



2020 AILA ANNUAL CONFERENCE JULY 20 – 23, 2020

“All Times Indicated Below Are Eastern Time”

MONDAY, JULY 20, 2020

FUNDAMENTALS

9:45 am–11:00 am ET

Nonimmigrant Overview

The objective of this panel is to give new practitioners a basic overview of the nonimmigrant visa categories. Panelists will cover all nonimmigrant visa categories, from visitors to temporary workers, and will address when each is appropriate for clients. The information in this panel is intended to serve as a basis for a more detailed analysis of these visas offered in other sessions.

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

**Maggie M. Murphy (DL), AILA Board of Governors, Austin, TX*

**Elizabeth R. Edwards, Charlotte, NC*

**Margaret Holland Sparages, Boston, MA*

(DL) = Discussion Leader

** = invited, not confirmed*

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

**Tahmina Watson, Seattle, WA*

11:00 am–11:30 am ET

Networking Break

11:30 am–12:30 pm ET

Nonimmigrant Visa Consular Processing 101

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

- “Don’t I Just Pick Up My Visa at the Consulate?” Difference Between Petition Approval and Visa Issuance
- The Visa Application Process: Step-by-Step Instructions, Tips on Dealing with the Nonimmigrant Visa Unit, Common Issues in Completing Form DS-160
- “When Will the Visa Be Issued?” Understanding Extreme Vetting and Administrative Processing Challenges
- What About Canadians? Does the Foreign National Need a Visa?
- Inadmissibility and Waiver Issues, Dealing with Visa Denials

**Joel H. Paget (DL), Seattle, WA*

**Sylvia Livits-Ayass, AILA New York Chapter Chair, New York, NY*

**Daniel J. Parisi, London, England*

**Peter Yost, Minneapolis, MN*

12:30 pm–1:15 pm ET

Networking Break

1:15 pm–2:15 pm ET

Adjustment of Status and Immigrant Visa Processing

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

- The AOS Package and Ancillary Applications: I-485, I-485 Supplement J, I-765, I-864, I-131, I-693, and Supporting Documentation
- Potential Problems: Entry Without Inspection, Intent at Entry, Unauthorized Employment
- Adjustment Under INA §245(i)
- Working with the National Visa Center (NVC), Visa Reciprocity Pages
- Consular Processing and Supporting Documentation

**John T. Medeiros (DL), Minneapolis, MN*

**Renata Castro, Pompano Beach, FL*

**Ellen S. Kief, Vancouver, Canada*

(DL) = Discussion Leader

** = invited, not confirmed*

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

*Lauren Ross, San Francisco, CA

2:15 pm–2:45 pm ET

Networking Break

2:45 pm–3:45 pm ET

Naturalization 101

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

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

*Susan W. Ramos (DL), Asheville, NC

*Kathrin S. Mautino, San Diego, CA

*Aleksandr Y. Troyb, Stamford, CT

*Olsa Alikaj-Cano, Houston, TX

3:45 pm–4:15 pm ET

Networking Break

4:15 pm–5:15 pm ET

Family-Based Immigration 101

Panelists will provide a general overview of what is essentially the core of our immigration system. New practitioners should attend this session to gain an understanding of family-based immigration law and establish the foundation needed when attending more in-depth fundamentals panels.

- Overview of Family Categories: Immediate Relatives and Preference Category Relatives
- Understanding the Quota System and Visa Bulletin
- The I-130 Petition (Invitation to the Party)
- Adjustment of Status/Consular Processing (the R.S.V.P.)
- Marriage-Based Cases and Establishing the Bona Fides of the Relationship
- Changes in Family Status/Relationships: Death, Divorce, Marriage, Aging-Out

*Kari Ann Fonte (DL), AILA USCIS Field Operations Liaison Committee Chair,
Coral Gables, FL

*Erin Cobb, AILA Chicago Chapter Chair, Chicago, IL

*Spojmie Ahmady Nasiri, Pleasanton, CA

*Jennifer S. Varughese, McLean, VA

(DL) = Discussion Leader

* = invited, not confirmed

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5:15 pm–5:45 pm ET

Networking Break

5:45 pm–6:45 pm ET

VAWA, T Visas, and U Visas

Panelists in this fundamentals session will provide an overview of remedies for victims of mental and physical abuse, crimes, and human trafficking.

- Applying for VAWA: What Constitutes Abuse and Proof of Eligibility?
- U Visas: Qualifying Crimes and Victims, Obtaining Certification, Backlogs
- T Visas: Identifying Qualifying Victims of Labor or Sex Trafficking
- The Path to Permanent Residence Through VAWA, U Visas, and T Visas

**Ericka C. Curran (DL), Dayton, OH*

**Veronica Thronson, East Lansing, MI*

**Alexander G. Vernon, Detroit, MI*

PLENARY/FAMILY TRACK

9:45 am–10:30 am ET

Conference Kick-Off

10:30 am–11:00 am ET

Networking Break

11:00 am–11:30 am ET

Keynote

11:30 am–12:30 pm ET

Hot Topics Part II

*AILA's Executive Committee will present **Hot Topics Part I** with AILA's June governance events. This panel will build on that presentation and cover the latest developments in immigration law through the conference.*

**Gayle Oshrin (DL), 2020 AILA Annual Conference Program Committee Chair, New York, NY*

**Ira J. Kurzban, AILA Author, Kurzban's Immigration Law Sourcebook/AILA Past President, Miami, FL*

**Jeff Joseph, AILA Administrative Litigation Task Force Vice Chair, Denver, CO*

12:30 pm–1:15 pm ET

Networking Break

1:15 pm–2:15 pm ET

Identifying and Dealing with Complex Marriage-Based I-130 Issues

(DL) = Discussion Leader

** = invited, not confirmed*

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

Panelists on this intermediate/advanced panel will focus on complex and uncommon issues in marriage-based cases.

- When Your Client Has a Previously Denied Marriage-Based I-130
- How to Prove Good Faith When Traditional Bona Fides Are Not Available
- When Your Married Couple Doesn't Speak the Same Language and Other Glaring Red Flags
- Preparing Couples for *Stokes*/Separated Interviews
- Living Apart but Still Together: Cohabiting in a New Era

**Scott A. Emerick (DL), AILA Southern California Chapter Chair, Los Angeles, CA*

**Laura Ferner, Springdale, AR*

**Rina M. Gandhi, Fairfax, VA*

**Gregory B. Pietrzak, New York, NY*

2:15 pm–2:45 pm ET

Networking Break

2:45 pm–3:45 pm ET

The Truth Behind the New Public Charge Regulations

Immigrant eligibility for public benefits vary by state. The new public charge regulations have had a chilling effect on applications for public benefits and entitlement programs. More importantly, the regulations have led to immigrant visa denials at consular posts based on the public charge ground and resulting in I-601A revocations. Panelists will demystify the new public charge regulations and identify areas of concern for your practice.

- New Public Charge Regulations: What You Need to Know
- Comparison of Public Charge Regulations Across the Immigration Agencies
- How to Evaluate If Your Client May Be a “Public Charge”
- Findings of Public Charge and I-601A Revocations: Advocacy Strategies and Litigation Issues
- Ethical Concerns for Practitioners in Preparing the I-864 for the Sponsor and/or Co-Sponsor

**Heather Drabek Prendergast (DL), AILA Board of Governors/AILA University Committee Chair, Cleveland, OH*

**Jason C. Mills, Fort Worth, TX*

**Daniel Sharp, Los Angeles, CA*

**Fuji Whittenburg, Los Angeles, CA*

3:45 pm–4:15 pm ET

Networking Break

4:15 pm–5:15 pm ET

Special Immigrant Juveniles: Fighting for Their Rights

(DL) = Discussion Leader

** = invited, not confirmed*

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

Immigrant youth today face continual challenges, and the process of legalizing their status becomes more difficult by the week. This intermediate panel will examine current events relating to Special Immigrant Juvenile Status (SIJS) procedures in both the affirmative and defensive avenues. Panelists will offer practice tips and litigation updates related to our most vulnerable clients.

- Ethical Issues When Representing Children
- Representing Children in Juvenile Court
- Affirmative I-360 Filings and RFEs
- SIJS as a Form of Relief in Immigration Court
- Updates on SIJS Litigation and Post-18th Birthday Difficulties

**Pamela Florian (DL), AILA Arizona Chapter Chair, Phoenix, AZ*

**Annalisa Padilla, AILA Past President, La Habra, CA*

**Edwin D. Colon, Hartford, CT*

**Kathleen E. Irish, Kansas City, MO*

5:15 pm–5:45 pm ET

Networking Break

5:45 pm–6:45 pm ET

“You’re Not Paranoid, They Really Are Out to Get You!”: Due Diligence on Immigration Cases in the Current Climate (Ethics)

When agreeing to represent a new client, prudent attorneys understand the importance of being as thorough as possible in gathering information from that client. In the current climate, there are ample reasons for performing due diligence before and during legal representation beyond ensuring that no conflicts of interest exist. Panelists on this session will explore practical and ethical considerations from the first client meeting to the end of representation in family-based cases.

- Who Is the Client?
- Confidentiality, Conflicts of Interest, and Privilege; Representing Underage Clients
- “Know When to Hold ‘Em and Know When to Fold ‘Em”: How to Screen Clients, Identify Red Flags, Avoid Surprises, and When to Walk Away
- Due Diligence vs. Investigation, Boundary of Zealous Advocacy
- Duty of Candor to the Tribunal: When Does It Start and When It Does It End?

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

**Daniel Caudillo, El Paso, TX*

**Bryon M. Large, Denver, CO*

**Meghan Moore, AILA Ethics Committee Vice Chair, Wyoming, MI*

TUESDAY, JULY 21, 2020

(DL) = Discussion Leader

** = invited, not confirmed*

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FUNDAMENTALS

10:00 am–11:00 am ET

Professional Visas: Overview of the H-1B and Alternatives

The H-1B visa has been called the workhorse of the nonimmigrant work visas. It is the most common work visa, and the most versatile. However, it also comes with many restrictions and traps for new practitioners. Panelists in this fundamentals session will provide an overview of the H-1B visa category, as well as other, similar work visa categories.

- H-1B: The Workhorse
- H-1B1: What Singapore and Chile Have in Common
- E-3: Australians on Their Own
- Drafting the Job Description and Minimum Requirements
- Determining the Prevailing Wage and Drafting the Labor Condition Application
- The Special Category: TN for Mexicans and Canadians

**Janet L. Henner (DL), New York, NY*

**Jennifer L. Nissen, Milwaukee, WI*

**Monika V. Szabo, Toronto, Canada*

**Tiffany Chang Wu, Irvine, CA*

11:00 am–11:30 am ET

Networking Break

11:30 am–12:30 pm ET

Employment-Based Immigration Preference Categories

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

- EB-1: Multinational Executives and Managers, Extraordinary Ability Aliens, and Outstanding Researchers/Professors
- EB-2: National Interest Waivers, Aliens of Exceptional Ability, Professionals Holding Advanced Degrees
- EB-3: Professionals, Skilled, Unskilled, and Other Workers
- EB-4: Special Immigrants
- EB-5: Investors

**Lisa K. Khan (DL), Orlando, FL*

**Michelle A. Ross, AILA Connecticut Chapter Chair, Wilton, CT*

**Meena Rafie, Washington, DC*

**Michelle L. Salter, Seattle, WA*

12:30 pm–1:15 pm ET

(DL) = Discussion Leader

** = invited, not confirmed*

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Networking Break

1:15 pm–2:15 pm ET

Labor Certification 101

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

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

**Andrew L. Wizner (DL), Hartford, CT*

**Hadeel Abouhasira, Richmond, VA*

**Robin O'Donoghue, Cambridge, MA*

**Tifani M. Parrilli, Portland, OR*

2:15 pm–2:45 pm ET

Networking Break

2:45 pm–3:45 pm ET

Labor Certification 102

Recruitment is a key component of the labor certification process and must be conducted with scrupulous attention to the regulations and FAQs. Panelists on Part II of this two-part session will offer guidance on DOL-mandated recruitment and post-recruitment documentation to help practitioners successfully navigate the PERM recruitment process.

- Recruitment Timeline and Deadlines, Required Content for Recruitment Steps
- Mandatory Recruitment: Newspaper of General Circulation, State Job Order, and Notice of Filing
- Supplemental Recruitment: Websites, Career Centers, Employee Referral Programs (ERPs), Local Papers, and Other Alternatives
- Reviewing Resumes and Documenting the Employer's Effective Analysis of Applicants' Qualifications
- Maintaining Evidence of Recruitment, Recruitment Report, the Audit File, and Document Retention

**Laura A. Edgerton (DL), Raleigh, NC*

**Fausta M. Albi, San Diego, CA*

(DL) = Discussion Leader

** = invited, not confirmed*

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*Courtney Rineer, Orlando, FL

*Emily Wilson, Oakland, CA

3:45 pm–4:15 pm ET

Networking Break

4:15 pm–5:15 pm ET

Form I-9 Audits and Enforcement Actions

Employer compliance and enforcement issues have grown dramatically under the current administration, with a four– to five-fold increase in audits and site visits alone. Staying informed on the latest information regarding these issues are more important than ever. This panel of experts will review the latest developments in I-9 audits and enforcement actions, discuss best practices for dealing with them, and identify strategies to mitigate fines and penalties.

- Anatomy of an I-9 Audit
- Anatomy of an I-9 Raid: How to Protect the Employer
- Conflicts of Interest
- Overview of DOJ’s Immigrant and Employee Rights Section (IER) and Its Jurisdiction
- Best Practices for Employers in the I-9 Context: Complying with DOJ’s Immigration Discrimination and Document Abuse Issues

*Kimberley B. Robidoux (DL), San Diego, CA

*Kevin R. Lashus, Austin, TX

*Maria del Carmen Ramos, Tampa, FL

*Eileen M.G. Scofield, Atlanta, GA

5:15 pm–5:45 pm ET

Networking Break

5:45 pm–6:45 pm ET

Asylum 101

Asylum cases are not for the faint of heart. What are the fundamental elements of asylum? What harm rises to the level of persecution? How do you demonstrate the government’s inability to protect your client? Panelists on this fundamentals session will help you answer these and other questions related to asylum practice.

- Persecution: What Harm Is Severe Enough?
- The Five Protected Grounds: What Are They, and How Do They Show Your Client’s Persecution Was Based on One of Those Grounds?
- Government Inability or Unwillingness to Protect: How to Demonstrate That Your Client’s Government Can’t Assist Them
- Use of Country Conditions Evidence and Expert Witnesses
- The Importance of Being Informed About the Latest Legal Developments in the Ever-Shifting World of Asylum Eligibility

(DL) = Discussion Leader

* = invited, not confirmed

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- *Renee C. Redman (DL), New Haven, CT
- *Valeria Gomez, Hartford, CT
- *Kathryn R. Weber, Chicago, IL
- *Matthew Weisner, San Francisco, CA

BUSINESS TRACK

10:00 am–11:00 am ET

“Ch-Ch-Changes”: Regulatory, Policy, and Adjudications

The current administration has us all “Under Pressure.” Panelists on this all-levels session will discuss recent regulatory and policy changes. They also will provide strategies for advising clients in this time of rapidly changing regulations and policies. “Let’s Dance” (and be “Heroes” for our clients)!

- Current Regulations and Agency Memoranda
- Adjudication Trends at USCIS, CBP, and Consulates
- Trends in RFEs

- *Elizabeth Chatham (DL), Phoenix, AZ
- *Michael R. Jarecki, AILA Board of Governors, Chicago, IL
- *William Anthony Diaz, London, UK
- *Matthew D. Stump, Oklahoma City, OK

11:00 am–11:30 am ET

Networking Break

11:30 am–12:30 pm ET

Battling the Invisible Wall: Current Border Practices in North America—Preclearance, Global Entry, E-Safe, and More

This intermediate to advanced session is designed for attendees who work with Canadians and Mexicans to meet the business needs of employers. Panelists will provide updates on U.S. Customs and Border Protection’s (CBP’s) current practices, including an update on the e-SAFE waiver process. In addition, they will address current trends in inadmissibility challenges being faced for those using legacy NAFTA regulations, and provide an update on the USMCA.

- Implementation of e-SAFE
- Transition of Subsequent L Applications and the Intermittent Exception
- USCIS Pilot Program Extension
- Trade NAFTA Occupation Interpretations: CBP vs. DOS
- Use of the Southern Border for Canadians
- Update on USMCA Implementation
- Land Border Closures and “Essential” Work

*Alexis S. Axelrad (DL), AILA Board of Governors/CBP Liaison Committee Chair,
New York, NY*

*Leslie A. Holman, AILA Past President, Burlington, VT

*Ramon E. Curiel, AILA Latin America Chapter Chair/CBP Liaison Committee Vice

(DL) = Discussion Leader

** = invited, not confirmed*

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Chair, San Antonio, TX
*Helena Tetzeli, Miami, FL

12:30 pm–1:15 pm ET

Networking Break

1:15 pm–2:15 pm ET

Impact of COVID-19 on Immigration and the Employment Lifecycle

COVID-19 has exacted deleterious effects on virtually every facet of the American economy (save, possibly, for the alcoholic beverage industry). The U.S. immigration system, including employers who help sustain our economy by hiring immigrants, has been hit particularly hard, suffering not only from the blows inflicted by COVID-19, but also from attacks by the current administration, which seeks to exploit the pandemic to further its anti-immigration agenda. Speakers in this session will address the impact of COVID-19 on immigration through the employment lifecycle generally, and discuss in detail the novel issues employers of immigrants now face: delayed start dates for individuals on OPT, changes in work conditions, issues caused by remote employment, furloughs and terminations, etc. Speakers also will review the latest information on consular and USCIS appointments, administrative policy changes, and executive orders.

- Cap subject H-1B issues: OPT Unemployment, Delayed Start Dates, Consular Processing Issues, Rescinded Job Offers
- Changes in Work Conditions: Impact on NIV and IV Applications
- Furloughs, Terminations, Grace Periods, and Unemployment Insurance
- Employment Verification Issues
- Latest Updates: Executive Orders, Policy Changes, Agency Operations

*Sharon R. Mehlman (DL) San Diego, CA

*Michael P. Nowlan, AILA Business Immigration Response Team Vice Chair, Detroit, MI

*Amy L. Peck, Omaha, NE

2:15 pm–2:45 pm ET

Networking Break

2:45 pm–3:45 pm ET

Strategies for Managing and Winning RFEs and NOIDs

Panelists on this intermediate session will focus upon current RFE and Notice of Intent to Deny (NOID) trends in the nonimmigrant and immigrant visa context. They also will provide guidance on how to address many of the most common and/or difficult requests made by USCIS. Emphasis will be placed on how to work with clients to develop winning strategies.

- Anatomy of an RFE: How to Read What It Says and Understand What It Means
- Legal Sources, Recent Case Law, and Techniques in Drafting a Successful RFE Response
- Encouraging Your Client to Think Outside the Box in Providing New Evidence
- Strategies for Responding to the “Over the Top” RFE, Including Misapplication of Law and Misstatement of Material Facts

(DL) = Discussion Leader

* = invited, not confirmed

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

- Challenges to the RFE and Resubmission of Evidence: When Is This a Good Tactic?
- When the RFE Wins: Is the Best Approach to Withdraw and Resubmit?

**Suzanne B. Seltzer (DL), AILA USCIS HQ (Benefits Policy) Liaison Committee Vice Chair, New York, NY*

**Diane M. Butler, AILA Board of Governors/Membership Committee Chair, Seattle, WA*

**Susan S. Im, AILA USCIS Service Center Operations Liaison Committee Chair, Grand Rapids, MI*

**Cadence M. Moore, Cincinnati, OH*

3:45 pm–4:15 pm ET

Networking Break

4:15 pm–5:15 pm ET

H-1B Cap Season Redux: Looking Back and Moving Forward

The quota on H-1B visas is a reality that every employer must face each year, with each cap season coming with its own trials and tribulations. Panelists will discuss what (if anything) was learned from this year's cap season, identify other options that may be open to employers hoping to employ professional foreign workers, and address late-breaking H-1B issues.

- H-1B Pre-Registration, Lessons from FY 20
- Exemptions from the Cap: Is an H-1B Still Possible?
- Other NIV Options, or Straight to Permanent Residence
- Cap-Gap Issues: Work, Travel, and Other Complications
- To Premium Process or Not to Premium Process: Strategies, Risks, and Other Annoyances to Consider

**Amy Erlbacher-Anderson (DL), Omaha, NE*

**Kevin W. Miner, AILA Board of Governors, Atlanta, GA*

**Vincent W. Lau, AILA DOL Liaison Committee Vice Chair, Cambridge, MA*

**Vic Goel, Reston, VA*

5:15 pm–5:45 pm ET

Networking Break

5:45 pm–6:45 pm ET

Updates on PERM, FAQs, and BALCA Decisions

This panel is designed for all levels to provide an overview of recent and anticipated changes coming from DOL that might impact the labor certification program and process. Come hear our experts speak on the latest developments affecting your practice.

- Updates to PERM-Related Systems
- Trends Gleaned from Recent DOL Audits, Denials, and Liaison
- Review of Recent PERM-Related FAQs
- Trends in Recent BALCA Decisions

**Bob White (DL), Schaumburg, IL*

(DL) = Discussion Leader

** = invited, not confirmed*

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

*Magaly R. Cheng, Cambridge, MA
*Catherine L. Haight, Marina Del Rey, CA
*Linda Rose, Nashville, TN

WEDNESDAY, JULY 22, 2020

FUNDAMENTALS

10:00 am–11:00 am ET

Primer on Waivers of Inadmissibility

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

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

*Anthony Drago Jr. (DL), Boston, MA
*Bridgette M. Bennett, Groveland, FL
*Jennifer Doerrie, Fresno, CA
*David N. Simmons, Denver, CO

11:00 am–11:30 am ET

Networking Break

11:30 am–12:30 pm ET

Anatomy of a Removal Proceeding 101

Representing clients in removal proceedings starts before you set foot in the courtroom. Panelists on Part I of this two-part fundamentals session will provide you with the basics you need to be an effective and prepared litigator in removal court.

- Commencement of Proceedings: Breaking Down the Notice to Appear
- Distinctions Between Being Charged with Deportability Versus Inadmissibility
- Who Bears the Burden of Proof?
- Available Forms of Relief

*Lindsey Gauzza (DL), New York, NY
*Rossana Rolon Grau, Falls Church, VA
*Elham Sadri, San Jose, CA
*John L. Sesini, Milwaukee, WI

(DL) = Discussion Leader

* = invited, not confirmed

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

12:30 pm–1:15 pm ET

Networking Break

1:15 pm–2:15 pm ET

Anatomy of a Removal Proceeding 102

Preparing for court is only half the battle; you still have to litigate the case. Panelists in Part II of this two-part fundamentals session will focus on the more procedural side of representing clients in removal proceedings.

- Master Calendar Hearings, Pleading to or Challenging the Notice to Appear
- Filings with the Immigration Court: Motions, Applications, and Evidence
- Monitoring Legal Developments and Changes to Client’s Circumstances Before the Individual Hearing
- The Importance of a Pre-Hearing Brief and a Trial Notebook
- Procedure of the Individual Hearings: What Happens? How Do You Prepare?
- Handling Post-Order Issues

**Rebecca Kitson (DL), Albuquerque, NM*

**Teddy Chadwick, AILA University Committee Vice Chair/NMD Steering Committee Vice Chair, Milwaukee, WI*

**Donald Madeo, New York, NY*

**John J. Marandas, Lake Oswego, OR*

2:15 pm–2:45 pm ET

Networking Break

2:45 pm–3:45 pm ET

Detention 101

Representing detained clients can be one of the more difficult and demanding immigration practice areas. Panelists on this fundamentals session will discuss various issues related to detention practice, including client access, bond hearings, and mandatory detention.

- How to Find a Client in Detention
- Difficulty with Access to and Contact with Clients
- What Happens When the Client Is Moved?
- Release, Parole, and Bond by ICE
- Bond Requests and Hearings

**John Patrick Pratt (DL), AILA Board of Governors, Coral Gables, FL*

**Aaron Hall, AILA ICE Liaison Committee Vice Chair, Aurora, CO*

**Homero López, New Orleans, LA*

**Benjamin L. Simpson, New York, NY*

3:45 pm–4:15 pm ET

Networking Break

(DL) = Discussion Leader

** = invited, not confirmed*

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FAMILY (LITIGATION MINI TRACK)

4:15 pm–5:15 pm ET

Litigation Skills for Non-Litigators, Mini Track: Removal Proceedings for Family-Based Practitioners

Never give in! Fighting for your client doesn't end with a denial from USCIS, so don't abandon your family-based case just because your client winds up in removal proceedings. Panelists on this intermediate panel will provide expert guidance and litigation tools to help you fight back.

- Basics of Removal Proceedings Everyone Should Know: NTAs, EOIR-28s, etc.
- Knowing Your Court: Common Pet Peeves from Immigration Judges
- *Matter of Castro-Tum, Matter of L–A–B–R–*, and *Matter of Sanchez Sosa*: Getting Continuances for USCIS Adjudication of I-130s, I-918s, I-929s, etc.
- Challenging I-751 Denials Before an Immigration Judge
- When DHS Won't Agree to Termination to Allow for USCIS Adjudication
- Affirmative and Defensive BIA Appeals: Automatic Stays

**Jonathan Willmoth (DL), Kansas City, MO*

**Emily Abraham, Berkeley, CA*

**Daniel Shanfield, San Jose, CA*

**Jennifer Durkin, New York, NY*

5:15 pm–5:45 pm

Networking Break

5:45 pm–6:45 pm ET

Litigation Skills for Non-Litigators, Mini Track: Federal Court Litigation for Family-Based Practitioners

As a family-based practitioner, you don't always think about litigating. Given the current enforcement-minded climate and lengthier delays, however, it's time to seriously consider taking the government to court! Zealous advocacy requires knowledge of this process and the options available to your clients. Our panel of experts will provide an overview of the building blocks to successful litigation for experienced family practitioners.

- Best Practices for Serving Clients Given the Crisis-Level Processing Delays and Backlog: Mandamus Litigation
- Habeas Petitions on Behalf of Detained Clients
- 8 USC §1421(c) Review of Naturalization (and N-336) Denials
- “They Can't Do That!”: APA Violations Regarding I-130s, I-751s, N-400s, etc.
- Where to Turn to for Help: Overview of Available Resources

**Michael W. Gahagan (DL), Metairie, LA*

**Matthew L. Hoppock, AILA FOIA Committee Vice Chair, Overland Park, KS*

**Maris J. Liss, Farmington Hills, MI*

**Mark Stevens, Fairfax, VA*

(DL) = Discussion Leader

** = invited, not confirmed*

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

LITIGATION

10:00 am–11:00 am ET

Hot Topics in Removal: Case Law Updates

Panelists in this intermediate session will discuss the latest case law developments, upcoming battles in the courts, and new arguments to make to preserve the issues. Topics will include developments in crimmigration, false claims to U.S. citizenship, and termination of proceedings.

- Important Immigration Cases Pending in the Circuit Courts and U.S. Supreme Court
- Burdens of Proof and Eligibility for Relief
- Realistic Probability and Controlled Substance Offenses
- Cancellation and the I-589: To Withdraw or Not to Withdraw the Asylum Claim?
- Unwitting False Claims to U.S. Citizenship

**Keli M. Reynolds (DL), Los Angeles, CA*

**Helen Parsonage, Winston Salem, NC*

**Michael S. Vastine, Miami Gardens, FL*

**Ben Winograd, Alexandria, VA*

11:00 am–11:30 am ET

Networking Break

11:30 am–12:30 pm ET

How to Formulate a Legally Cognizable Particular Social Group After *Matter of A–B–*
Matter of A–B– made establishing a legally cognizable particular social group (PSG) extremely difficult in more than just domestic violence-based asylum claims. The panelists in this expert session will do a deep dive on the current law of PSG formulation, and work through how and when to craft a winning PSG for your asylum claims. Formulating an approvable PSG is not something to worry about the morning of your individual hearing, but rather, it is something to work on from the first consultation with a new client.

- Gender– and Gang-Based Asylum After *A–B–*
- Family– and Gender-Based PSGs, Political Opinion as Alternatives
- Finding the “Goldilocks Zone:” Not Too Broad, Not Too Small, and Not Too Circular
- How to Develop and Plead Your PSG at an Early Stage
- How to Support Your PSG Through Testimony and Supporting Evidence

**Jeffrey S. Chase (DL), Brooklyn, NY*

**Deborah Anker, Cambridge, MA*

**Karen Musalo, San Francisco, CA*

**Evelyn Smallwood, Durham, NC*

12:30 pm–1:15 pm ET

Networking Break

(DL) = Discussion Leader

** = invited, not confirmed*

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

1:15 pm–2:15 pm ET

Year Four of the Trump Administration: What’s Happened, What’s to Come, and How COVID-19 Has Impacted Immigration Policy in the U.S.

The Trump administration has proposed a dizzying array of immigration policy changes over the last year, ranging from restrictions on legal immigration to the U.S., to efforts to eliminate humanitarian programs such as TPS and DACA, to its relentless assault on asylum. The administration has also used the COVID-19 pandemic to aggressively pursue its immigration policy priorities. Our subject-matter experts will discuss the latest developments in immigration policy and their implications for immigrants throughout the U.S. and those at our southern border. We will also consider the role of the 2020 election on immigration policy and what to expect as we approach election day.

**Royce Bernstein Murray (DL), Managing Director of Programs, American Immigration Council, Washington, DC*

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

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

**Kathryn Shepherd, National Advocacy Counsel, American Immigration Council, Washington, DC*

2:15 pm–2:45 pm ET

Networking Break

2:45 pm–3:45 pm ET

Hot Topics in District Court Litigation

What are the hottest topics circulating through the district courts right now? What new policies and agency adjudication trends should you be challenging in district court? The litigation experts on this advanced panel will discuss what is ripe for federal challenge.

- Recent Trends in District Court Litigation: What’s Been Challenged, Types of Outcomes Practitioners Have Received
- How to Be the Groundbreaking Litigator You’re Meant to Be: Trends and Decisions That Are Ripe for Challenge
- Best Cause(s) of Action for Bringing Novel Challenges: APA Only, Habeas and APA, TRO
- Why You Shouldn’t Be Afraid to Bring a Novel Legal Challenge in District Court

**Zach Nightingale (DL), San Francisco, CA*

**Holly S. Cooper, AILA Federal Court Litigation Section Steering Committee, Davis, CA*

**Jeffrey A. Devore, Palm Beach Gardens, FL*

**W. John Vandenberg, Philadelphia, PA*

3:45 pm–4:15 pm ET

Networking Break

4:15 pm–5:15 pm ET

(DL) = Discussion Leader

** = invited, not confirmed*

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

Successfully Challenging USCIS in Federal Court

Going to federal court can be intimidating. Panelists on this intermediate panel will provide an overview of different types of federal court actions used by immigration practitioners, and will address what to expect in response from the government.

- Mandamus, Review Under the Administrative Procedure Act
- Declaratory Judgment
- Jurisdiction and Standard of Review
- The Inevitable Motion to Dismiss, Injunctions and Discovery
- Appellate Options

**Brian S. Green (DL), Los Angeles, CA*

**Rekha Sharma-Crawford, AILA Board of Governors/Federal Court Litigation Section Steering Committee, Kansas City, MO*

**Francisco "Frank" Symphorien-Saavedra, Orlando, FL*

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

5:15 pm–5:45 pm ET

Networking Break

5:45 pm–6:45 pm ET

Litigating in the New Age of Agency Deference

*The U.S. Supreme Court's 2019 decision in *Kisor v. Wilkie* sheds light on when agency decisions should receive deference, and could provide valuable arguments for combating bad USCIS, AAO, and BIA decisions that could affect clients. Panelists in this advanced session will address the potentially wide-reaching impact of the *Kisor* decision, and will discuss how to incorporate it into ongoing litigation.*

- What Tools Must a Judge Use Before Determining That a Statute or Regulation Is Ambiguous?
- When Does an Agency Truly Have More Expertise Than a Judge?
- What to Do When an Agency Abruptly Changes Its Interpretation of a Statute or Regulation
- Preserving Deference Challenges Before the Agency for Federal Review
- Hot Topics: Agency Trends That Are Subject to Challenge in Light of *Kisor*

**Megan Brewer (DL), Los Angeles, CA*

**Jennifer L. Koh, Irvine, CA*

**Robert Pauw, AILA Author, Litigating Immigration Cases in Federal Court, 4th Ed., Seattle, WA*

**Jonathan Wasden, Burke, VA*

THURSDAY, JULY 23, 2020

(DL) = Discussion Leader

** = invited, not confirmed*

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

SPECIAL SESSIONS

9:15 am–10:15 am ET

Financial Planning for Solo and Small Firms

Panelists will discuss financial best practices for solo and small law firms, including determining partner/owner compensation, succession planning, and other financial planning considerations.

- Managing the Day-to-Day Finances of Your Practice: Setting Budgets and Bookkeeping
- Determining Partner/Owner Compensation and Planning for Retirement
- Best Practices in Invoicing, Payment, and Collection Systems
- Tax Strategies and Entity Structures
- Trust Accounts and Managing Client Funds

**Ruby L. Powers (DL), AILA Media Advocacy Committee Vice Chair, AILA Author, Build and Manage Your Successful Immigration Law Practice (Without Losing Your Mind), Houston, TX*

**Elizabeth Garvish, Atlanta, GA*

**Rosanna M. Fox, Paramus, NJ*

**Jill Wayland, Bethesda, MD*

10:15 am–10:45 am ET

Networking Break

10:45 am–11:45 am ET

Can You ‘Do Good’ and ‘Do Well’? Tips for Pro Bono Success (Ethics)

Is it possible to represent low-income clients and still pay the bills and make a good living? This is a question immigration practitioners representing clients pro bono often ask themselves.

Panelists will discuss strategies attorneys can employ to balance financial responsibilities with the desire to do pro bono work.

- What Pro Bono Work Is Right for You? What Is the Optimal Case-Mix and Office Philosophy for Accepting Cases?
- Is High-Volume, Low Fee, and Many Staff Members the Only Way to Go?
- Options for Funding Litigation Other Than Charging Clients Directly
- How to Establish the Cost for Cases and Get Paid in a Timely Manner
- Ethical Considerations in Making Business Plans and Choosing Cases

**Sabrina R. Damast (DL), AILA 2020 Annual Conference Due Process Chair, Los Angeles, CA*

**Sheila T. Starkey Hahn, AILA Pro Bono Committee Chair, Dunkirk, NY*

**K. Alexandra Monaco, Las Vegas, NV*

**Patricia B. Minikon, Greenbelt, MD*

11:45 am–12:15 pm ET

Networking Break

(DL) = Discussion Leader

** = invited, not confirmed*

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

12:15 pm–1:15 pm ET

Immigration and the 2020 Elections

While little immigration-related legislation has passed a divided Congress over the past year, it remains a significant, and controversial, issue politically, both for AILA members and, of course, for the American electorate at large. Panelists will address the current state-of-play concerning immigration in Congress, examine the impact the immigration issue is likely to have on the November election, and predict what this all may mean for immigration attorneys going forward.

- How Current Politics are Impacting Immigration in Congress
- The Road to November
 - Immigration as a Hot-Button Political Issue
 - Watching the Polls and Key Races
- Immigration-Related Legislation

**Anastasia Tonello (DL), AILA Past President, New York, NY*

**Ira J. Kurzban, AILA Author, Kurzban's Immigration Law Sourcebook/AILA Past President, Miami, FL*

**John Miyasato, President, Crossroads Campaigns Solutions, Washington, DC*

**Congressional Representative or Staffer*

1:15 pm–1:45 pm ET

Networking Break

1:45 pm–2:45 pm ET

What Is That Pressure in My Chest? Recognizing Burnout and Strategies for Healing (Ethics)

If you manage to eat healthy and exercise regularly but still feel overwhelmed, anxious, angry, and exhausted, you're not alone! There is ample scientific neurological evidence regarding the deleterious effects of stress and depression, effects that hinder not only you, but also those around you, including your staff. In light of these findings, panelists will provide guidance on proven methods to combat the effects of burnout through methods that change brain activity—e.g., relaxation techniques, physical activity, mindfulness, meditation, engaging in creative endeavors, social activities, etc.

- How Depression and Stress Take a Physical as Well as Emotional Toll
- Recognizing the Symptoms of Burnout
- PTSD and Secondary Trauma
- The Science of Brain Plasticity: How to Build Better Brain Pathways and Take Care of Yourself to Fend Off Burnout
- Protecting the Wellness of Your Staff to Protect Yourself in the Long Run

**Maurice H. Goldman (DL), AILA 2020 Annual Conference Family Chair, Tucson, AZ*

**Rachel Hammerman, New York, NY*

**Mariela G. Shibley, San Diego, CA*

(DL) = Discussion Leader

** = invited, not confirmed*

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

2:45 pm–3:15 pm ET
Networking Break

3:15 pm–4:15 pm ET

Managing the Cybersecurity Risks to Your Practice (Ethics)

You've probably never thought about it, but your firm is likely at risk of a data breach and more now than ever. And as an immigration lawyer, you have a lot of private data stored about your clients—addresses and employment history, financial information, social security numbers, and other sensitive personal information. Panelists will focus on the steps you need to take to ensure your clients' information is protected.

- The Ethical Duty of Technology Competence, Understanding Today's Cybersecurity Risks
- Training Staff on Cybersecurity Issues
- Security Solutions for Immigration Firms
- What to Do When There Has Been a Data Breach: Ethical Requirements and Practical Obligations
- Is It Time for Cyber Liability Insurance?
- Cyber Security in the Age of COVID-19

**Charity Anastasio, Practice Management Advisor, AILA Practice & Professionalism Center, Washington, DC*

**John L. "Jack" Pinnix, AILA Past President, Raleigh, NC*

**David L. Bridges, President, The Leavitt Group of Atlanta, Inc., Lawrenceville, GA*

4:15 pm–4:45 pm ET
Networking Break

4:45 pm–5:45 pm ET

Ethically Navigating Changing Circumstances During the Course of Representation (Ethics)

Whether we like it or not, cases and clients can present themselves differently after the consultation and the fee agreement is signed. Practitioners in these situations face challenges in navigating changes in circumstances successfully for their clients, particularly when the change in circumstance is unforeseeable. Panelists will advise on ethical ways to address disputes and conflicts when changes occur. They also will discuss processes for analyzing underlying causes and address ethical methods to prevent disputes and reduce vulnerability to conflict for attorneys.

- Foreseeing Potential Changes in Circumstance
- Handling the Surprise
- Evaluating Fee and Billing Policies
- Client Communication Strategies: What to Tell Clients, and How Frequently
- Knowing Your Ethical Obligations: When to Refer Out, Get Co-Counsel, or Withdraw
- COVID-19 Complications

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

(DL) = Discussion Leader

** = invited, not confirmed*

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

**Mahsa Khanbabai, AILA New England Chapter Chair, Easton, MA*

**Nicholas J. Mireles, Los Angeles, CA*

**Bonnie Stern Wasser, Seattle, WA*

5:45 pm–6:15 pm ET

Networking Break

6:15 pm–7:15 pm ET

Diversity and Inclusion Within Your Firm: Impact on Profitability (Diversity/Elimination of Bias)

While the societal benefits of achieving a diverse and inclusive workforce is clear, awareness of the business case for diversity and inclusion is also now on the rise. Companies and law firms have increasingly begun to regard diversity and inclusion as a source of competitive advantage, and specifically, as a key enabler of growth. This panel will include in-house counsel, law firm leaders, and other experts discussing the benefits of diversity and inclusion and its impact on profitability. Hear practical advice on how small and large organizations successfully incorporate diversity, inclusion, and the elimination of bias into their respective cultures and how your firm can too.

- Tangible Benefits of Diversity for Your Firm
- Obstacles Legal Professionals Encounter as They Seek to Eliminate Implicit Bias and Solutions
- How Your Firm Can Develop Sustainable Diversity and Inclusion Practices
- How Adopting These Initiatives Could Make Your Firm More Attractive to Corporate Clients
- Marketing Your Diversity and Inclusion Initiative

**Olivia Serene Lee (DL), AILA Diversity and Inclusion Committee Vice Chair, San Francisco, CA*

**Victor D. Nieblas Pradis, AILA Past President, City of Industry, CA*

**Christine M. Hernandez, Denver, CO*

**Nandini Nair, Edison, NJ*

GOVERNMENT & LIAISON COMMITTEE OPEN FORUMS

9:15 am–10:15 am ET

The DHS Office for Civil Rights and Civil Liberties (CRCL) Open Forum

10:15 am–10:45 am ET

Networking Break

10:45 am–11:45 am ET

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

**Kenneth J. Harder (DL), AILA DOS Liaison Committee Chair, Houston, TX*

**Sandra S. Reguerin, AILA DOS Liaison Committee Vice Chair, Phoenix, AZ*

**David Newman, DOS Visa Office, Director of Legal Affairs, Washington, DC*

**Conn Schrader, National Visa Center (NVC) Director, DOS, Portsmouth, NH*

(DL) = Discussion Leader

** = invited, not confirmed*

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

11:45 am–12:15 pm ET

Networking Break

12:15 pm–1:15 pm ET

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

**Alexis S. Axelrad (DL), AILA Board of Governors/CBP Liaison Committee Chair, New York, NY*

**Ramon E. Curiel, AILA CBP Liaison Committee Vice Chair, San Antonio, TX*

**Frank Russo, Assistant Director of Field Operations, New York Field Office, U.S. Customs and Border Protection, New York, NY*

**Luis A. Mejia, Director, Enforcement Programs Division, Office of Field Operations, U.S. Customs and Border Protection, Washington, DC*

**Sidney Aki, San Ysidro Port Director, U.S. Customs and Border Protection, San Diego, CA*

1:15 pm–1:45 pm ET

Networking Break

1:45 pm–2:45 pm ET

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

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

**Vincent W. Lau, DOL Liaison Committee Vice Chair, Cambridge, MA*

**Brian Pasternak, Administrator, OFLC, DOL, Washington, DC*

**Shawn M. Packer, Senior Counsel, Office of the Assistant Secretary, ETA, DOL, Washington, DC*

**Renata Adjibodou, Director, OFLC, National Prevailing Wage Center, DOL, Washington, DC*

**Paul Gotte, Acting Center Director, OFLC, National Prevailing Wage Center, DOL, Washington, DC*

**Brandt Carter, Director, OFLC, Atlanta National Processing Center, DOL, Washington, DC*

2:45 pm–3:15 pm ET

Networking Break

3:15 pm–4:15 pm ET

Executive Office for Immigration Review (EOIR) Open Forum

**Merlyn N. Hernandez (DL), AILA EOIR Liaison Committee Chair, Los Angeles, CA*

**Sarah Owings, AILA EOIR Liaison Vice Chair, Atlanta, GA*

**James McHenry, EOIR Director, Falls Church, VA*

**Rico J. Bartolomei, Assistant Chief Immigration Judges, San Diego, CA*

4:15 pm–4:45 pm ET

Networking Break

4:45 pm–5:45 pm ET

(DL) = Discussion Leader

** = invited, not confirmed*

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

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

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

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

**Matthew T. Albence, Deputy Director, U.S. Immigration and Customs Enforcement (ICE),
DHS, Washington, DC*

**Tony H. Pham, Principal Legal Advisor, Office of the Principal Legal Advisor (OPLA),
Immigration and Customs Enforcement (ICE), DHS, Washington, DC*

**Henry Lucero, Executive Associate Director, U.S. Immigration and Customs Enforcement
(ICE) Enforcement and Removal Operations (ERO), DHS, Washington, DC*

5:45 pm–6:15 pm ET

Networking Break

6:15 pm–7:15 pm ET

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

**Bennett Savitz (DL), AILA USCIS HQ (Benefits Policy) Committee Chair, Boston, MA*

**Suzanne B. Seltzer, AILA USCIS HQ (Benefits Policy) Committee Vice Chair, New York, NY*

**Susan S. Im, AILA USCIS Service Center Operations Liaison Committee Chair,
Grand Rapids, MI*

**Kari Ann Fonte (DL), AILA USCIS Field Operations Liaison Committee Chair,
Coral Gables, FL*

**Government Speakers - TBD*

(DL) = Discussion Leader

** = invited, not confirmed*

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