AILA 2012 ANNUAL CONFERENCE

GAYLORD OPRYLAND RESORT AND SPA
NASHVILLE, TENNESSEE

JUNE 13 - JUNE 16, 2012

SESSIONS AND SPEAKERS

WEDNESDAY, JUNE 13, 2012

8:00 am - 10:00 am **AILA Leadership Institute Early Check-in**

8:30 am - 5:00 pm **AILA Leadership Institute**

12:00 pm - 5:00 pm **Early Check-in/Fundamentals Registration at Satellite Registration**

4:00 pm - 5:00pm **New Attendee Orientation**
(Tennessee C)

Roberto Caballero, AILA Annual Conference Program Chair, Houston, TX
Ari J. Sauer, AILA New Members Division Steering Committee Chair, Memphis, TN
Yvette Sebelist, AILA MidSouth Chapter Chair, Nashville, TN
Paul Leahy, AILA Manager of Component Relations, Washington, DC

5:00 pm - 8:30 pm **Official Registration and Exhibit Hall Opening**

**** All CLE sessions provide participants the opportunity to ask questions. Panels will include an opportunity for Q&A either during or at the end of the session.***

FUNDAMENTALS BOOTCAMP

5:00 pm - 5:45 pm **Business 101**
(Tennessee C)

This session will provide an overview of the basic terminology, concepts, rules, and procedures pertaining to nonimmigrant visa status that every practitioner will need to know for success in the wild world of immigration.

- Defining Key Immigration Terms—Visa vs. Status; Immigrant vs. Nonimmigrant; Visa Waiver, Visa Exempt, and ESTA; Spouse, Child, and Other Dependents; etc.
- Overstay, Unlawful Presence, and Other Violations of Status—What Does It Mean and What Are the Consequences?
- Maintaining, Changing, and Extending Status
- Consular Processing vs. Change of Status
- Presumption of Immigrant Intent and Preconceived Intent

Brenda Oliver (DL), AILA Washington DC Chapter Chair, Washington, DC

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

Kortney H. Klein, Dallas, TX
Joel H. Paget, Seattle, WA

5:45 pm - 6:30 pm **Family 101**
(Tennessee C)

This panel provides an introductory overview of family-based immigration options. It covers the basics of the Visa Bulletin and family visa categories. It's a must for anyone starting any type of immigration practice.

- Basic Vocabulary—Visa vs. Status; Petitioner & Beneficiary
- Visa Bulletin—Categories & Priority Dates
- Difference Between Immediate Relatives and Preference Relatives
- Derivatives—Spouses and Children
- Who's Not Included in the Family Visa Categories

Lisa E. Seifert (DL), Olympia, WA
Christopher Anders, Portland, OR
Chay Sengkhounmany, Nashville, TN

6:30 pm - 7:15 pm **Consular Processing 101**
(Tennessee C)

This fundamentals 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.

- Defining Key Consular Practice Terms
- Scheduling the Interview and Preparing the Documents
- Managing Client Expectations About the Interview Process
- Anticipating Issues, Including "Administrative Processing," INA §§221(g) and 214(b) Refusals, and "Laundry List" Denials
- What to Do After Visa Refusal? Is Your Client Eligible for a Nonimmigrant Waiver?

Paul L. Samartin (DL), London, Great Britain
Magdale Labbe Henke, Munich Germany
Yeu S. Hong, Los Angeles, CA

7:15 pm - 7:30 pm **Break**

7:30 pm - 8:15 pm **Removal 101**
(Tennessee C)

This panel will provide the practitioner with the basic concepts and procedures involved in a removal or deportation defense practice.

- Explanation of Various Government Agencies Involved in Removal of Foreign Nationals
- Applicable Laws: Title 8 USC; INA; 8 CFR; Common Statutes & Regulations
- Removal Proceedings and Removal of Foreign Nationals With a Final Order
- Voluntary Departure

- Your Client Wants to Return—Common Waivers on Forms I-212 & I-601

Henry A. Posada (DL), Downey, CA
Christopher Kozoll, Louisville, KY
Donald Madeo, New York, NY

8:15 pm - 9:00 pm **Asylum 101**
(Tennessee C)

This panel will provide an introduction to asylum law, withholding of removal and the Convention Against Torture.

- What Are the Legal Requirements for Asylum?
- Affirmative vs. Defensive Asylum Cases—What Are the Procedural Differences? What About Family Members?
- How Do You File an Asylum Application & What Are the Processing Timeframes?
- Work Authorization and the Dreaded Asylum Clock
- What Is Withholding of removal? Who Qualifies? What Are the Benefits/Detriments?
- What Is the Convention Against Torture (CAT)? Who Qualifies? What Are the Benefits/Detriments?

Mark R. von Sternberg (DL), New York, NY
Nancy Kelly, Boston, MA
Michelle Mendez, Baltimore, MD

PRACTICE ROUNDTABLES (EVENING)

1 Hour Practice Roundtables (7:00pm- 8:00pm)

7:00 pm - 8:00 pm **"Changes in Attitude, Changes in Latitude": Dealing with Changes in the Family Unit**
(Jackson A, B)

This panel examines the issues encountered when there is a major change in the family status/relationship. It will include an overview and strategies for dealing with aging out, CSPA, divorce, and death.

- Help! I'm Turning 21!—Aging Out and Its Impact on Priority Classification
- Child Status Protection Act—Does it Save the Day?
- "Going to the Chapel"—What Happens if the Beneficiary Decides to Marry?
- "Your Cheating Heart"—What About Divorce?
- Relief Under INA §204(l) and Humanitarian Reinstatement

Socheat Chea (DL), Duluth, GA
Eli Maroko, Southfield, MI
George Rodriguez, Dallas, TX

7:00 pm - 8:00 pm **"Song for a Star": Issues and Strategies for Athletes, Artists, Entertainers, and Other Extraordinary Individuals**
(Tennessee D)

This panel will explore strategies for successful adjudication of O and P petitions. The discussion will include the differing O & P standards, how to meet the regulatory criteria, and necessary and recommended documentation.

- Meeting O-1 Regulatory Standards for "Extraordinary Ability" and "Extraordinary Achievement"
- P-1 Athletes and Group Entertainers; P-2 and P-3 Programs
- Essential Support Personnel
- Agent as Petitioner
- Required/Appropriate Consultations
- Strategizing for Permanent Residence

Cory Caouette (DL), AILA 2012 Annual Conference Fundamentals & Special Sessions Chair, San Diego, CA
Linda Rose, AILA Board of Governors, Nashville, TN –
Karin Wolman, New York, NY

7:00 pm - 8:00 pm **"When I Get Where I'm Going": Immigrant Visa Processing**
(Tennessee B)

This panel will provide practical advice on dealing with issues that arise once an immigrant visa case has been forwarded to the National Visa Center. Panelists will address the variations in procedures at consulates worldwide, as well as offer tips on obtaining the documentation needed to ensure a successful case.

- Determining Who Has Your Client's File
- Identifying Different Processes & Procedures at Consulates Worldwide
- E-filing (DS-260)
- Police Clearance Issues
- I-864 Issues

Nicole L. Ezer (DL), Houston, TX
Douglas D. Hauer, Boston, MA
Avi Friedman, Santa Monica,

7:00 pm - 8:00 pm **Brief Writing Tips from the Experts**
(Jackson C, D)

Want to improve your ability to write effective and persuasive briefs? Come listen to the experts give tips on how to be a better advocate.

- Do's and Don'ts
- How to Be Persuasive
- Strategies & Tips for Motion Practice Before the Immigration Judge
- Strategies & Tips for Appeals

David A. Schlesinger (DL), San Diego, CA
Brian K. Bates, Houston, TX
David L. Neal, Chairman, BIA, EOIR, Falls Church, VA
** Brian M. O'Leary, Chief Immigration Judge, EOIR, Falls Church, VA*
** Lee A. O'Connor, Immigration Judge, EOIR, Los Angeles, CA*

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

7:00 pm - 8:00 pm **Is K-1 the Way To Go?**
(Tennessee A)

This panel will discuss how to counsel the client who is contemplating whether to apply for a fiancé(e)visa, or get married and pursue other options. Panelists will also address problems that can impact the K-1 holder when things don't go according to plan.

- Benefits of the K-1 vs. Other Options
- Burden of Proof in K-1 Visas & Putting Together a Solid Evidentiary Packet
- K-1 Fiancé(e) Enters the United States—Now What?
- When Happily Ever After Doesn't Happen—Break-up of K-1 Relationship or Death of U.S. Fiancé(e) Before Marriage
- Break-up After Marriage, Before Adjustment of Status
- Update on K-2 Beneficiaries Who Age Out

Leslie T. DiTrani (DL), AILA New England Chapter Chair, Cambridge, MA
Hyla Kaplan, Philadelphia, PA
Farshad Owji, San Francisco, CA

7:00 pm - 8:00 pm **Litigating a Petition Barred Under the Adam Walsh Act**
(Washington)

Every immigration lawyer has a constant worry about the foreign national's criminal record but what about the petitioner's record? This panel will cover hot topics requiring further clarification and subject to ongoing litigation. In addition to approaches for preparing the petition in anticipation of future litigation, creative strategies for challenging denials before the BIA and federal courts will be covered.

- Who Has the Burden and What Is the Standard in Establishing a Conviction?
- Is the Definition of "Conviction" at INA §101(a)(48)(A) Also Applicable to U.S. Citizen Petitioners?
- Categorical vs. Fact-based Approach for Establishing Petitioner's Conviction
- No-Risk Exception
- What Is the Extent of BIA and Federal Court Jurisdiction?

Alexandre I. Afanassiev (DL), Houston, TX
Mark R. Barr, Denver, CO
Jonathan Eric Garde, Las Vegas, NV

7:00 pm - 8:00 pm **Nonprofit Employers Strategy Session**
(Lincoln A)

This panel will address the advanced issues facing H-1B nonprofit employers. Even in a bad economy, H-1B numbers run out well in advance of a fiscal year, but nonprofit employers still can benefit from H-1B cap and fee exemption rules. This panel will examine how to navigate increasingly strict USCIS policies regarding nonprofit employer claims to lower fees and H-1B visa availability.

- What Type of Nonprofits Qualify for H-1B Cap and Fee Exemption?

- The "By/At" Rule as it Relates to Qualifying Employees of For-profit Companies Operating at Nonprofit Locations for Cap Exemption
- Issues in Mergers and Acquisitions When an Employer Goes from Nonprofit to For-profit Status
- Special Challenges Nonprofits Face Regarding Payment of Attorney Fees
- Porting from a Nonprofit Employer to a For-profit Employer

Gregory H. Siskind (DL), AILA Board of Governors, Memphis, TN
Jennifer Minear, AILA Health Care Professionals-Physicians Committee Chair, Richmond, VA
Wendy C. Hess, Jenkintown, PA

7:00 pm - 8:00 pm **Representing Children in Immigration Cases**
(Lincoln E)

This intermediate-level panel will discuss the unique ethical and practical issues that arise in the representation of children in immigration proceedings, and will discuss some legal options for children without status in the United States.

- Ethical and Practical Issues Arising in the Representation of Children—Rules for Attorneys & Adjudicators
- Special Immigrant Juveniles
- Asylum Claims for Children
- Imputing a Parent's Residence to a Child for the Purpose of Cancellation of Removal and Temporary Protected Status
- Waiving or Avoiding Inadmissibility
- INA §301(f)—The Foundling Statute

Diana McFarland (DL), Omaha, NE
John Willshire-Carrera, Cambridge, MA
Jodi Goodwin, Harlingen, TX

8:00 pm - 11:59 pm **AILA Immigration Film Festival** ***(Tennessee Ballroom)***

1 Hour Practice Roundtables (8:00pm- 9:00pm)

8:00 pm - 9:00 pm **A Future Without The Defense Of Marriage Act (DOMA)?**
(Lincoln E)

The landscape is changing rapidly with regard to DOMA. This panel will update attendees on the current state of the law under DOMA, including the Attorney General decision in Dorman, as well as Board of Immigration Appeals, district court, and circuit court decisions. Panelists will recommend steps to take to preserve the rights of LGBT clients before the immigration court. Additionally, panelists will discuss the current situation regarding affirmative applications, including the risks and benefits of filing at this time.

- Updated Developments in the Non-immigration and Immigration Context—Executive and Administrative Developments; Federal District Court and Circuit Court Update, Including Gill v. Office of Pers. Mgmt. (1st Cir.)
- Can or Should DOMA Be Challenged in the Immigration Context? Update on Matter of Dorman, 25 I&N Dec. 485 (AG 2011)
- Cancellation vs. Visa Petitions and Affirmative Applications for LGBT Clients

- Administrative Closure, Abeyance, Prosecutorial Discretion, Continuances, and Other Tools of the Trade

Victoria Neilson (DL), New York, NY
Scott C. Titshaw, Macon, GA
Mary Kenney, AIC Senior Staff Attorney, Washington, DC

8:00 pm - 9:00 pm **Doing Good While Doing Well: Making ProBono Profitable for Your Practice**
(Jackson A, B)

This panel addresses making pro bono representation a way to enhance an attorney's practice. It focuses specifically on choosing the right types of cases to take, as well as pro bono work that does not entail actually taking cases. The challenge is particularly great for small firm and solo practitioners, who must choose pro bono activity that will provide exposure to the community in the appropriate practice area, but will not break them financially or be over their head.

Mark J. Shmueli (DL), AILA ProBono Committee Chair, Takoma Park, MD
Kenneth A. Mayeaux, AILA ProBono Committee Member, Baton Rouge, LA
Elizabeta Markuci, New York, NY
Madhu N. Sharma, Los Angeles, CA

8:00 pm - 9:00 pm **EB-5 for Beginners**
(Tennessee D)

A fundamentals panel for the business immigration practitioner with little or no EB-5 experience, covering the essentials of EB-5 practice.

- When Should an EB-5 Be Considered?
- Individual EB-5s vs. Regional Centers
- Getting Started
- Knowing When to Co-counsel and When to Use Experts
- Ethical Challenges in EB-5 Cases—Malpractice Issues, Finders Fees, and Conflicts of Interest

Kate Kalmykov (DL), Florham Park, NJ
Boyd F. Campbell, Montgomery, AL
Tammy Fox-Isicoff, AILA Board of Governors, Miami, FL
David M. Morris, Washington, DC

8:00 pm - 9:00 pm **Ethics Honky-tonk Jam Session**
(Tennessee B)

Interact with your peers and the experts on how to handle the most common ethical issues in family immigration practice. Panelists will discuss these issues through the format of reality-based, action-packed, hypotheticals. Audience interaction is encouraged!

- The Uncooperative, Untruthful, and Suspicious Client
- Conflicting Accounts in Marriage-Based Cases
- Dual Representation—Who Is Your Client?
- Ethical Considerations & Withdrawing as Counsel

Michelle Saenz Rodriguez (DL), Dallas, TX
Maurice H. Goldman, AILA Board of Governors, Tucson, AZ
Melissa Chavin, Munich, Germany
Andrew R. Lerner, New York, NY

8:00 pm - 9:00 pm **How to Become an Effective Litigator**
(Jackson C, D)

The panel will provide practical advice on how to be an effective litigator, from developing and presenting evidence and testimony, to persuasively briefing cases at the appellate level.

- Making Your Record & Beginning with Client Intake—Developing the Theory of the Case
- Developing Evidence—Documents and Testimony
- Identifying Legal Issues & Briefing and Preserving Them Properly
- Exhaustion of Remedies
- Jurisdictional Issues—DHS vs. EOIR, District Court vs. Appeals Court
- Reconsideration vs. Reopening vs. Appeal

Zachary Nightingale (DL), San Francisco, CA
Laura Lichter, AILA President-Elect, Denver, CO
Robert Pauw, Seattle, WA

8:00 pm - 9:00 pm **Knowing What You Are Looking At: Understanding Corporate Documents**
(Lincoln A)

Words are not enough, especially in light of the barrage of RFEs that practitioners are receiving. Providing the most persuasive documentation is the key to success. This panel will help immigration practitioners understand the corporate documentation for both large and small employers that may be available to support the practitioner's arguments.

- Documents Showing Ownership and Corporate Relationship
- Documents Showing Ability to Pay and Financial Health of Petitioner
- Documents Showing Employer/Employee Relationship
- What Third-party Documents Are Available to Bolster Your Arguments?
- Knowing What Not to Submit

Vincent W. Lau (DL), Cambridge, MA
Roland Lechner, Dallas, TX
Douglas R. Penn, Stamford, CT

8:00 pm - 9:00 pm **Navigating Family Immigration Law Problems**
(Tennessee A)

"What if? ... Ok, but my client has a unique situation ... It doesn't seem fair that there isn't a simple solution!" Ever find yourself saying something like that, or worse? This intermediate panel will address questions common to family immigration law attorneys. The panelists will offer strategies for complex issues that implicate the intersection of family- and employment-based immigration law, and will address how to get in touch with the relevant USCIS or ICE authority. Panelists also will answer questions about continually vexing admissibility questions.

- Family Beneficiaries Unable to Adjust in the United States—INA §245(c)
- Eligibility for Naturalization—Marriage to U.S. Citizen & Adjustment Through Spouse, But Met Requirements for Joint Residence?
- I Have Permanent Resident Status—Can My Abusive Spouse Still Take It Away?
- Derivative Family Issues That Arise in Employment-based Cases
- Separated Spouses—By Choice or By Circumstance?
- Strategies for Contact with USCIS and ICE—Who and When to Call; How to Get Relevant Contact Information; How Not to Abuse Access; and Keeping Communication Professional and Timely

Diane R. Chappell-Daly (DL), Syracuse, NY
Peter L. Ashman, Las Vegas, NV
Claudia Slovinsky, New York, NY

8:00 pm - 9:00 pm **Representing Clients With Mental Health Issues: New Developments and Strategies** ***(Washington)***

Respondents with serious mental health issues present unique challenges. Are there special protections for the mentally ill before the immigration court? What are some strategies for doing so? Is administrative closure or termination possible? Panelists will present creative strategies for protecting the due process rights of a mentally ill respondent.

- Mental Health Evaluation
- Is Competency an Issue in Immigration Court?
- Applying Mental Health Issues Section of EOIR Immigration Judge Bench Book
- Mental Health and Immigration Detention—Office of Inspector General
- Inadmissibility and Mental Health

Matt Adams (DL), Seattle, WA
Melissa Crow, AIC Director, Legal Action Center, Washington, DC
Kara Hartzler, Florence, AZ

OTHER SESSIONS, WORKSHOPS, AND EVENTS

8:30 am–5:00 pm **Global Immigration Forum** *(Separate Registration)* ***(Lincoln E)***

8:30 am–5:00 pm **Leadership Institute** ***(Washington)***

5:00 pm–6:30 pm **AILA Student Networking Event** ***(Jackson C,D)***

5:00 pm–6:00 pm **AILA*Link* Training** ***(AILA Classroom, Exhibit Hall)***

6:00 pm–7:00 pm **AILA InfoNet Training** ***(AILA Classroom, Exhibit Hall)***

6:00 pm–7:00 pm **Case Resolution Strategies** ***(Jackson A,B)***

7:00 pm – 8:00 pm **J-1 Visa Basics**
(AILA Classroom, Exhibit Hall)
- Overview of the J visa
- Why Use the J?
- Occupational Categories Covered

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

- Excluded Occupations
- What does a Sponsor do?
- Questions and Answers

THURSDAY, JUNE 14, 2012

PLENARY

(DELTA BALLROOM)

7:15 am - 4:15 pm	**Thursday Registration and Exhibit Hall Hours**
8:00 am - 8:15 am	**Conference Kick-off**
8:15 am - 9:30 am	**President's Installation**
9:30 am - 10:00 am	**Welcome Address:** *The Honorable Mayor Karl Dean, Nashville, TN*
10:00 am - 10:30 am	**Keynote: TBD**
10:30 am - 12:00 pm	**Hot Topics Strategy Session with AILA Superstars**

Crystal L. Williams, AILA Executive Director, Washington, DC
Gregory Chen, AILA Director, Advocacy, Washington, DC
T. Douglas Stump, AILA 1st Vice President, Oklahoma City, OK
Roberto Caballero, AILA Annual Conference Program Chair, Houston, TX
Michael P. Nowlan, AILA Business Immigration Committee Chair, Detroit, MI
Paul O'Dwyer, AILA Refugee & Asylum Liaison Committee Chair, New York, NY
Deborah S. Smith, AILA Amicus Committee Chair, Helena, MT
Maurice H. Goldman, AILA Board of Governors, Tucson, AZ

FUNDAMENTALS

(GOVERNOR'S)

10:00 am - 11:00 am **Nonimmigrant Visas: Part I**

This panel will provide an overview of the most widely-used employment-based nonimmigrant visa categories and strategies for choosing a category.

- H-1B, H-1B1, TN, E-3 Professionals
- H-2A, H-2B, H-3 Nonprofessionals/Trainees
- L-1A, L-1B Intracompany Managers and Executives/Specialized Knowledge
- E-1, E-2 Traders, Investors, Managers/Executives, and Essential Employees
- O, P Extraordinary Ability Individuals, Performers, and Athletes

Gayle Oshrin (DL), AILA 2012 Annual Conference Family Sessions Chair/AILA Board of Governors, New York, NY
Fausta Albi, San Diego, CA
Helene N. Dang, Houston, TX

11:00 am - 12:00 pm **Nonimmigrant Visas: Part II**

This panel will provide a brief and basic overview of other nonimmigrant employment-based visa categories.

- B-1, B-2 Temporary Visitors—Visa Waiver and Border Crossing Cards
- F-1, M-1 Academic & Vocational Students
- J-1, Q-1 Exchange Visitors
- R-1 Religious Workers
- A, G Diplomats & International Organizations

Michelle L. Lazerow (DL), Rockville, MD
David A. Harston, Denver, CO
Nina Manchanda, New York, NY

12:00 pm - 1:30 pm **Lunch & Exhibit Hall (No CLE sessions)** ***(Presidential Ballroom)***

1:30 pm - 2:30 pm **Employment-Based Immigration: The Preference Categories**

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

- What Is Employment-Based Immigration?
- What Are the Preference Categories and Requirements?
- Which Categories Require a Job Offer?
- Which Categories Do Not Require Labor Certification?
- How to Read the Visa Bulletin, How Visa Numbers Are Calculated, and Numerical Limitations

Matthew Dunn (DL), New York, NY
Jeffrey A. Devore, AILA Board of Governors, Palm Beach Gardens, FL
Nancy B. Elkind, Denver, CO

2:35 pm - 3:35 pm **PERM I: Laying the PERM Foundation**

This session will focus on the first steps of the PERM process, including the initial interview with the employee or employer, working with managers and human resources, and important factors to take into consideration.

- PERM Defined—What You and Your Client Need to Know
- Expected Milestones
- Job Description, Minimum Requirements, and Job Zones
- Common Pitfalls

Sonal J. Mehta Verma (DL), Rockville, MD
George S. Newman, St Louis, MO

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

Dustin J. O'Quinn, Dallas, TX

3:40 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **PERM II: Recruitment and Beyond**

This session will focus on the fundamental pre-filing steps and preparation of documentation for a PERM application. Faculty will discuss how to assess and organize the job information, how to lay out recruitment, and how the attorney can guide the employer through this cumbersome process.

- What Prevailing Wage Determinations Are and How to Document the Employer's Ability to Pay
- What Recruitment Do I Need and How Much Time Do I Have?
- What Does the Employer Do with All the Resumes?
- How Do I Prepare the Recruitment Report and What About the Audit File?
- Now That the PERM Application Is Filed, What Can I Expect Next— Audit, Denial, Certification, or Supervised Recruitment?

Deborah J. Notkin (DL), AILA Past President, New York, NY
Kenneth H. Stern, Denver, CO
Judy Bordeau, Overland Park, KS
Sarah M. Coleman, Boston, MA

12:00 pm - 1:30 pm **Lunch & Exhibit Hall (No CLE sessions)**

ASYLUM

(DELTA C)

1:30 pm - 2:30 pm **Practical Issues in Asylum Litigation**

Aimed at newer attorneys and more experienced practitioners who need to brush up on their trial skills, this panel will address the practical, day-to-day issues that come up in asylum cases in immigration courts.

- Nexus and the "One Central Reason"
- Authentication and Corroboration—How Far Do We Need to Go?
- Credibility & Corroboration—Preparing Your Client; Working with Expert and Lay Witnesses
- The EAD Clock—Is There One, Who Looks at It, and Why?
- Post-Grant Issues—International Travel; I-730s; Adjustment Delays
- Derivative Issues

Deborah Anker (DL), Cambridge, MA
Vanessa Allyn, Washington, DC
Emily Creighton, Staff Attorney, AIC Legal Action Center, Washington, DC
Pamela Goldberg, Washington, DC

2:40 pm - 3:40 pm **Particular Social Group Analysis**

The BIA's 2008 companion decisions in Matter of S-E-G- and Matter of E-A-G- injected the requirement that a particular social group be "socially visible," a requirement many viewed as a new element in the definition of a particular social group for asylum purposes. This panel will begin with a brief overview of what "social visibility" has traditionally meant in the asylum context, then discuss what the BIA decisions held and the varying ways the federal courts have addressed the issue. Finally, the panel will brainstorm ideas for presenting claims involving several specific groups.

- A Brief History—The Evolution of the Social Visibility Requirement
- Defining "Social Visibility"; *Matters of C-A-* and *S-E-G-*
- Update on the State of Circuit Law
- Central American Gang Cases; Gender and Sexual Orientation; Whistleblowers and Informants; Victims of Domestic Violence and FGM

Ally Bolour (DL), Los Angeles, CA
Vicky Dobrin, Seattle, WA
Ilana E. Greenstein, Boston, MA

3:40 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **Statutory Bars to Asylum**

There are many bars and pitfalls for asylum seekers. This panel will move beyond the list of exceptions contained in the regulations, and will discuss how to build a case to preserve issues for appellate review.

- Material Support
- Particularly Serious Crime
- One-year Filing Deadline
- Firm Resettlement

Sioban Albiol, Chicago, IL
Nadeen Aljijakli, Cleveland, OH
Kristin Fearnow, Omaha, NE
Christopher Strawn, Seattle, WA

12:00 pm - 1:30 pm **Lunch & Exhibit Hall (No CLE sessions)**

BUSINESS I

(DELTA A)

1:30 pm - 2:30 pm **Pre-Filing PERM Issues: Preparing the ETA-9089 with the I-140 in Mind**

This panel sets the stage for initiating the PERM application, focusing on drafting the job description, evaluating minimum requirements, and attending to issues that directly impact the I-140 process.

- Drafting the Job Description—Specificity and Combination of Occupations; Impact on Prevailing and Offered Wage
- Minimum Requirements and Degree Equivalency Alternate Requirements and Substantial Equivalency—Is There a Standard? Does Consistency Matter?
- Documenting and Evaluating Worker Qualifications
- OES Job Zones and Business Necessity
- Ability to Pay and Actual Wage
- Selecting Among the Recruitment Options and Choosing Acceptable Publications

Maggie M. Murphy (DL), Austin, TX
Michelle Funk, McLean, VA

2:35 pm - 3:35 pm **Issues in PERM Audits**

This intermediate business panel will explore the various types of PERM audits being issued. The panel also will discuss what practitioners should include in the audit response to avoid a denial and position the case for appeal.

- The Various Types of Audits
- What Documents Should Be Included in an Audit Response to Ensure Inclusion in the Record in the Event of a Denial?
- What to Do if You Discover an Error in the PERM Filing During the Audit Process
- To Err Is Human—Can Recruitment Errors Ever Be Harmless?
- Strategies to Avoid Supervised Recruitment
- What Should Be Done If You Need to Withdraw?

David Grunblatt (DL), Newark, NJ
Jeanne M. Malitz, San Diego, CA
Sharryn E. Ross, Boston, MA

3:35 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **PERM Denials: Now What Do I Do?**

Challenging a labor certification denial or revocation may require filing an appeal with BALCA. This advanced panel goes beyond the regulations and will discuss advanced strategies and solutions for when a client receives a PERM denial.

- Appeal or Refile? Timing Issues
- Request to Reconsider vs. Request for Review
- When Is BALCA an Option? How Does BALCA Work?
- Health America and Harmless Error—Where Are We Now?
- Unresolved Issues
- Protecting Yourself—Ethical Issues and Professional Responsibility

Warren R. Leiden (DL), San Francisco, CA
William A. Stock, AILA Secretary, Philadelphia, PA
Aimee Clark Todd, Atlanta, GA

12:00 pm - 1:00 pm **Lunch & Exhibit Hall (No CLE sessions)**

BUSINESS II

(TENNESSEE)

1:30 pm - 2:30 pm **"Amazin' Grace": Pushing the Limits of Religious Workers**

Religious worker immigrant and nonimmigrant categories are currently under a lot of scrutiny. This panel will address the latest developments in this area and also discuss what characteristics of workers and organizations will be acceptable and what types will raise red flags.

- What Qualifies as a "Denomination?"
- What Happens If Your Organization Does Not Have a Physical Location?
- What Work with a Religious Organization is Sufficient for an R-1/EB-4?
- What If No One Has Ever Heard of Your Religion?

Rebecca R. Massiatte (DL), Dallas, TX
Joel Pfeffer, Pittsburgh, PA
Michael C. Runde, Milwaukee, WI

2:35 pm - 3:35 pm **"Who Pays the Piper?": Immigration Expenses and Corporate Immigration Policies**

Who can bear the cost? With tight budgets for many employers, there is increasing pressure to rethink spending policies for immigration expenses. This roundtable will examine the rules regarding the payment of attorney, government, and other fees in the immigration process. The panel will also discuss corporate immigration policies as a way to ensure consistent and fair administration of the corporate immigration process.

- Legal and Filing Fees for H-1B and Other Nonimmigrant Categories, PERM, and Immigrant Visa Processing
- Navigating the Ethical Minefield Surrounding the Payment of Attorney Fees
- Is Your Client the One Who's Paying You? Dual Representation and Conflict of Interest Problems
- Developing a Successful Corporate Immigration Policy

Francis E. Chin, Boston, MA
Christine Brigagliano, San Francisco, CA
Michael D. Patrick, New York, NY

3:35 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **"Travelin' Man": Challenges for the Traveling Nonimmigrants Traveling Outside the Continental U.S.**

That trip home for the holidays your client was planning may have started out as a way to defuse stress, but without careful planning and an understanding of the rules, it could turn into an immigration nightmare. This panel will examine some of the most serious problems that can result when clients travel without proper planning. Topics will include:

- What Is the Status of the "Last Action" Rule?
- What Are the Contiguous Territories and Can Your Client Travel There Without a Current Visa?

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

- Traveling on Advance Parole vs. H-1B/L-1 and the Consequences to the Principal and Their Derivatives
- Best Strategies to Handle Visa Delays and Consular/CBP Readjudications
- Traveling During Cap-Gap Periods
- Automatic Visa Revalidation

Robin D. O'Donoghue (DL), AILA 2012 Annual Conference Business Sessions Chair, Cambridge, MA
Edward Rios, AILA Texas Chapter Chair, El Paso, TX
A. James Vazquez-Azpiri, San Francisco, CA

12:00 pm - 1:30 pm **Lunch & Exhibit Hall (No CLE sessions)**

FAMILY

(DELTA D)

1:30 pm - 2:30 pm **"How Can I Miss You If You Won't Go Away?": Abandonment of LPR Status**

LPRs continue to have their status challenged or terminated at the port-of-entry. This panel will discuss the ways LPRs can protect their status while also working and traveling around the globe. This panel also will address best practices for avoiding abandonment claims and strategies to win abandonment cases before the immigration court.

- The Ties that Bind—Maintaining and Documenting Ties to the United States
- Preparing Clients to Return to the United States
- Surrendering or Fighting Abandonment Cases
- Abandonment by Choice
- Challenging Abandonment Claims Before the Immigration Court

Frieda Garcia (DL), San Francisco, CA
Denyse Sabagh, AILA Past President, Washington, DC
Russell Abrutyn, Troy, MI
Robert J. Casazza Jr., New York, NY

2:35 pm - 3:35 pm **Adjustment of Status for the Atypical Entrant (Delta D)**

What are the procedural and substantive wrinkles posed by atypical entries? This advanced panel will discuss the special issues faced by those whose entries were anything but typical, and creative strategies to utilize to get the adjustment of status application approved.

- Visa Waiver Entrants Who Have Never Been in Proceedings
- Visa Waiver Entrants Who Are or Were in Asylum-only Proceedings or Have Been Issued INA §217 Removal Orders
- Arriving Aliens
- Waive-through Admissions
- Fortune Is Ally to the Brave—TPS and Travel on Advance Parole to Create Adjustment of Status Eligibility
- Substantively Irregular Entries, Including Fraudulent Entry Documents
- What if the Government Erroneously Thinks Your Client Left the United States?

Scott Bratton (DL), Cleveland, OH
Stephanie Theresa DiPietro, New York, NY
Kathleen C. Gasparian, Metairie, LA

3:35 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **"Looking For A Lifeline": Qualifying for §245(i) Based on Grandfathered Petition**

Your client is out of status but wants to adjust in the United States using an old I-130 petition in which the client was previously named as a beneficiary. Will it be enough? This panel will examine the requirements for eligibility under INA §245(i), and discuss how each element must be shown, including the date of filing and physical presence requirements.

- What Constitutes "Approvable When Filed"?
- Establishing Filing by the April 30, 2001 Date—What to Do with Missing Postmarks or Other Lack of Proof
- Establishing Physical Presence on December 20, 2000
- Previously-filed Petitions—Will They Qualify the Client for INA §245(i) Purposes?
- What Constitutes a "Grandfathered" Petition Under *Matter of Legaspi*?

Jason Abrams (DL), New York, NY
Dale M. Schwartz, AILA Past President, Atlanta, GA
Charles Roth, Chicago, IL

12:00 pm - 1:30 pm **Lunch & Exhibit Hall (No CLE sessions)**

SPECIAL SESSIONS

(DELTA B)

1:30 pm - 2:30 pm **The Role of Sub-regulatory Guidance: How to Use It Wisely**

A plethora of authority exists beyond statutes and regulations in the immigration arena. This panel will explore the role of agency memoranda, letters, website postings, and other material in presenting your client's case.

- When Is Sub-regulatory Guidance Helpful?
- What Are Its Limitations?
- What Have the Courts Said About the Role of Sub-regulatory Material?
- Common Examples—ICE Prosecutorial Discretion Memos; ULP AFM Provisions; INA §245(k) Memos; DOL FAQs; etc.

Margaret D. Stock (DL), Anchorage, AK
Bo Cooper, Washington, DC
Matthew G. Holt, San Diego, CA
Robert P. Deasy, AILA Director of Liaison and Information, Washington, DC

2:35 pm - 3:35 pm **Protecting Our Clients: How to Combat Anti-Immigrant Legislation**

With Arizona's SB1070 law proving to be the tip of the iceberg, your jurisdiction could be next. Learn how to use federal preemption and other legal tools to combat harmful legislation in your state or locality before it threatens the lives of your clients.

- Understanding the Federal Preemption Doctrine and How it Can Be Used Proactively Against Nativist Legislation
- How to Mobilize a Community When Duty Calls
- Choosing the Right Forum to Fight a Law and Making Sure the Timing Is Right

Charles H. Kuck (DL), AILA Past President, Atlanta, GA
Gloria A. Goldman, Tucson, AZ
Martin Rosenbluth, Durham, NC

3:35 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **How to Effectively Communicate with Consular Posts**

In the sometimes unpredictable world of consular processing, one can never have too much information. From finding and analyzing consular post-specific information to using AILA resources before and after the interview, this panel will help you make the most of your client's trip to the consulate.

- Know Before You Go—How to Get Intel about a Particular Consular Post and/or Officer
- Advocacy vs. Attack—How to Zealously and Professionally Advocate for Your Client While Not Accepting "No" for an Answer
- When All Else Fails—How to Request an Advisory Opinion from the Visa Office or Pursue Litigation When the Consular Post is Not Responsive
- Processing Delays Due to Security Clearances, Administrative Processing, and Waiver Applications—What Can You Do to Speed Up the Process?

Stephen R. Pattison (DL), Washington, DC
Bernard P. Wolfsdorf, AILA Past President, Santa Monica, CA
Maria L. Celebi, Istanbul, Turkey

OTHER SESSIONS, WORKSHOPS, AND EVENTS

7:30 am–8:30 am **Yoga** ***(Washington)***

8:30 am –9:30 am **AILA*Link* Training** ***(AILA Classroom, Exhibit Hall)***

9:30 am –10:30 am **AILA InfoNet Training** ***(AILA Classroom, Exhibit Hall)***

10:30 am – 11:30 am **Fastcase Trainings** ***(AILA Classroom, Exhibit Hall)***

12:00 pm –1:00 pm **AILA*Link* Training** ***(AILA Classroom, Exhibit Hall)***

12:30 pm –1:30 pm **Case Resolution Strategies** ***(Jackson A,B)***

12:30 pm –1:30 pm **Speed Networking** ***(Members Lounge, Exhibit Hall)***

1:00 pm – 2:00 pm **The Role of the Attorney in J-1 Visa Programs**
(Member's Lounge, Exhibit Hall)

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

- When to Recommend the J-1 visa
- Helping your Client Develop a Training Plan
- J-1 compared to B-1 & H-3 visas
- Understanding DOL Rules for Paid & Unpaid Internships
- Common Roles of the Immigration Attorney in a J-1 exchange
- Questions and Answers

2:00 pm – 3:00 pm **AILA InfoNet Training** ***(AILA Classroom, Exhibit Hall)***

2:30 pm – 4:30 pm **AIC/Federal Court Litigation Session Strategy Meeting** ***(Lincoln A)***

3:00 pm – 4:00 pm **AILA*Link* Training** ***(AILA Classroom, Exhibit Hall)***

3:00 pm – 4:00 pm **Immigration Law Research Tips from the Experts** ***(Presidential Chamber B)***

4:00pm – 5:00pm **IPC Roundtable: Protecting Immigrant Children's Access to Education *Plyler v. Doe* and Beyond**
(Jackson A,B)

At the time of its passage in 2012, Alabama's HB56 was the toughest state-level immigration law in the nation in part because of its requirement that children and their parents must show proof of lawful status in order to register for school. The ensuing confusion and fear in Alabama schools may be only a taste of a more concerted effort to overturn Plyler v. Doe, the landmark case that guaranteed that all children, regardless of status, are entitled to a public school education. As the intersection between immigration and education rights becomes clearer, AILA attorneys need to understand the fundamentals of Plyler and the possible role that challenges to it may play in undermining immigration rights for all. This session will provide the history of immigrant access to public education and the Plyler v. Doe decision

- Panelists will update participants on recent attempts to exclude immigrant children from education in the states
- Government officials will discuss the role of the administration in protecting immigrant children's access to education

Lucas Guttentag (DL), San Francisco, CA
Shaheena Ahmad Simons, Washington DC
James A. Ferg-Cadima, Washington DC
** Randi Weingarten, Washington DC*

5:00 pm-7:00 pm **Advocacy Liaison & NDA Organizer Meet Up** ***(Presidential Boardroom A)***

5:30 pm - 6:45 pm **Membership Meeting** ***(Washington)***

6:50 pm - 7:30 pm **Presidents Reception at the Grand Ole Opry**

7:30 pm - 9:00 pm **Awards Ceremony at the Grand Ole Opry**

9:00 pm - 11:00 pm **AILA Talent Show at the Grand Ole Opry**

9:30 pm **AILA Immigration Film Festival** ***(Delta B,C,D)***

FRIDAY, JUNE 15, 2012

7:15 am - 4:15 pm **Friday Registration and Exhibit Hall Hours**

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

PRACTICE ROUNDTABLES (MORNING)

7:30 am - 8:30 am **"And the Beat Goes On": Widows, Surviving Relatives, and Humanitarian Reinstatement**
(Presidential Chamber B)

This advanced level panel will review the statutory amendments as well as subsequent agency guidance for continuing petitions where the petitioner or principal beneficiary has died. It will also discuss strategies for reviving the petition based on the client's individual circumstances.

- The New Standard for Surviving Relatives, the Application Process, & Retroactive Application of the Law
- Remedies for Death of the Petitioner or Death of the Principal Beneficiary in Family-Based Preference Petitions
- Surviving Spouses and Children of Asylees and Refugees
- Derivatives of Deceased Principal T and U Visa Holders
- What Is Left of Regulatory Reinstatement Under 8 CFR §205?

Brent W. Renison (DL), Portland, OR
Laura F. Bachman, Tulsa, OK
Wafa A. Abdin, Houston, TX

7:30 am - 8:30 am **Border Blues: Current Issues and Trends at the Canadian Border**

(Delta B)

Presenting an application at the border can be perilous and horror stories abound. This panel will discuss recent trends in adjudications at the Canadian border and during pre-flight clearance. The panel will also provide strategic advice on how to prepare your clients for the worst, but to expect the best.

- Tricky TN Issues—Degree Requirements, Licensure, Tough Categories, "Managerial" Duties
- L-1 Adjudication Trends
- B-1 for "After-Sales Service"
- CBP's Current View of Unlawful Presence, Duration of Stay, and Rehabilitation After a Denial

Heather N. Segal (DL), AILA Board of Governors, Toronto, Canada
Howard Sam Myers III, AILA Past President, Minneapolis, MN
W. Scott Railton, Bellingham, WA

7:30 am - 8:30 am **The H-2B Option for Seasonal and Temporary Workers**

(Presidential Chamber A)

This panel is for experienced practitioners who are interested in getting a nuts and bolts understanding of the ins and outs of filing H-2B petitions. The H-2B category has a number of important restrictions and limitations that must be navigated with care in order for employers to be able to obtain the workers needed during a particular time period.

- Overview of H-2B Requirements
- Understanding Seasonal, Peak, One-Time Occurrence, and Intermittent Need

- Recruitment Issues and the DOL Labor Certification Process
- Employer Obligations and Compliance
- USCIS and Consular Processing Issues
- Dealing with the H-2B Cap

Edward Robert White (DL), Boston, MA
Ashley Foret Dees, Lake Charles, LA
Kevin Robert Lashus, Austin, TX

7:30 am - 8:30 am **EAJA Fees in Immigration Cases**

(Delta D)

You sued the government and won the case, now what do you do? This panel will discuss the law on Equal Access to Justice Act (EAJA) fees and when attorneys can request them, in addition to discussing trends in courts across the country.

- Overview of Equal Access to Justice Act in the Immigration Context
- Prevailing Party Status
- Substantial Justification Issue
- How to Obtain Fees Outside the Statutory Cap
- Trends in Various Jurisdictions

Paul O'Dwyer (DL), AILA Refugee & Asylum Liaison Committee Chair, New York, NY
Gregory Romanovsky, Boston, MA
Devin T. Theriot-Orr, Seattle, WA

7:30 am - 8:30 am **Good For You, What About Me?: Treatment of Derivative Beneficiaries in the Nonimmigrant Context**

(Delta C)

Why are derivative beneficiaries sometimes treated differently? For each visa the benefits for the principal applicant is clear; however, the treatment of his or her derivative beneficiaries is not always as clear. This intermediate level panel will discuss treatment of derivative beneficiaries with different visas, and issues that arise with work, attending school, and children who turn 21 years old.

- Who Is Considered a Derivative of Nonimmigrant Principal Beneficiaries?
- Authorization to Work and Attend School
- Validity of Derivative Status
- Applying Under Subsequent Independent Grounds
- Options for the Non-traditional Family Member

Amy Fallon (DL), New York, NY
Eileen F. Morrison, Newtonville, MA
Martin Valko, Dallas, TX

7:30 am - 8:30 am **Special Treatment for Certain Countries: TN, H-1B1, E-3**

(Tennessee)

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.

- Chile and Singapore H-1B1
- Australia E-3
- Canada—Visa Exemptions, TN-1, Border L-1
- Mexico TN-2

Margaret H. McCormick (DL), AILA Past President, Chicago, IL
Kimberley Best Robidoux, AILA San Diego Chapter Chair, San Diego, CA
Andrew W. Shackelford, Atlanta, GA

7:30 am - 8:30 am **Strategic and Evidentiary Issues in the Defense Against Removal**

(Governor's)

Success in litigation is often as much about strategy as it is about knowing the law. This intermediate/advanced panel will discuss the strategic decisions that arise when trying cases before immigration courts and will focus on the practical realities of litigation.

- Authentication, Foundation, and Corroboration
- Challenging the NTA and I-213—Burdens of Proof
- Choosing and Preparing Witnesses
- Challenging Forensic Lab Determinations
- Challenging Port of Entry and Credible Fear Statements/Reports

Joseph C. Hohenstein (DL), Philadelphia, PA
Matthew L. Guadagno, New York, NY
Philip Smith, Portland, OR

LAW PRACTICE MANAGEMENT

(DELTA D)

8:35 am - 9:35 am **50 Hot Technology Tips in 60 Minutes**

Join this fast-paced and entertaining look at the latest and greatest in low or no cost gadgets, Internet tricks, and practical computer utilities to streamline and grow your practice. You won't regret it, even if you fall behind taking notes!

- What's Hot and What's Not for Solo and Small Firms
- Terrific Tips and Websites to Put You Ahead of the Curve
- Making Sure You're as Smart as Your Phone

James Ronald Gotcher III (DL), Calabasas, CA
Reid Trautz, AILA Director of Practice and Professionalism, Washington, DC
Sheela Murthy, Owings Mills, MD

9:40 am - 10:40 am **"Friending" Your Law Practice: How to Put Social Media to Work for You**

This hands-on panel will focus on how you can use social media to grow your practice and attract clients while looking like a techie.

- Can Twitter, Facebook, and Groupon Be Essential Tools for Your Office?
- Drawing the Line Between Personal and Private Information
- How to Market and Promote Online Without Compromising Your Professionalism
- What Information to Avoid Putting Online

Alan B. Goldfarb (DL), Minneapolis, MN
Randall Caudle, San Francisco, CA
Michael R. Jarecki, Chicago, IL

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

11:00 am - 12:00 pm **The Truly Mobile Law Practice: Tools and Technology Tips to Help You Be Productive Anytime from Almost Anywhere**

Do you feel out of touch when you are out of the office? Learn how to not only stay in touch, but grow your practice while you are out. Whether your practice is national or in one zip code, the mobile practice is a necessary evil, so make the most of it and thrive while you are away from your desk.

- Choosing the Right Devices, Software, and E-mail Providers
- Being in the Office When You Aren't Even Close
- Dealing with Forms and Documents on a Mobile Device
- Knowing When to Answer and When to Call the Client Back on Your Terms
- Tablets—How to Use Them to Grow Your Practice

Lisa Helen York (DL), Denver, CO
Leslie A. Holman, AILA 2nd Vice President, Burlington, VT
Carl Shusterman, Los Angeles, CA

12:00 pm - 1:30 pm **Lunch, Exhibit Hall & AILA Job Seekers Networking Session (No CLE sessions)**

1:30 pm - 2:30 pm **Digital Dilemma: How to Affordably Take Your Office Paperless**

Scan and preserve your office files using the latest technology and comply with the regulatory standards. Digitize your office the right way for good.

- Is Paperless Really Paperless?
- What Does This Mean for an Immigration Firm?
- Hardware and Software Tools
- What Are the Ethical Issues Involved?

Jeremy Fudge (DL), Dallas, TX
Vic Goel, AILA Transformation Liaison Committee Chair, Reston, VA
Nita J. Itchhaporia, San Jose, CA

2:35 pm - 3:35 pm **"Oops, I Did It Again": Tips & Tricks for Avoiding Malpractice Traps**

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

This panel will provide important guidance on avoiding common grounds of malpractice and what to do if faced with a malpractice claim.

- Determining Whether You Are Qualified to Take on a Case
- Ensuring That Communication Between You and the Client Is Clear, Confirmed, and Constant
- Client Accounts, Trust Accounts, Business Accounts, and Commingling
- Dealing with a Malpractice Claim, Maintaining Your Firm's Reputation, and Common Forms of Malpractice

Terry Y. Feiertag, Chicago, IL
Robert E. Juceam, AILA Past President, New York, NY
Sal Savatteri Jr., Portland, ME

3:35 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **Preparing for the Unexpected: Leaving Your Practice in Good Hands**

This informative panel will do more than just help you focus on your own mortality, it will help you effectively plan for the needs of your office and clients in the event of your death or disability. Proper succession planning takes time and energy, but doesn't have to be overwhelming, so learn how to take the bull by the horns and be prepared.

- Preparing for Office Succession
- Safeguarding Your Clients' Information While Protecting Their Needs
- How to Ensure That Your Reputation for Quality Outlives You

John "Jack" L. Pinnix (DL), AILA Past President, Raleigh, NC
Ann Allott, Centennial, CO
Daniel Aharoni, New York, NY
Edward Poll, Venice, CA

BUSINESS

(TENNESSEE)

8:35 am - 9:35 am **Part One: What Every Immigration Attorney Should Know About Export Controls Regulations and Licensing**

All employers are obligated to comply with export controls regulations. As immigration attorneys, we are now filing petitions in which employers must certify that they have read and are in compliance with these rules. In this session, a multidisciplinary panel of immigration attorneys, export controls attorneys, and in-house compliance experts will review the fundamentals of deemed export analysis that every immigration attorney should know.

- Overview of Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR)
- Countries Analysis and How "Technical Data" Is Defined
- What Is the Immigration Attorney's Role?
- How to Complete Initial Deemed Export Analysis and to Know When You Need Help

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

Kevin W. Miner (DL), Atlanta, GA
Doreen M. Edelman, Washington, DC
David S. Jones, Memphis, TN

9:40 am - 10:40 am **E Visa Practice**

This intermediate panel will articulate and explore the various requirements and common pitfalls that occur when preparing cases for E visa classification. Come learn the tricks of the trade and the differences in preparing Es for Service Center submission versus submitting Es via the U.S. consulate.

- E-1 vs. E-2
- USCIS vs. DOS
- Smaller Company vs. Multi-National
- Individual Applicant vs. Company Registration

Scott M. Borene (DL), Minneapolis, MN
Philip C. Curtis, Boston, MA
Lisa Sotelo, Dallas, TX

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

11:00 am - 12:00 pm **Third Party Placement**

Third party placement has become a hot and contentious issue in various contexts. Not only does it impact the outcome of nonimmigrant visa adjudications, but it can also trigger investigations resulting in civil and criminal liability. This session fully explores all of the ramifications of third party placement so that you can sufficiently advise your clients, including vendors, about the do's and don'ts.

- Update on H-1B Third Party Placements and the Neufeld Memo (Including Conflicts with Other Laws)
- L-1s at Third Party Sites
- Can a B-1 Be Placed at a Third Party Site?
- Responding to FDNS and Consular Investigations of Employees at Third Party Sites
- Vendor Liability for Hosting Skilled Nonimmigrants

Cyrus D. Mehta (DL), New York, NY
Gary E. Endelman, Houston, TX
Paige Taylor, Dallas, TX

12:00 pm - 1:30 pm **Lunch, Exhibit Hall & AILA Job Seekers Networking Session (No CLE sessions)**

1:30 pm - 2:30 pm ***Kazarian*: The Next Generation**

With the Kazarian *decision and the recent publication of the USCIS Interim Policy Memo "Evaluation of Evidentiary Criteria in Certain Form I-140 Petitions" USCIS adjudications of EB-1 Extraordinary Ability and EB-1 Outstanding Researcher are proceeding under a two-part approach. This panel will discuss what is extraordinary or outstanding "enough" under the final merits determination.*

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

- Discussion of Specific Criteria and Acceptable Evidence
- Deciphering What Is Being Requested and Strategies for Responding to *Kazarian*-Style RFE's
- Are the NSC and TSC Adjudications Consistent?
- Strategies for "Winning" the Final Merits Determination

Dagmar Butte (DL), AILA Board of Governors/AILA USCIS Service Centers Operations Committee Chair, Portland, OR
Eleanor Pelta, AILA President, Washington, DC
Roberto D. Caballero, AILA 2012 Annual Conference Program Chair, Houston, TX
Suzanne B. Seltzer, AILA USCIS Liaison Committee Chair, New York, NY

2:35 pm - 3:35 pm **Don't Hate Me Because I Can't Commit!: AC21 Advanced Issues for the H-1B Holder**

The mystery of AC21 continues with the existence of multiple guidance memos and conference calls on the topic. This session will identify the nuances of AC21 application to H-1B nonimmigrants and will provide strategic guidance on assessing case facts and identifying critical issues relevant to successful case preparation and adjudication.

- Calculating the H-1B Admission Period
- Portability of H-1B Status
- Can AC21 Benefits Be Lost?
- Evidentiary Requirements to Establish Eligibility
- Employer Debarment for Non-Compliance with LCA

Bennett Savitz (DL), Boston, MA
Marcine Seid, AILA Board of Governors, San Jose, CA
Alexis S. Axelrad, AILA Inter-Agency Liaison Committee Chair, New York, NY

3:35 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **Please Make the Music Stop!: Anticipating, Avoiding, and Attacking NIV RFEs**

RFEs are now the new norm. Are you and your clients becoming frustrated? In order to avoid RFEs, a practitioner must know what to anticipate. This panel will discuss the trends at both the California and Vermont Service Centers, and will provide practical advice on how to avoid and respond to NIV RFEs.

- Trends in H-1B and L-1 RFEs
- Independent Third Party Supporting Documentation
- Differences Between CSC and VSC?
- Strategies for Dealing with Overreaching RFEs
- Managing Client's Expectations

Neil S. Dornbaum (DL), Newark, NJ
Margaret A. Catillaz, AILA Past President, Rochester, NY
Angelo A. Paparelli, AILA DHS Civil Rights & Civil Liberties Liaison Committee Chair, Los Angeles, CA

FEDERAL COURT/IMMIGRATION COURT

(DELTA B)

8:35 am - 9:35 am **Taking Off the Rose Colored Glasses: Practical Issues to Address Before You Go to Federal Court**

Federal litigation can be lengthy and costly, so it is essential to be prepared from a business standpoint. This panel will discuss the business aspects of surviving a federal court case.

- Do I Have the Time?—Realistic Estimates on How Much Time It Takes to Fully Research, Brief, and Argue Your Case
- Do I Have the Internal Resources?—Staffing Issues; Legal Research Tools That Are Necessary and Potentially Costly; Potential Cost of Local Counsel
- Do I Have the Expertise?—Why Mentoring and Litigation Support from Other Firms Are Important
- Can I Survive the Case Financially?—Fees: Flat Fees vs. Pro Bono vs. Hourly

Kelli Jo Stump (DL), Oklahoma City, OK
Elliott Ozment, Nashville, TN

9:40 am - 10:40 am **Let's Get Real: Perspectives on Federal Court Litigation from a U.S. Attorney, a Federal Judge, and the Bar**

An exciting view of federal litigation from all sides. Learn what are the most important things you can do to win your case, as told by each side.

- Discovery
- What Happens in Chambers?
- What Happens in Court?
- How to Lose Your Case Quickly—Most Common Mistakes on Each Side
- Motions— Which Ones Should You Expect?

Marc Van Der Hout (DL), AILA Board of Governors, San Francisco, CA
Ira J. Kurzban, AILA Past President, Miami, FL

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

11:00 am - 12:00 pm **Federal Court Litigation Masters**

This master level panel will explore creative strategies for litigating claims in the federal courts. Attendees are expected to have a solid understanding of federal court litigation, and of the jurisdictional and practical issues which litigation entails.

- Overcoming Jurisdiction-Stripping—Creative Uses of *Habeas* and the APA to Obtain Review
- Discovery
- Class Actions
- Injunctive and Declaratory Relief
- Deference?—Plus, *Brand X*, and *Skidmore*

Thomas K. Ragland (DL), AILA Federal Court Litigation Section Steering Committee Chair, Washington, DC
Stephen Manning, Portland, OR

12:00 pm - 1:30 pm **Lunch, Exhibit Hall & AILA Job Seekers Networking Session (No CLE sessions)**

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

1:30 pm - 2:30 pm **Citizenship Litigation in Federal District Court**

Citizenship doesn't always come easily. In some cases, federal court is the only place to resolve some of the sticky issues on the path to citizenship. This panel will discuss what happens when USCIS either denies or fails to adjudicate your client's N-400. The experts will discuss where and when to litigate if you decide to go to court, and how to defend clients in a denaturalization case.

- 8 USC §1447(b) and Mandamus
- 8 USC §1421(c)
- Using 8 USC §1503 When a Passport Application Is Denied or When the USC Petitioner's Citizenship Is Challenged During an Immigrant Visa Application
- Defending Denaturalization Cases

Gerald E. Burns (DL), AILA Arizona Chapter Chair/AILA Family Immigration Issue Development Committee Chair, Chandler, AZ
David W. Leopold, AILA Past President, Cleveland, OH
Thomas E. Moseley, Newark, NJ

2:35 pm - 3:35 pm **Document Production and Discovery: Feckless or Fertile in Immigration Court**

This panel will discuss the possibility of compelling discovery in immigration court and creative application of criminal discovery rules. The presenters will explain the effective use of subpoenas, depositions, interrogatories, etc. pursuant to 8 CFR §1003.35(a), and the possibility of using FOIA to produce documents and the impact of Dent, Brady, and the Jencks Act.

- Impact of *Dent v. Holder*
- How to Compel Document Production in Immigration Court—Subpoenas, Depositions, Interrogatories, Other?
- Can *Brady v. Maryland* Be Used in Immigration Court to Procure Exculpatory Information?
- Use of FOIA Litigation to Obtain Documentation
- Obtaining Pre-Hearing Statements Through the Jencks Act and *Matter of C-*, 8 I&N Dec. 696 (BIA 1960)

Rex Chen (DL), Newark, NJ
Karen T. Grisez, Washington, DC
Adam J. Rosen, Owings Mills, MD

3:35 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **Filing Motions to Reopen in Removal Cases When Your Client Is Already Outside the U.S.**

When your client has been removed from the United States, the Board of Immigration Appeals and federal courts do not always lose jurisdiction. This panel will discuss the different scenarios when you can file a motion to reopen after your client has been removed from the United States.

- Lack of Notice in the Removal Order
- Involuntary Removal After the Submission of a Motion to Reopen (MTR)
- *Sua Sponte* Reopening
- Due Process Violations in the Underlying Order
- MTR Filed After Illegal Reentry
- The Departure Bar

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

Andrew Free (DL), Nashville, TN
Trina Realmuto, Boston, MA
Beth Werlin, Deputy Director, AIC Legal Action Center, Washington, DC

FUNDAMENTALS

(DELTA C)

8:35 am - 9:35 am **H-1B Petition Preparation and Supporting Documentation**

This workshop will discuss how to prepare an H-1B petition, and address common strategies and issues in case preparation.

- Drafting Questionnaires to Capture Needed Information
- Common Misconceptions When Completing I-129s
- Requirements & Completing Form ETA 9035
- Where & When to File? What Are the Fees? Who Can Pay?

Ellen Freeman (DL), Pittsburgh, PA
Laurie Snider, Dallas, TX
Jay I. Solomon, Atlanta, GA

9:40 am - 10:40 am **Basic Concepts of I-140 Preparation**

This fundamental session will address how to prepare the I-140 petition for filing. The panelists will review and discuss what evidence should be included with an I-140 filing.

- Marking the Appropriate Preference Category
- The Evidence Presented
- Establishing Ability to Pay
- Satisfying the Education and Experience Requirements

Ian David Wagreich (DL), AILA VSC Liaison Committee Chair, Chicago, IL
Matthew D. Stump, Oklahoma City, OK
Susan C. Ellison, Hanover, NH

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

11:00 am - 12:00 pm **Completing Forms ETA-9141, ETA-9089, and I-140: A Practical Workshop**

This hands-on session will follow a common hypothetical and provide guidance on how to analyze and complete the relevant employment-based forms and applications.

- ETA-9141
- ETA-9089
- I-140

Lorna A. De Bono (DL), Los Angeles, CA
Ari J. Sauer, AILA New Members Division Steering Committee Chair, Memphis, TN
Barbara Bower, Pittsburgh, PA

12:00 pm - 1:30 pm **Lunch, Exhibit Hall & AILA Job Seekers Networking Session (No CLE sessions)**

1:30 pm - 2:30 pm **"It's a Family Affair" Part I: Putting Together a Non-Marriage-Based Case**

This panel provides an overview of the non-marriage-based immigrant visa process. Panelists will discuss the general I-130 petition procedures and explain the differences between adjustment of status applications and consular processing.

- How to File—Form I-130, Supporting Evidence, Alternative Supporting Evidence
- Special Evidentiary Problems—Adopted Children, Illegitimate Children, Lack of Birth Certificates, Customary Marriages and Divorces, and Criminal Issues
- Adjustment of Status vs. Consular Processing—Overview and Factors to Consider
- Do I Stay or Do I Go?—Entry Without Inspection, §245(i)

Cheryl B. Williams (DL), Nashville, TN
Cindy H.T. Dang, AILA Colorado Chapter Chair, Denver, CO
Robert D. Ahlgren, Chicago, IL

2:35 pm - 3:35 pm **"All You Need Is Love" Part II: Marriage-Based Cases**

This panel provides an overview of marriage-based immigration options. It will discuss the filing process, red-flag issues, and conditional permanent residence.

- Nuts & Bolts of Immediate Relative Petitions, Family 2A Petitions, and K Visa Options for the Principal Beneficiary and Dependents
- Affidavit of Support Basics—"Show Me the Money!"
- Red Flag Issues—Marriage During Proceedings, Entry Without Inspection, Marriages Between Same-Sex Couples
- Conditional Residence—When it Attaches and How to Remove It?
- "Heartbreak Hotel"—Impact of Divorce, Separation, and Death

Tarik H. Sultan (DL), Tucson, AZ
Sheila T. Starkey Hahn, Potomac, MD
Christine Popp, Bloomington, IN

3:35 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **"Signed, Sealed, Delivered, I'm Yours": Adjustment of Status**

This session will cover issues particular to "adjustment of status" and completing the permanent residence process at a local USCIS office. Emphasis will be on family-based immigrants, but this session is useful for employment-based processing, too.

- Screening Your Client for Adjustment Eligibility, Admissibility, and Other Issues—i.e., EWI, Visa Waiver, §245(i), and the Need for Waivers
- Form I-485—Interviewing Your Client on I-485 Issues; Preparing the Form for Your Client; and Explaining the Documentary and Evidentiary Requirements to Your Client
- Preparing Your Client for the Interview; Practicing Questions and Answers; Explaining Who Must Attend; and The Differences Between Marriage Cases and Other Family Members
- Warning Your Client About Work and Travel While the Adjustment Application Is Pending

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

- How to “Appeal” When Appeals Are Not Allowed

Sarah K. Peterson Stensrud (DL), Minneapolis, MN
Joseph S. Porta, AILA Southern California Chapter Chair, Los Angeles, CA
Peter M. Rogers, Pittsburgh, PA

NATURALIZATION/FAMILY

(GOVERNOR’S)

8:35 am - 9:35 am **Some Kind of "Trouble": Problem Issues in Naturalization Cases**

This panel will focus on spotting issues at the onset of preparing the N-400 application, as well as determining suitable remedies to move your client’s case forward and to avoid jeopardizing their underlying LPR status.

- Arrests, Good Moral Character, and Selective Service
- Issues with Underlying Permanent Residence/Absences From the United States
- False Claims to Citizenship
- Problematic Travel Concerns
- Requesting Waivers of the Oath Requirement

Martine Cuomo (DL), New York, NY
Kevin L. Dixler, Chicago, IL
Alan J. Pollack, Newark, NJ

9:40 am - 10:40 am **"Home On The Range": Establishing Residence and Physical Presence for Naturalization**

Prolonged absences from the United States during the statutory period for filing an application for naturalization can have a significant impact on your client's case. This panel will look at how these prolonged absences can potentially affect the naturalization application, how to establish that sufficient ties to the United States were maintained, as well as how best to combat a potential finding that the continuity of residence has been broken.

- Continuity of Residence—How It's Potentially Broken; Refiling
- Strategies for the Prolonged Trip Abroad/Physical Presence
- Maintaining a U.S. Residence
- U.S. Taxes as a Determining Factor
- Private Employment, Military Service, and Missionary Work

Luisa G. Muniz (DL), New York, NY
Sarah Z. Brown, Dallas, TX
Kathrin S. Mautino, San Diego, CA

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

11:00 am - 12:00 pm **"Back from the Dead": Resurrecting a Naturalization Application**

Did you know that a naturalization application can be resurrected within one year without the submission of a new filing fee? This session will address when naturalization cases can and cannot be resurrected, review the procedures, and discuss issues not currently addressed by law.

- Under What Circumstances Can a Naturalization Case Be Resurrected?
- The Procedure
- Should I Just Refile?
- Ramifications of USCIS's Written and Unwritten Record
- Clients in Proceedings

Nancy Taylor Shivers (DL), San Antonio, TX
Dilip Patel, Tampa, FL
Noreen Quirk, New York, NY

12:00 pm - 1:30 pm **Lunch, Exhibit Hall & AILA Job Seekers Networking Session (No CLE sessions)**

1:30 pm - 2:30 pm **"My Achin' Heart": Strategies in Overcoming Findings of Marriage Fraud**

What happens when USCIS approves a marriage-based petition, but then the immigration judge finds marriage fraud in proceedings? What if USCIS makes a finding of a fraudulent marriage, but the immigration judge does not? This panel will explore how findings of marriage fraud may be overcome in subsequent proceedings before different government agencies.

- Appeal or File a New Petition?
- Dealing with Conflicting Agency Findings
- Consular Processing Options
- Retention After a Finding of Marriage Fraud

Steven C. Thal (DL), Minnetonka, MN
Donald K. Sheppard, San Diego, CA
Thomas Vanasse, New York, NY

2:35 pm - 3:35 pm **Strategies in Complicated I-751 Cases**

This advanced panel will go beyond the basics of the I-751 petition, and provide you with tools to strategize your client's case when facts get complicated. This panel will also discuss procedural strategies when filing for multiple waiver grounds, and filing while in proceedings.

- Consequences of Separation, Divorce, Annulment, and Conflicts of Interest
- Changes in the Marriage After Filing
- Asserting Multiple Waiver Grounds
- Couples Filing After the Two-Year Deadline
- Strategies While in Proceedings

James W. Austin, (DL), Kansas City, MO
Justin Burton, Chicago, IL
Nicolas Chavez, Dallas, TX

3:35 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **"I Got Nothin'": Advanced Affidavit of Support Issues**

In these days of recession and unemployment, affidavits of support issues are even more prevalent. Alternate sources of income or liquidity are more important than ever. This advanced level panel will discuss the alternative ways to meet the requirements for filing an affidavit of support when the bottom line of the bank statement doesn't do the trick.

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

- Use of IRA, Home Equity, Insurance Policies, or Other Technical Financial Structures and How to Use Them
- Self Employment?
- Whom to Select as a Co-sponsor?
- What Happens If the Affidavit of Support Is Withdrawn?
- Exceptions to Filing an Affidavit of Support
- Special Issues Before the Immigration Court
- Enforcement of the Affidavit of Support

Matthew J. Maiona (DL), AILA MAP Task Force, Boston, MA
George Rodriguez, Dallas, TX
Vicki Yudenfriend, New York, NY

GOVERNMENT OPEN FORUMS

(DELTA A)

7:30 am - 8:30 am **Transformation Open Forum**
Vic Goel (DL), AILA Transformation Liaison Committee Chair, Reston, VA
Kevin W. Miner, AILA Transformation Liaison Committee Member, Atlanta, GA
**Gerri L. Ratliff, Chief, Office of Transformation Coordination, USCIS, DHS, Washington, DC*

8:35 am - 9:35 am **Department of Labor (DOL) Open Forum**
Grace Hoppin (DL), AILA Department of Labor Liaison Chair, San Francisco, CA
Sharryn E. Ross, AILA Department of Labor Liaison Vice Chair, Boston, MA
William Carlson, Administrator, Office of Foreign Labor Certification, ETA, DOL, Washington, DC
Elissa M. McGovern, Chief of the Policy Division, Office of Foreign Labor Certification, DOL, Washington, DC
Brian Pasternak, Deputy Administrator, Division of Program Operations, DOL, Washington, DC

9:40 am - 10:40 am **U.S. Citizenship and Immigration Services (USCIS) Open Forum**
Suzanne B. Seltzer (DL), USCIS Liaison Committee Chair, New York, NY
Stephen J. Navarre, USCIS Liaison Committee Member, Des Plaines, IL
** Alejandro Mayorkas, Director, U.S. Citizenship and Immigration Services, DHS, Washington, DC*
** Stephen H. Legomsky, Chief Counsel, USCIS, Washington, DC*
** Donald Neufeld, Associate Director, Service Center Operations Directorate, USCIS, DHS, Washington, DC*
** Donald J. Monica, Acting Associate Director, Field Operations Directorate, USCIS, DHS, Washington, DC*

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

11:00 am - 12:00 pm **U.S. Department of State (DOS) Open Forum**
Anastasia Tonello (DL), AILA Department of State Liaison Committee Chair, London, Great Britain
Maria Isabel Casablanca, AILA Department of State Liaison Committee Vice-Chair, Miami, FL
David S. Newman, Director, Office of Legal Affairs, Visa Services, DOS, Washington, DC

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

12:00 pm - 1:30 pm **Lunch, Exhibit Hall & AILA Job Seekers Networking Session (No CLE sessions)**

1:30 pm - 2:30 pm **U.S. Immigration and Customs Enforcement (ICE) Open Forum**
Mary E. Kramer (DL), AILA ICE Liaison Committee Chair, Miami, FL
Anthony Drago Jr., AILA ICE Liaison Committee Vice Chair/AILA Board of Governors, Boston, MA
Gary Mead, Executive Associate Director, ERO, USICE, DHS, Washington, DC
Peter S. Vincent, Principal Legal Advisor, USICE, DHS, Washington, DC
Riah Ramlogan, Deputy Principal Legal Advisor, USICE, DHS, Washington, DC

2:35 pm - 3:35 pm **Executive Office for Immigration Review (EOIR) Open Forum**
Cheryl David (DL), AILA EOIR Liaison Committee Chair, New York, NY
Jeremy L. McKinney, AILA EOIR Liaison Committee Vice-Chair, Greensboro, NC
Juan P. Osuna, Director, EOIR, Falls Church, VA
David L. Neal, Chairman, BIA, EOIR, Falls Church, VA
** Brian M. O'Leary, Chief Immigration Judge, EOIR, Falls Church, VA*
Robin M. Stutman, Chief Administrative Hearing Officer, OCAHO, EOIR, Falls Church, VA
**JuanCarlos M. Hunt, Acting General Counsel, EOIR, Falls Church, VA*

3:35 pm - 4:00 pm **Networking Break**

4:00 pm - 5:00 pm **CIS Ombudsman Open Forum**
Palma R. Yanni (DL), AILA Past President/CIS Ombudsman Liaison Committee Chair, Washington, DC
James W. Austin, CIS Ombudsman Liaison Committee Member, Kansas City, MO
** Rena Cutlip-Mason, Senior Advisor on Humanitarian Issues, Office of the CIS Ombudsman, DHS, Washington, DC*
**Stacy Shore, Acting Chief of the Employment Section, Office of the CIS Ombudsman, DHS, Washington, DC*
** Debra A. Rogers, Deputy Director, Office of the CIS Ombudsman, DHS, Washington, DC*
** Margaret Gleason, Senior Advisor on Family Based Immigration, Office of the CIS Ombudsman, DHS, Washington, DC*

4:00 pm - 5:00 pm **U.S. Customs and Border Protection (CBP) Open Forum**
Kenneth J. Harder (DL), AILA CBP Liaison Committee Chair, Houston, TX
Andrew Stevenson, AILA CBP Liaison Committee Vice-Chair, Seattle, WA
** John P. Wagner, Executive Director, Admissibility and Passenger Programs, U.S. Customs and Border Protection, Washington, DC*
**Petra Horne, Director, Enforcement Policy, Office of Field Operations, U.S. Customs and Border Protection, Washington, DC*

OTHER SESSIONS, WORKSHOPS, AND EVENTS

7:30 am - 8:30 am **J-1 Visa: The Advanced Class** ***(AILA Classroom, Exhibit Hall)***
- Understanding 212(e) and the Skills List
- Extensions
- Second programs
- Maintaining SEVIS status
- Questions and Answers

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

8:00 am Tee Time	**Tony Cook Memorial Golf Tournament** ***(Gaylord Springs Golf Links)***
8:30 am – 9:30 am	**AILA*Link* Training** ***(AILA Classroom, Exhibit Hall)***
9:30 am – 10:30 am	**Fastcase Trainings** ***(AILA Classroom, Exhibit Hall)***
10:40 am–11:40 am	**AILA*Link* Training** ***(AILA Classroom, Exhibit Hall)***
12:00 pm–1:00 pm	**AILA InfoNet Training** ***(AILA Classroom, Exhibit Hall)***
12:30 pm–1:30 pm	**Case Resolution Strategies** ***(Jackson A, B)***
1:00 pm–2:00 pm	**AILA*Link* Training** ***(AILA Classroom, Exhibit Hall)***
1:00 pm–4:00 pm	**AIC Board of Trustees Meeting** ***(Washington)***
3:00 pm–4:00 pm	**AILA InfoNet Training** ***(AILA Classroom, Exhibit Hall)***
5:00 pm–6:00 pm	**Silver Circle/NMD Generational Workshop** ***(Presidential Boardroom A)***
6:00 pm - 10:00 pm	**American Immigration Council Reception & Dinner** ***(Delta A)***
6:00 pm - 7:30 pm	**New Members Division Reception** ***(Water's Edge)***
9:30 pm	**AILA Immigration Film Festival** ***(Delta B, C, D)***

SATURDAY, JUNE 16, 2012

7:15 am - 2:00 pm **Saturday Registration and Exhibit Hall Hours**

PRACTICE ROUNDTABLES (MORNING)

7:30 am - 8:30 am **"Folsom Prison Blues": You Can't Help Who You Love**

(Presidential Chamber B)

This panel will discuss how to identify when criminal issues can affect a family immigration case and how to address them. Learn how to issue spot and strategize the criminal history of a petitioner and/or beneficiary while planning to file a family petition.

- How a Petitioner's Crimes Can Affect a Case
- How a Beneficiary's Crimes Can Affect a Case
- Convictions Triggering the Adam Walsh Act
- Are the Crimes Waiveable?
- Post-Conviction Relief
- What to Do When the Petitioner Is Detained

Linda A. Cristello (DL), Boston, MA
Paul Soreff, Seattle, WA

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

Nadine K. Wettstein, Washington, DC

7:30 am - 8:30 am **A Conversation With Your Client: Preparing Them for Their Family-Based Immigrant Visa Process**

(Governor's)

This panel will address issues particular to processing family-based visas abroad at a U.S. consular post. As many U.S. consular posts do not permit in-person attorney representation, it is critical to understand the process and strategize how to prepare your clients for the immigrant visa interview.

- The Consular Processing Roles of USCIS, National Visa Center, and Consular Posts
- Assisting Your Client with Completing and Signing the DS-260
- Preparing Your Client for the "Pro Se" Immigrant Visa Interview (Attorney Not Allowed In); Reviewing the Requisite Family Relationship and Family History; Practicing Questions and Answers
- Screening Your Client for Bars to Readmission and Preparing Your Client for the Onerous Waiver Process
- Forewarning Your Client About the Limited Remedies When There's No Appeal and No Motion to Reconsider

Carlina Tapia-Ruano (DL), AILA Past President, Chicago, IL
Richard Ginsburg, Hillsboro, OR
Silvia Romo Graves, Houston, TX

7:30 am - 8:30 am **A Music City Miracle: Your Client Has Received Asylum or Withholding of Removal, Now What?**

(Delta A)

Asylees and refugees benefit from special eligibility rules and waiver provisions for adjustment of status. Care must be taken in protecting derivative family members from losing eligibility to follow-to-join the principal applicant. In addition, withholding of removal poses its own unique set of issues for obtaining permanent resettlement with one's family.

- Adjustment of Status as an Asylee or Refugee
- Derivative Family Members—Who, When, and How
- Overview of §209(c) Waivers of Inadmissibility at the Adjustment of Status Stage
- Withholding of Removal—Its Limitations, Paths to Permanent Resident Status, Derivative Family Members

Hiroko Kusuda (DL), New Orleans, LA
Judy M. London, Los Angeles, CA
Heather L. Scavone, Greensboro, NC

7:30 am - 8:30 am **Advanced Student Visa Issues**

(Delta D)

This roundtable will address complex F-1 student issues and the frequently asked questions of international travel, employment, change of status, transferring in/out, and other issues facing F-1 students. This roundtable will also discuss maintaining records using SEVIS.

- Maintaining Records and Reports Using SEVIS—Working with DSOs
- Practical Training—Optional and Curricular
- STEM Categories and Issues
- Cap-Gap
- International Travel

Stephen D. Springer (DL), Washington, DC
Elizabeth A. Goss, Boston, MA
Adam Green, Los Angeles, CA

7:30 am - 8:30 am **Creating and Representing Regional Centers**

(Tennessee)

This panel will focus on immigration law services provided to U.S. businesses intending to raise EB-5 investor capital. The panel sets forth the disclosures and risks attendant to the EB-5 application process and examines the "pre-approval" or exemplar procedure. The panel discusses the various avenues for use of EB-5 capital, including the creation of a regional center, what is required for a regional center designation, and ongoing regional center compliance.

- Criteria for Determining Whether EB-5 Capital Is a Funding Source—To Be or Not To Be a Regional Center
- Requirements for Obtaining Regional Center Designation and Ensuring Ongoing EB-5 Compliance
- New Form I-924
- "Pre-Approval" for I-526 Petitions
- Best Practices and Ethical Considerations in Preparing for I-829 Petitions

H. Ronald Klasko (DL), AILA Past President/AILA Investor Visa (EB-5) Committee Chair, Philadelphia, PA
Carolyn S. Lee, Ithaca, NY
Lincoln Stone, Los Angeles, CA

7:30 am - 8:30 am **ICE Detainers: Be Proactive, Don't Just Roll Over**

(Delta B)

With Secure Communities encompassing an ever increasing number of local jurisdictions, the number of detainers U.S. Immigration and Customs Enforcement (ICE) issues is growing at a rapid pace. This panel will discuss how the immigrant detention system operates and different challenges to the detainers.

- What Is a Detainer?
- Truly Understanding the Immigrant Detention System and the Way ICE Detains
- Legal Challenges to the Detainer
- Federal and State Habeas Jurisdictional Issues
- Effective Organizing Around Detainers

Vikram K. Badrinath (DL), Tucson, AZ
Jennifer Jean Rosenbaum, New Orleans, LA
Paromita Shah, Boston, MA

7:30 am - 8:30 am **Secrets of U and T Nonimmigrant Status**

(Delta C)

Did your client claim to be a U.S. Citizen and is the victim of a crime? Did your client enter without inspection but was later forced to work without pay? Immigration attorneys still overlook U and T nonimmigrant status, which are types of immigration relief that can be the first step to lawful permanent resident status and will cure many otherwise incurable inadmissibility issues. This panel will reintroduce U and T nonimmigrant status and specific strategies for each form of relief, including the best screening practices for eligibility.

- U and T Nonimmigrant Status—How to Screen for Eligibility and Determine Which Is the Best Option
- Law Enforcement Certifications—Necessary or Not?
- How to Best Present Your Client's Story to USCIS
- T & U Inadmissibility—What to Disclose and Waive, and How to Waive It
- Requests for Evidence—How to Highlight Standard of Proof and Initially Submitted Evidence, and Dig Up New Evidence

Sonia Parras Konrad (DL), Des Moines, IA
Timothy Fallon, Yonkers, NY
Alyssa C. Reed, Denver, CO

7:30 am - 8:30 am **The "Do Right Daddy Blues": Establishing the Parent-Child Relationship**

(Presidential Chamber A)

Your client says he is the father, but will U.S. Citizenship and Immigration Services agree? This panel will look at the different strategies for establishing that someone is a "child" for immigration purposes, whether born of the marriage, out of wedlock or legitimated. This panel will also examine who is considered a child for derivation of benefits in different contexts, e.g., for family-based preference petitions, T and U visa petitions, and asylee and refugee petitions.

- Who Is a "Child" Under INA §101(b)?
- Even If I Can Meet the Definition, Is He/She a "Child" for All Purposes?
- If Marriage Establishes the Stepchild Relationship, Does Divorce End It?
- Discussion of Components of U.S. and Foreign Legitimating Laws
- Establishing the Bona Fide Parent-Child Relationship
- Are Age Limitations for Derivative Children the Same in All Contexts?

Ceridwen Johanna Koski (DL), New York, NY
C. Lynn Calder, Raleigh, NC
Timothy M. Wheelwright, Salt Lake City, UT

BUSINESS

(TENNESSEE)

8:35 am - 9:35 am **Mandatory Compliance Issues Employers Are Ignoring**

Immigration-related compliance goes beyond I-9 training. While ICE is advocating for a "Culture of Compliance," many employers are so focused on I-9 issues that they ignore other major areas of concern. This session will help you keep your clients on track when it comes to their foreign national workers.

- FDNS Audits and How to Prepare
- Public Access File Requirements and Pitfalls
- Contractor vs. Employee and Compliance Issues to Consider for Contract Workers
- PERM File Maintenance and Recruitment Reports
- Mechanics for Helping Clients Track Expirations, Retention Schedules, Renewal Obligations, etc.

Roger Tsai (DL), Salt Lake City, UT
Allen Orr, AILA Board of Governors, Washington, DC
Marketa Lindt, Chicago, IL

9:40 am - 10:40 am **"Don't Hold Me Back!": AC21 Advanced Issues for the Adjustment Applicant**

This session will address the nuances of AC21 as it applies to the adjustment of status (AOS) applicant. The panel will review the impact of various actions occurring during the extended permanent residence process, and provide strategic approaches to retaining the viability of a pending case.

- What Is "Same or Similar" and How and When Is "Same or Similar" Documented
- Job Flexibility, Self-Employment, and I-140 Portability
- Corporate Structure Changes and Impact on AOS
- I-140 Withdrawn—Now What?
- NIV Status—Keep or Do Without?

Palma R. Yanni (DL), AILA Past President/CIS Ombudsman Liaison Committee Chair, Washington, DC
Sarah Buffett, Charlotte, NC
David A. M. Ware, Metairie, LA

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

11:00 am - 12:00 pm **Dealing with Difficult RFEs: EB-2 and EB-3**

Of course, we want to marshal our expertise to respond to those difficult RFEs with every expectation that they will be approved. However, if the case is denied and we are ready to proceed with an appeal to the AAO and/or litigation, then we must prepare and properly establish a record. This panel will focus on the sequence of responding to the RFE, dealing with a denial, should it come, and subsequent litigation.

- Current Trends in EB-2 RFEs

- Documenting Your Response to the RFE to Complete Your Record for Appeal
- Going to Federal Court—When, How, and What to Do Before You Go
- Jurisdiction, Venue and Standing—Who Is the Proper Plaintiff, Where to Sue, and on What Basis?

Robert H. Cohen (DL), AILA NSC Liaison Chair, Columbus, OH
Angelica Grado-Wright, Houston, TX
Rita Sostrin, Encino, CA

12:00 pm - 2:00 pm **Lunch & Exhibit Hall (No CLE sessions)**

1:30 pm - 2:30 pm **"I Walk the Line": Preparing Clients for I-9 Audits and Investigations**

This session will include national employer representatives who underwent comprehensive I-9 audits, and the attorneys who guided them through the process. The panelists will review strategies for and challenges with developing I-9 policies, and training and compliance initiatives for a national workforce.

- Balancing an I-9 Audit with Discrimination Concerns
- Self-Audits and Logistics Involved with Reviewing and Correcting the Form I-9
- Dealing with Constructive Notice Issues
- Timing, Confidentiality, and Other Critical Factors

Daniel Brown (DL), Washington, DC
Bonnie K. Gibson, Phoenix, AZ
Eileen M.G. Scofield, Atlanta, GA

2:30 pm - 3:30 pm **The Elephant In The Room: E-Verify**

E-Verify provides the employer with instant employment verification, but it also invites increased scrutiny of the employer. Is enrollment right for your client? When is it mandatory and what are the advantages and disadvantages associated with enrollment?

- Advantages and Disadvantages of Using E-Verify
- Employer Responsibilities When Enrolled in E-Verify (MOU Requirements)
- Federal Contractors
- Process for Resolving Errors and Nonconfirmations; Rules for Re-verifications
- Self-verification and the IMAGE Program

Peter T. Schiron Jr. (DL), New York, NY
Kathleen Campbell Walker, AILA Past President & AILA Verification and Liaison Documentation Committee Chair, El Paso, TX
Susan J. Cohen, Boston, MA

3:30 pm - 4:30 pm **Prevailing Wages: Science or Art?**

Whether you are filing for nonimmigrant H-1Bs, H-3s, or E-3s or for labor certifications, an employer must comply with the U.S. Department of Labor's (DOL) prevailing wage requirements. How much control does an employer have in determining the outcome of a prevailing wage determination, and is an employer stuck with a determination?

- Can You Know Before You Even Ask?—The Guessing Game

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

- Can You Influence the Outcome of the Prevailing Wage Determination with Language, Job Titles, or Suggested Occupational Codes?
- How and When to Use Alternative Wage Surveys (Pro's and Con's, Certification Process, Exposure in Use)
- Prevailing Wage Redeterminations, Challenges, and Other Strategies
- What Do You Do When DOL Just Refuses to Give You One! (No Data Available or Just Complete Meltdown!)

Susan M. MacLean (DL), Chicago, IL
Romy Kapoor, AILA Board of Governors, Atlanta, GA
Janet L. Henner, New York, NY

CRIMMIGRATION

(DELTA A)

8:35 am - 10:35 am **The Latest Developments in Crimmigration Law**

This panel will give you the 411 on the ever-evolving intersection between criminal and immigration law, focusing particularly on the changing role of the categorical approach in analyzing the immigration consequences of crimes.

- Categorical Approach Following *Nijhawan* and *Kawashima*
- Silva-Trevino Implementation and Challenges
- Creative Strategies in Working with Defense Counsel to Create a Good Record of Conviction

Andres Benach (DL), Washington, DC
Dan Kesselbrenner, Boston, MA
Isaac Wheeler, New York, NY

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

11:00 am - 12:00 pm **Let Me Out of Here!: Seeking Bond in the Immigration Court**

This panel will discuss advanced topics on bond issues and practical tips on what works and what doesn't in immigration courts and federal courts. The panel also will consider "custody" for immigration purposes.

- Expedited Removal and "Arriving Aliens" under INA §235
- Challenges Through Habeas to Mandatory Detention Under INA §236(c)—"When Released," Prolonged Pre-order Detention
- Ameliorating Conditions of Bond
- What Is "Custody" for Immigration Purposes—Is Custody Really "Custody?"
- Case Law Updates

Jeremy L. McKinney (DL), Greensboro, NC
Cheryl David, AILA Board of Governors/AILA EOIR Liaison Committee Chair, New York, NY
John Richard Smith, Detroit, MI

12:00 pm - 2:00 pm **Lunch & Exhibit Hall (No CLE sessions)**

1:30 pm - 2:30 pm **Aggravated Felonies: Holding the Government to Its Burden**

U.S. Immigration and Customs Enforcement (ICE) has the burden of establishing by clear, unequivocal, and convincing evidence that your permanent resident client is deportable. Yet, all too often, a rap sheet without legal argument is the sole submission of ICE in support of the charge of removability for an aggravated felony. This panel will cover how to hold the government to their burden of proof.

- Analysis of the NTA and Evidence in Support of the Charges
- Hot Topics in Defining Aggravated Felonies
- Motions to Terminate
- Strategies for Appeals

R. Linus Chan (DL), Chicago, IL
Carla Canales, El Paso, TX
Joseph Reina, Dallas, TX

2:30 pm - 3:30 pm **Defending Noncitizens Who Have Drug Convictions**

This panel will cover advanced topics on controlled substance violations and trafficking offenses, including recent developments in eligibility for relief from removal.

- The Purchase, Distribution, and Cultivation of Small Amounts of Marijuana
- Offering to Sell—Is It Trafficking?
- Paraphernalia Cases
- Imitation and Counterfeit Substances

Erich C. Straub (DL), Milwaukee, WI
Aaron Hall, Aurora, CO
Parisa Kazemian Karaahmet, New York, NY

3:30 pm - 4:30 pm **Motions to Suppress: Futile Exercise or Effective Tool**

Motions to suppress are difficult and tricky to present. These advanced skills are needed but are rarely used in other contexts, such as filing a motion for a subpoena and cross-examining witnesses. This panel will discuss motions to suppress and also will delve into the more difficult aspects of preparing and presenting a suppression case.

- What Types of Cases and Scenarios are Ripe for Motions to Suppress?
- Presenting a Motion to Suppress—Does Your Client Testify? How to Avoid Testimony If Necessary? Can the 5th Amendment Be Useful?
- Use of Subpoenas in Motions to Suppress
- Effective Cross-Examination

Maria T. Baldini-Potermin (DL), Chicago, IL
Julie Ferguson, Miami, FL
Manuel F. Rios III, Seattle, WA

FAMILY

(GOVERNOR'S)

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

8:35 am - 9:35 am **Vulnerable Petitioners, VAWA, & SIJs**

Experienced and new immigration practitioners alike are often stumped by VAWA self-petition and petitions for special immigrant juvenile status. This panel will present useful inadmissibility and evidentiary strategies, as well as best responses to detailed Requests for Evidence from USCIS. In addition, panelists will present innovative approaches to Special Immigrant Juvenile status issues, working with minor clients, and advocating with courts and agencies.

- The VAWA Self-Petition—Basic Procedures, Inadmissibility, and Waivers
- Common VAWA Request for Evidence Issues—What USCIS Requests and Best Strategies for Response
- Special Immigrant Juvenile Status—Brief Recap, Inadmissibility, and Waivers Under SIJS
- Creative Approaches—Reunion with One or Both Parents Not in Child's Best Interest, Working with Local Juvenile Courts and Agencies to Obtain Judicial Judgment, and Representing Minor Clients

Jeffrey M. Crusha (DL), New York, NY
Julie E. Dinnerstein, Bronx, NY
Catherine Ward-Seitz, Oakland, CA

9:40 am - 10:40 am **I-601 Waivers: If Forgiving You Was Easy Everyone Would Get a Waiver**

This panel will present advanced strategies and tips in preparing waivers and how to best present hardships to the qualifying relative. Panelists will discuss how to explore all hardship possibilities and the necessary evidence for "successful" waiver applications, as well as filing procedures.

- How "Extreme" Is Extreme Hardship?
- Expert Evidence—Psychological Evaluations & Country Condition Research
- "Bootstrapping" Hardship from Non-qualifying Relatives to Your Qualifying Relative
- Strategies & Procedures for Presenting Your Case
- I-130/I-601 Concurrent Filing? What the Government Proposes and What We Are Likely to See

Olsi Vrapi (DL), AILA 2012 Annual Conference Enforcement/Due Process/Criminal/Asylum Sessions Chair, Albuquerque, NM
T. Douglas Stump, AILA 1st Vice President, Oklahoma City, OK
**Yolanda Miranda, Field Office Director, USCIS, DHS, Ciudad Juarez, Mexico*

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

11:00 am - 12:00 pm **"Say It Ain't So!": Unlawful Presence & Status Violations**

How does a practitioner determine when unlawful presence starts and stops, and whether it will affect clients? This panel will provide an introduction to unlawful presence, overstays, and status violations.

- Introduction to Unlawful Presence—How It Accrues, Who Makes the Determination, and Circumstances That Impact How It Is Tolled
- Overstays and §222(g)

- Unlawful Presence Bars (Three-Year, Ten-Year, & the Permanent Bar)—What Waivers Are Available to Overcome These Bars?
- Juveniles

Raed Gonzalez (DL), Houston, TX
Lindsay A. Curcio, Brooklyn, NY
Faye M. Kolly, Austin, TX

12:00 pm - 2:00 pm **Lunch & Exhibit Hall (No CLE sessions)**

1:30 pm - 2:30 pm **"I'm Going To Graceland"...At Least I Hope So!: Born Abroad Panel**

This advanced panel will deal with all of the various issues and effects of being born abroad, whether to U.S. citizen (USC) or lawful permanent resident (LPR) parent(s). This panel will also examine if the child is eligible for either lawful permanent residence or U.S. citizenship, and the hurdles that must be overcome to obtain either.

- Born Abroad, But to Whom?—LPR Parents vs. USC Parents/Grandparents (Registering the Birth Abroad When Possible)
- The USC Parent's Life Abroad—Temporary or Permanent, Sufficient Time in the United States
- N-600K Through Grandparents; The Problem with Documentation Gathering
- Practical Issues—Returning to the United States, How to Enter, Obtaining a U.S. Passport
- Children Born to LPR Parents Abroad

Jennifer A. Kain-Rios (DL), Denver, CO
Carmita Alonso, New York, NY
Liam Schwartz, Ramat Gan, Israel

2:30 pm - 3:30 pm **The Grand Ole Orphan and Other Adoptions**

This intermediate level panel will discuss the differences between Hague and non-Hague orphan adoptions and non-orphan adoptions. The panel will cover legal standards, procedures, and points of difficulty.

- Applying the Hague Convention and Its Procedures
- Procedures for a Non-Hague Adoption
- Non-orphan Adoptions and Their Procedures
- Ethical Considerations for Non-orphans

Dan H. Berger (DL), Northampton, MA
Irene A. Steffas, Marietta, GA
Karen Stoutamyer Law, Ashburn, VA
Lucy Armistead, Owensboro, KY

3:30 pm - 4:30 pm **Who's Your Daddy (or Mommy)? DNA Testing for Immigration Purposes**

The use of DNA testing to establish relationships for immigration purposes is increasing. This session will explain the DNA testing process to those with JDs instead of MDs, and review

processes utilized by the U.S. Department of State and U.S. Citizenship and Immigration Services.

- What Relationships Can Be Evaluated Using DNA?
- When and How Can DNA Testing Be Submitted in the Immigration Process?
- Explanation of the DNA Testing Process
- How Fraud Occurs and What to Do About It?
- DNA Testing in Different Jurisdictions
- How to Handle Surprising Results
- Can a Request for DNA Be Challenged?

Catherine Ann Tobin (DL), Chicago, IL
B. John Ovink, Tampa, FL
Christian G.A. Zeller, Tampa, FL

FUNDAMENTALS

(DELTA D)

8:35 am - 9:35 am **"I'm Sorry...So Sorry...": The Fundamentals of Nonimmigrant & Immigrant Waivers**

This panel provides an overview of immigrant and nonimmigrant waivers. It provides tips and strategies for preparing and presenting the waiver application to U.S. Citizenship and Immigration Services and the U.S. Department of State.

- An Overview of Inadmissibility Issues and Available Waivers
- Processing a Waiver at a U.S. Consular Post vs. Within the United States
- Processing Times and Approval Rates
- Suggested Documentation—Do You Need a "Qualifying Relative"?; How to Prove "Extreme Hardship"
- The Role of the Attorney

Ofelia L. Calderon (DL), Arlington, VA
Daniel J. Parisi, London, Great Britain
Laurel Scott, Houston, TX

9:40 am - 10:40 am **Naturalization Applications**

This panel provides an overview of the fundamentals of preparing and filing an N-400 application. The panel will address eligibility requirements, required documentation, and common pitfalls.

- Is Your Client Eligible? Naturalization Requirements—Physical Presence vs. Continuity
- Issue Spotting—Criminal Issues and Selective Service
- Filing Based on Marriage to a U.S. Citizen—What Extra Evidence Is Required?
- Special Provisions—Three-Year vs. Five-Year, §319(b), and N-470

Robert Lee DeMoss II (DL), AILA Board of Governors/TSC Liaison Committee Chair, Montgomery, AL
Xiomara Maria Hernandez, Miami, FL

Allan Wernick, New York, NY

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

11:00 am - 12:00 pm **A "Blues" Print for Removal Practice: Procedures in Immigration Court**

This panel provides an overview of immigration court procedures for new court practitioners.

- What Is a Notice to Appear (NTA)?
- Introduction to the Immigration Court Practice Manual
- Introduction to Master Calendar Hearings and Individual Hearings
- Motions, Requirements, & Timelines
- Practical Tips on Common Evidentiary Issues
- Preparing & Presenting Your Case

Bryon M. Large (DL), Denver, CO
Magali S. Candler, Houston, TX
Edward G. Shulman, Paterson, NJ

12:00 pm - 2:00 pm **Lunch & Exhibit Hall (No CLE sessions)**

1:30 pm - 2:30 pm **"I Fight Authority, Authority Always Wins!": Arrests, Bonds and Detentions**

U.S. Immigration and Customs Enforcement (ICE) just picked up your client. Now what? This panel will prepare practitioners to assist a client from the ICE arrest through the initial bond hearing.

- Locating Your Client After the Arrest; What Is a Detainer and How Does It Work? Introduction to Local Law Enforcement Cooperation with ICE
- Determining If Your Client Is Eligible for Bond; How Is the Bond Posted?
- What Is a Joseph Hearing? What Is a Bond Redetermination Hearing?
- What Is Mandatory Detention and Is the Client Subject to It?
- Alternatives to Detention/Prosecutorial Discretion—Parole, Supervised Release, Release on Recognizance, Ankle Bracelets, Etc.

Jerard A. Gonzalez (DL), Hackensack, NJ
Javier N. Maldonado, San Antonio, TX
Parastoo G. Zahedi, Vienna, VA

2:30 pm - 3:30 pm **Throw Me A Bone, Mr.!: Relief from Removal**

This panel will provide an introduction to the common forms of relief from removal, as well as a "check list" of the basic requirements for each type of relief.

- Adjustment of Status in Proceedings
- Cancellation of Removal—Lawful Permanent Residents, Non-lawful Permanent Residents, and VAWA
- Waivers—Criminal, Drugs, Fraud, Marriage Fraud, Unlawful Presence, Health-Related, etc.
- Less Frequent Types of Relief—TPS, NACARA, Prosecutorial Discretion, Parole in Place, Deferred Action, U and T Visas
- When All Else Fails—Voluntary Departure

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

Melinda M. Basaran (DL), Paterson, NJ
Robert Frank, Newark, NJ
Rolando Rex Velasquez, Las Vegas, NV

3:30 pm - 4:30 pm **"I Fought the Law and the Law Won": Analyzing the Immigration Consequences of Criminal Offenses**

This panel will introduce practitioners to the definition of "conviction" for immigration purposes, and equip practitioners with the necessary skills to analyze the immigration consequences of common criminal offenses.

- What Is a Conviction for Immigration Purposes? Non-conviction Issues?
- Analyzing State Criminal Statutes
- What Is a Crime Involving Moral Turpitude (CIMT)?
- Common Court Documents
- Working with Criminal Defense Attorneys

Melanie K. Corrin (DL), Aurora, CO
Douglas S. Weigle, Cincinnati, OH
Emily A. White, Denver, CO
** Lee A. O'Connor, Immigration Judge, EOIR, Los Angeles, CA*

INTERDISCIPLINARY

(DELTA C)

8:35 am - 9:35 am **Crimes for Business Immigration Lawyers**

This panel will discuss a wide variety of crimes in detail and explain how to analyze each crime in the context of adjustment of status, citizenship, and removal. The panel will explain why analysis of each crime is important to your business client and how to work with clients to determine the best course of action for their future. Panelists will also give practical tips on how to read a rap sheet and begin the analysis.

- Which Crimes Render an Adjustment Applicant Inadmissible and/or Removable?
- Should You File for Adjustment of Status?
- What Is an Aggravated Felony? What Are Crimes Involving Moral Turpitude?
- Crimes in the Gray Area—How to Analyze
- When to File for Citizenship and When Not to for the Person with Criminal Convictions
- How to Read a Rap Sheet, Police Reports, and Court Records

Anthony Drago Jr. (DL), AILA Board of Governors, Boston, MA
Mary E. Kramer, AILA ICE Liaison Committee Chair, Miami, FL
David Isaacson, New York, NY

9:40 am - 10:40 am **Criminal Law for Immigration Litigators**

This panel will be presented by criminal defense practitioners and will give an overview from the criminal defense perspective. Immigration practitioners will also learn how to help criminal defense counsel and how to vacate convictions under Padilla on their own.

- *Padilla*
- State *Padilla*-Like decisions
- Strickland Prejudice
- Retroactivity
- Procedural Vehicle
- Can Court Advisal Overcome Defense Counsel Duty to Advise?

Norton Tooby (DL), Oakland, CA
Mark A. Davis, Pasadena, CA
Michael D. Greenberg, Boston, MA
Andrew K. Nietor, San Diego, CA

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

11:00 am - 12:00 pm **Inadmissibility Issues for the Business Practitioner**

This panel will discuss common grounds of inadmissibility that business immigration practitioners may encounter, and offer suggestions for how to address them. It will describe best practices to identify and ameliorate potential problems upfront. The panel will also address ethical issues involved when an employee discloses prejudicial information (i.e., criminal history) to counsel for the employer.

- Common Grounds of Inadmissibility—Crimes, Unlawful Presence, Fraud/Willful Misrepresentation and False Claims
- You Can Waive That! Obtaining Nonimmigrant and Immigrant Waivers, and Other Ways to Avoid Inadmissibility
- Adjustment of Status Conundrums—In Removal Proceedings, I-485 Approval When Employee Is Outside the United States with Advance Parole, Maintaining Nonimmigrant Status, or Letting It Go?
- Please Don't Tell My Employer! And Other Potential Conflicts of Interest

Jeff Joseph (DL), AILA Board of Governors, Aurora, CO
Amy L. Peck, AILA DHS FOIA-Privacy Office Liaison Committee, Omaha, NE
Cynthia A. Aziz, Charlotte, NC

12:00 pm - 2:00 pm **Lunch & Exhibit Hall (No CLE sessions)**

1:30 pm - 2:30 pm **"Family Tradition": Family Law for the Immigration Practitioner**

This panel will introduce practitioners to family law issues that may arise in the course of representing immigration clients in their family petitions and how to handle them.

- Validity of Marriages
- Validity of Prior Divorces
- Availability and Benefits of Nunc Pro Tunc Divorces
- Challenging Custody Issues
- Issues Involving Child Support

Annaluisa Padilla (DL), La Habra, CA
Michael Almonte, New York, NY
Roland Robert Lenard, Clarksville, TN

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

2:30 pm - 3:30 pm **Tax Law Issues For the Business Practitioner**

Tax issues can arise in a number of contexts for immigration practitioners. This panel is intended to provide the immigration attorney with the necessary background regarding tax requirements to enable them to recognize tax issues and help advise and guide their clients on those issues when they arise.

- Advising Your Client on Withholdings for Nonimmigrants
- U.S Payroll vs. Foreign Payroll
- Tax Treaties
- Individual Taxpayer Identification Numbers
- Estate Tax Issues
- Special Taxation Issues for Long-Term Residents Who Abandon
- Making Clients Aware of FBAR Requirements for Foreign Bank Accounts

Clayton E. Cartwright Jr., (DL), Columbus, GA
Ted J. Chiappari, New York, NY
Paula M. Jones, Philadelphia, PA

3:30 pm - 4:30 pm **Must Know Taxation Issues for Family Immigration Practitioners**

This session will address tax issues family immigration practitioners should be familiar with. Panelists will cover how to determine whether an individual is a resident or non-resident for taxation purposes, filing status, dependents, credits your clients should be aware of, and other tax matters.

- Resident vs. Non-resident—The Tax Definition vs. the Immigration Definition
- What Is Filing Status and Why Does It Matter?
- Who Are Dependents and Why Does It Matter?
- Child and Earned Income Tax Credits
- What to Do When Clients Used Social Security Numbers That Are Not Their Own
- How to Read and Use a Tax Return for Affidavit of Support Issues
- Abandonment of Lawful Permanent Resident Status, Renunciation of Citizenship, and Expatriation Tax

Samuel C. Rock (DL), Lexington, KY
Elise A. Fialkowski, Philadelphia, PA
Robert Alcorn, Dallas, TX

LAW PRACTICE MANAGEMENT/SPECIAL SESSIONS

(DELTA B)

8:35 am - 9:35 am **How to Build a Practice Full of Great Clients**

How happy are you with your client base? Do you ever feel like your clients are the inmates running your "asylum" of a law practice? Take control of your client list and make sure that you get the clients you want the next time around.

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*

- Attracting the Clients You Want
- How to Keep Them
- The Five Most Important Questions in an Initial Consult
- Protecting the Relationship in Your Representation Agreement
- When and How to End the Attorney-Client Relationship

Kehrela M. Hodkinson (DL), London, Great Britain
Carl Falstrom, New Orleans, LA
Kirby G. Joseph, Aurora, CO

9:40 am - 10:40 am **Attracting the Best Employees and Letting the Worst Go**

AILA members have offices of all sizes and employees of all makes and models. Understanding how to hire, fire, and evaluate employees allows you to focus more time on clients and less time on administrative matters. In the end, you and your employees will benefit.

- Determining What Makes an Employee the "Best" or the "Worst"; How Do You Know What You Are Looking for in an Employee?
- Investing in Your Employees
- How Can Smaller Firms Compete with Larger Firms When It Comes to Getting the Best Employees?
- Employee Handbook—Do You Really Need One? If So, What Should It Contain and What Should It Not Contain?

Jerome G. Grzeca (DL), AILA Membership Committee Chair, Milwaukee, WI
Sharon R. Mehlman, San Diego, CA
Gus M. Shihab, Columbus, OH
Janine Smith, West Bend, WI

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

11:00 am - 12:00 pm **Marketing Your Firm and How to Evaluate Whether Your Strategy Is Working**

For most of us, word of mouth is simply not enough. Yet, very few of us know how to effectively market ourselves to those clients who could use our services. Learn qualitative and quantitative steps for successful marketing and make sure you maximize your exposure to your potential client base.

- The Necessary Elements of a Marketing Plan
- How to Choose the "Best" Forms of Marketing for Immigration Lawyers
- How Do You Evaluate Whether Your Marketing Efforts Are Successful
- Marketing Metrics—What Are They and Do We Need Them

Matthew R. Glinsmann (DL), AILA National Benefits Center Liaison Committee, Gaithersburg, MD
David Berry, San Francisco, CA
Elena Hung, Washington, DC

12:00 pm - 2:00 pm **Lunch & Exhibit Hall (No CLE sessions)**

1:30 pm - 2:30 pm **Advanced Issues in Adjustment of Status**

Determining a client's ability to adjust status requires a thorough understanding of INA §245. The statute is not always clear, regulations are lacking, and agency memos may not completely fill the gaps. This expert panel will examine some of the more complex issues that can arise during adjustment of status.

- Definition of "Admitted" in INA §101(a)(13)
- In Any Status vs. In Lawful Status—*Bokhari, El Badrawi*
- §245(k)
- Unlawful Presence Accrual
- §245(d) Issues
- §245(i)

Deborah S. Smith (DL), Helena, MT
Hilary A. Han, Seattle, WA
Rekha Sharma-Crawford, Kansas City, MO

2:30 pm - 3:30 pm **Prosecutorial Discretion: How to Deal Effectively with ICE and CBP**

Your client is detained by U.S. Immigration and Customs Enforcement (ICE) or by U.S. Customs and Border Protection (CBP) at a port of entry, now what do you do? This panel will discuss how and who to contact and ways to effectively invoke the government's use of prosecutorial discretion. The panel will review and discuss governmental use of prosecutorial discretion and local trends in various jurisdictions.

- How to Locate Clients and How to Deal with ICE/CBP Officers at the Beginning of a Case
- Best Practices and Timing for Using Prosecutorial Discretion Effectively
- Limitations of Prosecutorial Discretion
- Delegation of Discretion Authority to ICE Trial Attorneys—Is It Working?
- Morton Memo One Year Later; Local Trends

Barry L. Frager (DL), Oakdale, LA
Kerry E. Doyle, Boston, MA
Anna Marie Gallagher, Washington, DC

3:30 pm - 4:30 pm **Cancellation of Removal for Non-LPRs**

This panel will discuss how important this relief has become given the large number of Notices to Appear issued by U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, and will discuss how to present a case before the Immigration Court even in situations where the level of hardship is relatively low.

- Statutory Bars to Cancellation, Stop-Time Rule, Crimes, Good Moral Character
- How to Present Your Case and Preserve Your Record with Appeal in Mind
- Witnesses—Who to Call and How to Present Each Witness
- Winning the Case Without Medical Issues
- Case Law and Recent Trends, Including Cap Issues

H. Raymond Fasano (DL), New York, NY
Victor D. Nieblas Pradis, AILA Treasurer, City of Industry, CA
Kimberly Sutton, Memphis, TN

** Lee A. O'Connor, Immigration Judge, EOIR, Los Angeles, CA*

4:30 pm **Conference Concludes**

OTHER SESSIONS, WORKSHOPS, AND EVENTS

8:00 am – 12:30 pm **Pro Bono Clinic** ***(Justice for Our Neighbors of Tennessee)***

8:35 am – 9:35 pm **Paralegal Networking** ***(Member's Lounge, Exhibit Hall***

10:00 am–11:00 am **AILA InfoNet Training** ***(AILA Classroom, Exhibit Hall)***

11:00 am–12:00 pm **Case Resolution Strategies** ***(Jackson A, B)***

12:00 pm–1:00 pm **AILA*Link* Training** ***(AILA Classroom, Exhibit Hall)***

12:00 pm–3:00 pm **AILA Board of Governors Meeting** ***(Washington)***

1:00 pm - 2:00 pm **Risk Management Best Practices for Immigration Lawyers**

(Presidential Chamber B)

Lawyers have a 4% to 17% chance of being sued for malpractice. Even if the suit is frivolous, and even if you carry malpractice insurance, defending yourself against such allegations can be disruptive to your practice and law office. Learn how to avoid such lawsuits, and how to effectively defend malpractice allegations if they do occur.

- Risk Management—What Is It and Why Does It Matter?
- Common Malpractice Claims Against Lawyers—Statistics and Examples
- Risk Management Best Practices—What You Can Do to Prevent and/or Mitigate Malpractice Claims

Rolando Torrens, CIC, CRM, Assistant Vice President, Program Manager, Wells Fargo Insurance Services USA, Atlanta, GA
Kevin Sullivan, LPL Vice President, Hanover Professionals, Grand Rapids, MI

7:00 pm - 10:00 pm **Saturday Night Party at the Wildhorse in Downtown Nashville**

(DL) = Discussion Leaders
** = Invited Speakers, Not Confirmed*