel In Removal Proceedings
- Circuit Court Jurisdiction Over Discretionary Decisions and Mixed Questions of Law and Fact
- *Brand X*, Developments and Challenges
- Jurisdiction Over Reinstatement Decisions
- Other Hot and Current Topics

Q&A (9:45 am - 10:00 am)

Faculty:

Lory Diana Rosenberg, (Speaker), AILA Board of Governors, Darnestown, MD
Lucas Guttentag, (Speaker), San Francisco, CA
Nancy Morawetz, (Speaker), New York, NY

Trina Realmuto, (Discussion Leader), , Boston, MA

10:00 am - 10:20 am **Networking Break**

10:20 am - 11:40 am **Combating the Terrorism Bars Before DHS and the Courts**

The Obama administration presents an opportunity for further guidance and adjudication of many cases held in backlogs due to allegations of material support. This panel will address how the material support bar is applied in current practice, and how to argue for an exception or waiver.

- Terrorism—Related Inadmissibility Grounds (TRIG)
- Strategic Challenges to the Terrorism Designation—What Is Material Support? What if Your Client Did Not Know that the Organization was “Terrorist?”
- How to Handle the TRIG Grounds in Affirmative Applications for Asylum and Adjustment
- How to Handle the TRIG Grounds in Removal Proceedings—Defensive Applications for Relief from Removal
- How to Seek an Individual Waiver
- How to Influence Discretionary Policy

Q&A (11:40 am - 11:55 am)

Faculty:

Thomas K. Ragland, (Discussion Leader), Washington, DC

Anwen Hughes, (Speaker), New York, NY

David Garfield, (Speaker), Washington, DC

1:35 pm - 2:35 pm **Criminal Waivers of Inadmissibility and Removal**

An intermediate panel discussing various criminal grounds of inadmissibility and removal and the relief available to waive the criminal grounds. Speakers will discuss current case law on criminal waivers and will present strategies for using these waivers most effectively.

- §212(h) Waivers for Crimes
- What Are the Types of §212(h) Waivers?
- When Do LPRs Qualify?
- §212(c)
- Dealing with Corollary Grounds of Removal—*Blake* and *Brieva*
- Readjustment of Status as a Strategy
- Cancellation of Removal for Lawful Permanent Residents
- §209(c) Waivers and *Matter of Jean*
- When Can You Seek a Conjunctive Waiver, Stand Alone Waiver or Nunc Pro Tunc Waiver? When Are You Prohibited?

Q&A (2:35 pm - 2:45 pm)

Faculty:

Emily Assunta White, (Speaker), Aurora, CO

George A. Terezakis, (Speaker), Mineola, NY

Ilyce Shugall, (Discussion Leader), San Francisco, CA

Vicky Dobrin, (Speaker), Seattle, WA

2:50 pm - 3:50 pm **Non-Criminal Waivers of Inadmissibility and Removal**

An intermediate panel discussing various grounds of inadmissibility and the waivers available to overcome non-criminal grounds of inadmissibility. Speakers will review recent developments in case law surrounding the various waivers and strategic arguments that can be made to most effectively present waiver applications.

- §212(i) Waivers for Fraud and Misrepresentation—What Is Fraud and What Is Misrepresentation? To Whom Must the Representation Be Made?
- §212(a)(9)(B) Waivers of Unlawful Presence—What Is the State of the Law?
- §212(a)(9)(C) Waivers of the Permanent Bar
- §237(a)(1)(H) Waivers
- §212(k) Waivers
- When Can You Seek a Conjunctive Waiver, Stand Alone Waiver or Nunc Pro Tunc Waiver? When Are You Prohibited?

Q&A (3:50 pm - 4:00 pm)

Faculty:

Dagmar Butte, (Speaker), AILA Board of Governors, Portland, OR

David N. Simmons, (Speaker), Denver, CO

Joseph Reina, (Speaker), Dallas, TX

Olsi Vrapic, (Discussion Leader), Santa Fe, NM

Family

8:30 am - 9:45 am **Advanced Issues in Citizenship and Naturalization**

This panel will cover advanced issues in citizenship and naturalization, including strategies on accelerating naturalization, preserving benefits and obtaining exemptions. Speakers will also examine advanced issues involving good moral character.

- Who Knew? Obscure Ways Citizenship Is Acquired
- Accelerated Naturalization
- What Is an N-470 and How Does It Impact a Naturalization Application?
- How Good Does Moral Character Really Have to Be?
- Naturalization while in Proceedings
- Preservation of Naturalization Benefits

Q&A (9:45 am - 10:00 am)

Faculty:

Kathrin S. Mautino, (Speaker), AILA ByLaws Committee Chair, San Diego, CA

Margaret Deborah Stock, (Discussion Leader), Anchorage, AK

Daniel M. Kowalski, (Speaker), Austin, TX

Lisa Ellen Seifert, (Speaker), AILA Washington State Chapter Chair, Olympia, WA

10:00 am - 10:20 am **Networking Break**

10:20 am - 11:40 am **CSPA: Why Matter of Wang Got it Wrong**

The Child Status Protection Act has changed the definition of a “child” in the context of certain immigration benefits. This panel will discuss the CSPA, practical tips, and provide

an update on the developing case law in this area.

- What Is the CSPA and Who Is Covered?
- Am I Really 21 Years Old? Age Calculations
- Automatic Conversion
- Section 3—Retention Argument when CSPA Age Is Still Over 21
- BIA So Right in *Matter of Garcia* and So Wrong in *Matter of Wang*
- Current Federal Court Proceedings and Interpretations

Q&A (11:40 am - 11:55 am)

Faculty:

Carl M. Shusterman, (Discussion Leader), Los Angeles, CA
Robert N. Gottfried, (Speaker), New York, NY
Wafa A. Abdin, (Speaker), Houston, TX
Scott Bratton, (Speaker), Cleveland, OH

1:35 pm - 2:35 pm **VAWA Petitions: Protecting the Vulnerable Applicant**

This session will cover the basics of an affirmative VAWA case, from filing the I-360 petition to the final interview and beyond. The panel will also look at VAWA cancellation of removal, and the steps involved when applying for VAWA relief in the context of removal proceedings.

- Types of VAWA Relief—Who Qualifies?
- Procedures for Preparing and Filing the I-360/I-485/I-765
- Priority Date Issues for VAWA Beneficiaries
- Advantages and Disadvantages Between VAWA Cancellation and Affirmative VAWA Cases
- Common Issues Affecting Your VAWA Client in Removal Proceedings

Q&A (2:35 pm - 2:45 pm)

Faculty:

Lea M. Webb, (Discussion Leader), Cincinnati, OH
Leslie T. DiTrani, (Speaker), Cambridge, MA
Catherine Ward-Seitz, (Speaker), Oakland, CA

2:50 pm - 3:50 pm **Advanced Representation of Victims of Crime and Human Trafficking**

This panel will address ways to identify victims of crime and human trafficking. The panel also will discuss systematic steps immigration attorneys should take to develop ongoing relationships and protocols with law enforcement, and coordinate comprehensive services so that crime and trafficking victims can escape exploitation and get on the path to a regularized immigration status.

- Identifying Victims of Crime or Trafficking
- Creating Networks with Law Enforcement Agencies (LEA) that Deal with Victims of Crime or Trafficking
- Problems with Obtaining the LEA Certification and Who Can Sign the Certification
- Counseling and Other Services that T and U Visa Applicants and Recipients Can Receive
- Dealing with Inadmissibility Issues and Waivers
- U and T Visa Applicants in Removal Proceedings—Seeking Stays of Removal,

Continuances, Administrative Closure or Termination

Q&A (3:50 pm - 4:00 pm)

Faculty:

Kavitha Sreeharsha, (Discussion Leader), Washington, DC

Angela Bortel, (Speaker), Minneapolis, MN

Sonia Parras Konrad, (Speaker), Des Moines, IA

Alyssa G. Simpson, (Speaker), San Rafael, CA

Fundamentals

8:30 am - 9:45 am **Red Rover, Red Rover Let No One Come Over: Overview of the Grounds of Inadmissibility and Deportability**

This panel will address the basic definitions of “admission” and “arriving aliens” and the differences between the grounds of inadmissibility and of removability. The panel will also discuss ethical considerations, including the duty of candor.

- Who Is Arriving and Who Is Admitted? Definitions of "Arriving Alien" and "Admission"
- Removable and Deportable—Is There a Difference?
- When Is a Non-Citizen Subject to Grounds of Inadmissibility (INA §212) vs. Grounds of Removal (INA §237)?
- Differences and Similarities between the Grounds of Inadmissibility and Grounds of Removal—Why Does It Matter?
- Entry, Admission, and Exceptions—US-VISIT and WHTI
- Ethical Considerations—Duty of Candor

Q&A (9:45 am - 10:00 am)

Faculty:

Laura Lichter, (Discussion Leader), AILA Second Vice President, Denver, CO

Mary Kenney, (Speaker), AIC Senior Staff Attorney, Washington, DC

Michele M. Vakili, (Speaker), Boston, MA

10:00 am - 10:20 am **Networking Break**

10:20 am - 11:40 am **Is There a Right to Due Process? Overview of Inadmissibility and Deportability Defenses**

This panel will provide an overview of strategies for admission and relief from removal for nonimmigrants, immigrants, refugees and asylees. The panelists will introduce issues involving burden of proof, applications for admission, right to a hearing and affirmative and defensive applications for relief.

- Admission Issues
- When Is There a Right to a Hearing in Immigration Court?
- Burden of Proof—On the Government or the Applicant/Respondent?
- Waivers under INA §212 for Nonimmigrants and Immigrants
- Overview of Forms of Relief in Removal Proceedings
- Ethical Considerations

Q&A (11:40 am - 11:55 am)

Faculty:

Matthew J. Maiona, (Speaker), Boston, MA

Magali S. Candler, (Discussion Leader), Houston, TX

Mark A. Davis, (Speaker), Pasadena, CA

Donald Madeo, (Speaker), New York, NY

1:35 pm - 2:35 pm **I Wasn't Born in the USA, So How Do I Become a Citizen?**

This panel will provide a practical overview of the fundamentals of preparing and filing an N-400 application for naturalization including eligibility, required documentation, and representing the client at the naturalization interview.

- Duration of Permanent Residency and Physical Presence
- Filing Based on Marriage to a U.S. Citizen
- Good Moral Character
- English Language Requirements and the New Civics Test
- Tips and Pointers on Completing the N-400 Application
- Naturalization Interviews—What to Bring and What to Expect

Q&A (2:35 pm - 2:45 pm)

Faculty:

John J. Gallini, (Discussion Leader), Waltham, MA

Daniel P. Joyce, (Speaker), AILA Upstate New York Chapter Chair, Buffalo, NY

A. Michelle Gutierrez, (Speaker), Indianapolis, IN

Noreen Quirk, (Speaker), New York, NY

2:50 pm - 3:50 pm **Life, Liberty and the Pursuit of Happiness: Asylum Seekers**

This panel will provide new practitioners with the fundamental skill set necessary to prepare a successful asylum claim as either an affirmative form of relief or as a defensive tactic.

- Define Asylum Criteria—Legal Requirements
- General Policies and Procedures
- Documenting Your Claim
- Use of Expert Witnesses

Q&A (3:50 pm - 4:00 pm)

Faculty:

Nancy Kelly, (Speaker), Boston, MA

Victoria Neilson, (Speaker), New York, NY

Robert Bradford Jobe, (Speaker), San Francisco, CA

Masters Business

8:30 am - 9:45 am **A Bailout Plan for Corporate Changes**

Corporate changes have become increasingly frequent in today's turbulent economy. Immigration lawyers are often advised of these changes after they have already been planned, or even worse, after they have already happened. The immigration lawyer is then left to pick up the pieces and scramble to assist foreign national employees maintain their status and ensure cases will be approved after the fact. This masters panel is designed to provide advanced analysis and practical guidance relating to immigrant and

nonimmigrant issues arising from corporate changes.

- Types of Corporate Changes Affecting an Employer's Liability
- Dealing with Downsizing, Layoffs, and Reductions in Force
- Corporate Wage Restructuring and the Impact on Prevailing Wage Issues
- Keeping the Employee Employed—Effect of Corporate Changes on H, L, Blanket L, and E Eligibility
- Keeping the Green Card Alive—Impact on Multinational Manager Petitions, Labor Certifications, Immigrant Petitions, and Adjustment of Status Applications

Q&A (9:45 am - 10:00 am)

Faculty:

Sarah Buffett, (Discussion Leader), , Charlotte, NC

Mary E. Pivec, (Speaker), Washington, DC

Peter T. Schiron, (Speaker), New York, NY

Brad Hendrick, (Speaker), Boulder, CO

10:00 am - 10:20 am **Networking Break**

10:20 am - 11:40 am **Yes You Can! Beating the Visa Backlog (Filing Extraordinary, Outstanding, and NIW Petitions)**

This masters panel will address in detail, tactics for the successful preparation and filing of extraordinary ability, outstanding researcher/professor, and national interest waiver petitions. The panel will focus on practical tips for preparing the substance of the case as well as strategies to save time and money in documenting the case.

- Is Client Really a Super Star: Preliminary Analysis of Case Under Current Interpretations
- Winnable Use of Expert Letters
- Is *Kazarian* Now the Standard for Publications?
- Anticipating and Responding to RFEs and NOIDs
- Trends at Service Centers and Using Them to Your Client's Advantage
- Pursuing Multiple I-140s
- Strategically Counseling NIV Clients

Q&A (11:40 am - 11:55 am)

Faculty:

David A. M. Ware, (Speaker), Metairie, LA

Leslie K. Dellon, (Speaker), , Rockville, MD

Karen Koenig Winarsky, (Speaker), Atlanta, GA

Amy R. Novick, (Discussion Leader), Washington, DC

1:35 pm - 2:35 pm **Like Treasures in the Smithsonian: Agency Field Manuals Contain Hidden Gems**

We have all received a decision that seems contrary to what is written in the relevant field manual. Agency field manuals and guidance not only help us understand the basics of agency interpretation, but when used properly can be of tremendous help when advocating for clients who have received an erroneous decision.

- Challenging Abusive Agency Actions
- Weight Accorded to Field Manuals
- Insisting on Compliance with Government Manuals

- Items of Interest from the Various Manuals—USCIS, CBP, ICE

Q&A (2:35 pm - 2:45 pm)

Faculty:

Denise Cafaro Hammond, (Discussion Leader), , Rockville, MD

Paul W. Virtue, (Speaker), Washington, DC

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

Diane Marie Butler, (Speaker), Seattle, WA

2:50 pm - 3:50 pm **A Growing Concern: E-Verify**

This masters panel will highlight cutting edge issues in E-Verify monitoring and compliance, with a discussion of the advantages and disadvantages of the program, the potential for information sharing with other agencies, and the ever-expanding federal and state laws mandating the use of E-Verify. The panel will address the potential for government investigations and conflicting obligations for employers based on vague federal and state laws. The speakers will discuss the current hot topics in this area, including sophisticated treatment of the interpretation and application of the FAR E-Verify rule.

- Advising Clients as to the Pros and Cons of E-Verify
- SSA and DHS Database Deficiencies
- Dealing with Tentative and Final Non-confirmations—Intersection with Employment Laws
- DHS Anti-discrimination Issues and Concerns
- FAR E-Verify Rule—Practical Application and Interpretations
- State Mandates—Keeping Track of the Current State of Affairs
- Information Sharing and Government Investigations

Q&A (3:50 pm - 4:00 pm)

Faculty:

Aimee Clark Todd, (Discussion Leader), , Atlanta, GA

Marketa Lindt, (Speaker), Compliance Auditing Standards Task Force, Chicago, IL

Eric S. Bord, (Speaker), Washington, DC

Small Track Interactive Workshop/Asylum Mini

8:30 am - 10:00 am **Bi-Partisan Paperwork: Successfully Completing LCAs and ETA-9089s Through iCERT**

An interactive workshop analyzing the "ins and outs" of completing labor condition applications (ETA-9035) and labor certification applications (ETA-9089) through iCERT. This will be a practical, how-to workshop taking you through the iCERT portal from beginning to end. Seats are limited to allow for more interaction so be sure to arrive early!

- iCERT Advantages and Disadvantages
- iCERT Registration
- Useful Features and Problems
- Potential Abuses and Fraud Concerns
- Tips to Completing the ETA-9035 and ETA-9089 Correctly and Completely

Faculty:
Turid L. Owren, (Discussion Leader), Portland, OR
Grace Hoppin, (Speaker), San Francisco, CA
Pamela P. Mick, (Speaker), Chicago, IL
Angelica Grado-Wright, (Speaker), Houston, TX

10:00 am - 10:20 am **Networking Break**

10:20 am - 11:55 am **Taking the Initiative: Preparing to Defend an LCA**

This panel will provide an in-depth review and hands-on analysis of LCA requirements, explaining tips to ensure employer compliance and reviewing what actions should be taken if the government conducts an LCA investigation of your client. The panel will include a discussion of prevailing wages and safe harbor provisions. Seats are limited to allow for more interaction so be sure to arrive early!

- Proactive LCA Procedures and Issues to Warn Clients
- Assessing the Prevailing Wage
- Reacting to the Audit Letter—Assessing the Exposure
- Dealing with the Investigator from Initial Meeting to Determination
- Challenging the Determination—Discovery and ALJ Hearing
- Administrative and Judicial Review

Faculty:
Andrew L. Wizner, (Discussion Leader), Hartford, CT
William A. Stock, (Speaker), AILA Board of Governors, Philadelphia, PA
Howard W. Gordon, (Speaker), New York, NY
Avalyn Castillo Langemeier, (Speaker), Houston, TX

1:35 pm - 2:35 pm **How to Demonstrate Harm in Asylum Applications**

This panel will discuss strategies for persuading the USCIS adjudicator or the immigration judge that the harm your client suffered rises to the level of persecution either individually or in the aggregate. Space is limited so get there early to receive the answers to your most pressing questions!

- What Types of General Harm Qualify as Persecution?
- Humanitarian Asylum When there Is No Fear of Future Persecution or Country Conditions Have Changed—*Matter of Chen*
- Effective Ways to Demonstrate Harm with or without an Expert
- How to Win When Your Client Has Suffered No Harm—Pattern and Practice
- Effective Use of Experts—Psychologists, Country Conditions and Medical Forensics

Q&A (2:35 pm - 2:45 pm)

Faculty:
David L. Cleveland, (Discussion Leader), Washington, DC
Mark R. von Sternberg, (Speaker), New York, NY
Helen A. Sklar, (Speaker), Los Angeles, CA
Mark Silver, (Speaker), New York, NY

2:50 pm - 3:50 pm **Are Lobbyists a Particular Social Group? Defining "Particular Social Group" for Asylum Cases**

This advanced panel will address the challenges of defining a "particular social group" for asylum-based claims. Speakers will discuss the evolution of the social group designation and will brainstorm creative strategies for future advocacy. The panel will also survey recent developments in social group case law and discuss ways to use such cases to your advantage and distinguish contrary cases. Space is limited so get there early to receive the answers to your most pressing questions!

- Female Genital Mutilation Cases
- Domestic Violence as a Social Group, What Is the Status of *Matter of R-A*?
- Forced Marriage as a Social Group
- Can You Still Win a "Gang" Case after *Matter of S-E-G*?
- Coercive Family Planning and Population Issues
- Criminal Informants
- Sexual Orientation and Other Sexual Minority Claims

Q&A (3:50 pm - 4:00 pm)

Faculty:

Karen T. Grisez, (Speaker), Washington, DC
Regina Germain, (Discussion Leader), Aurora, CO
Benjamin Casper, (Speaker), West Saint Paul, MN
Ilana Etkin Greenstein, (Speaker), Boston, MA

Lunch

12:30 pm - 1:30 pm **Adoption and Assisted Reproduction: A Child's Claim to Citizenship**

This panel will examine ways to recognize a child as a citizen under the law, in the context of the Hague Convention on Adoption and assisted reproduction. Bring your difficult questions for answers from the experts.

- Distinction of Citizenship by Birth or Operation of Law
- Citizenship and Step-Parents
- Citizenship in the Context of Adoption
- Citizenship in the Context of Assisted Reproduction

Faculty:

Carine L. Rosalia, (Speaker), Marietta, GA
Karen Stoutmyer Law, (Discussion Leader), Ashburn, VA
Irene A. Steffas, (Speaker), Marietta, GA
Derek W. Strain, (Speaker), Chicago, IL

12:30 pm - 1:30 pm **Dirty Little (or Big!) Secrets: Criminal Grounds of Inadmissibility and Removability**

This fundamentals panel will review the definition of "conviction" for immigration purposes and the criminal grounds of inadmissibility and deportability. The panel also will discuss methods and practice tips for challenging allegations of criminal inadmissibility or deportability.

- Addressing Potential Criminal Issues in EVERY Case—Effective Intake and Consultation Procedures

- Specific Grounds—Crimes Involving Moral Turpitude, Multiple Offenses, Aggravated Felonies, Controlled Substance Offenses, Drug Abuse, Domestic Violence, Firearms, Prostitution and Commercialized Vice
- Clients Who Forget to Remember—Should You Request an FBI Report?
- Obtaining the Criminal Record and Determining whether a “Conviction” Exists
- Ethical Considerations and Duty to Disclose

Faculty:

Jeremy L. McKinney, (Speaker), AILA Carolinas Chapter Chair, Greensboro, NC
 Scott D. Pollock, (Discussion Leader), Chicago, IL
 Nancy A. Falgout, (Speaker), Houston, TX
 Michael D. Greenberg, (Speaker), Boston, MA

12:30 pm - 1:30 pm **Get in Line: Strategies for Non-CSPA Priority Date Retention**

Given the long waits for immigrant visas in all family and some employment-based preference categories, finding ways that your client can retain an old priority date may greatly accelerate their case. This panel will look at strategies involving non-CSPA priority date retention.

- Western Hemisphere Priority Dates—The Progeny of the *Silva* Case
- Which Agency Determines the Priority Date?
- Cross-Chargeability
- Following to Join vs. Accompanying
- §245(i) Grandfathering
- Loss of Priority Date and Strategies

Faculty:

James W. Austin, (Discussion Leader), Kansas City, MO
 Robert D. Ahlgren, (Speaker), Chicago, IL
 Timothy M. Wheelwright, (Speaker), Salt Lake City, UT
 Mark Egan, (Speaker), Mesa, AZ

12:30 pm - 1:30 pm **Immigration for Athletes: How to Score an O, P or H-2B for the Nationals, Wizards, or Redskins**

Nonimmigrant visas for professional athletes require the preparation of a winning petition at the outset in order to score an outstanding line-up for the home team. This panel will provide the attorney with best practice pointers for a successful petition.

- Does Your Client Qualify for a P-1?
- How About an O-1?
- What Are the H-2B Options for Athletes?
- How Do Second Tier Players Line Up?
- Documenting Your Case
- Do Coaches and Trainers Qualify?

Faculty:

Tarik H. Sultan, (Speaker), Tucson, AZ
 Steven M. Ladik, (Discussion Leader), AILA Past President, Dallas, TX
 Laurie Louise Volk, (Speaker), Berryville, VA

12:30 pm - 1:30 pm **IPC Presents: Comprehensive Immigration Reform—A Snapshot of Where We Are,**

Where We Are Going, and How Practitioners Will Play a Role in the Success of CIR

Whether comprehensive immigration reform has passed or not, this workshop, presented by the Immigration Policy Center, explores the next steps in terms of research, advocacy, legislation, and rulemaking.

- What's Next on the Horizon?
- How Can Immigration Practitioners Get Involved?
- Where to Go for Information and Updates
- IPC's Plans for the Future—What Do We Do Now?

Faculty:

Mary Giovagnoli, (Discussion Leader), IPC Director, Washington, DC

Kerri Sherlock Talbot, (Speaker), Office of the Honorable Sen. Menendez, Silver Spring, MD

Ur Jaddou, (Speaker)

12:30 pm - 1:30 pm Post Conviction Litigation in Federal and State Courts

Speakers will discuss various ways to ameliorate the immigration consequences of convictions after those convictions have already entered by seeking various types of post conviction relief in the criminal courts. This panel is for the immigration attorney interested in doing post-conviction criminal work or the immigration attorney who wants to partner with a criminal attorney to effectively draft post-conviction motions and orders.

- Vacating or Withdrawing Prior Convictions; Compliance with *Matter of Pickering*
- Seeking Reductions in Sentence or Change in Conditions or Severity of Sentence; *Matter of Cota-Vargas*
- Re-defining Prior Convictions by Motions for Clarification of Orders, Writs of Habeas Corpus, and Other Post-Conviction Writs
- Defining and Describing Post-Conviction Processes

Faculty:

Maria E. Andrade, (Speaker), Boise, ID

Norton Tooby, (Speaker), Oakland, CA

Karl William Krooth, (Discussion Leader), San Francisco, CA

12:30 pm - 1:30 pm The Rights of Low-Wage Immigrant Workers under U.S. Employment and Labor Laws

Immigrant workers are disproportionately represented in dangerous industries such as construction, meatpacking, and poultry processing, and their rights are often violated. This workshop will present various litigation options and advocacy strategies to protect all workers from exploitation and discrimination, regardless of their immigration status.

- Advocating for Workers' Rights
- Overview of Wage and Hour Laws
- Employee Protections Against Unfair Immigration-Related Employment Practices
- Tax Treatment of Undocumented Immigrants
- Legislative Priorities
- Impact of State Legislation in the Immigration Arena

Faculty:

Patricia L. Medige, (Discussion Leader), Denver, CO
Rachel Micah-Jones, (Speaker), Miami, FL
Ana Avendaño, (Speaker), Washington, DC

12:30 pm - 1:30 pm **What You Don't Know May Hurt You: Secrecy in Government Lookout Lists**

This lunch session will introduce the "alphabet soup" of inspection and discuss the computerized systems used to determine if a non-citizen is subject to inadmissibility at land, sea and air ports of entry. Panelists will address how you can determine if your client is on such a list and ways to challenge computerized records.

- The Chameleon DHS Systems
- ENFORCE/IDENT, US-VISIT, IAFIS, APIS
- IBIS, CLASS, TECS II, NAILS, DACS, NIIS, RAPS, TIPOFF, ADIS
- Who Has Access? Civil Liberties Implications?
- Tips for Challenging Information in These Systems
- Remedies/How Do You Get Your Client Off These Lists?

Faculty:

Yeu S. Hong, (Speaker), AILA DOS Liaison Committee Member, Los Angeles, CA
Gregory A. Wald, (Discussion Leader), San Francisco, CA
Dan R. Larsson, (Speaker), Bend, OR

4:15 pm - 5:45 pm **AILA Annual Awards Presentation**

9:00 pm - 11:59 pm **Saturday Night Special Events**