

Wednesday, June 12, 2024

FUNDAMENTALS

8:00 am–9:00 am

H-1B Overview (Fundamentals)

While there are a limited number of visas available, the H-1B specialty occupation visa category has long served as the “workhorse” visa for foreign nationals coming to the United States to engage in temporary “professional” employment. Panelists will provide an overview and discuss how the process works, identify best practices for avoiding common problems, and alert new practitioners to current challenges.

- Is the employer offering a position that qualifies as a “specialty occupation?”
- Is the employer offering and willing to pay the higher of the actual or prevailing wage?
- Does the foreign national qualify for the offered position?
- Attorney’s fees, filing fees, and fees for premium processing
- The H-1B cap, registration process, and the lottery
- Preparing an H-1B visa petition, document retention, and postings

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Overview of the L-1 Intracompany Transferee Visa (Fundamentals)

With increasing globalization stymied by visa caps, the L-1 nonimmigrant

visa for intracompany transferees has become a much sought-after vehicle to bring foreign nationals into the United States. The speakers for this fundamentals-level panel will provide an overview of the L-1A and L-1B visa categories and identify current adjudication trends at USCIS and consulates abroad.

- When is a sponsor needed? What form should you use?
- L-1A: managers and executives
- L-1B: specialized knowledge
- Individual petition vs. blanket Ls: process and timetable
- Establishing a “qualifying relationship”: subsidiaries, affiliates
- Establishing “doing business” requirements
- New office L visas

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

E-1/E-2 Overview (Fundamentals)

The treaty trader (E-1) and treaty investor (E-2) visa categories allow nationals of countries with which the United States maintains a treaty of commerce and navigation to be admitted to the United States when investing in a U.S. entity or engaging in international trade. Panelists will provide an overview of how to assess whether there is qualifying trade or investment, and they will advise on best practices to employ during the application process.

- General qualifications of the (E-1) treaty trader and (E-2) treaty investor

- Who can apply for an E-1/E-2: nationality and existing treaties
- Latest developments regarding citizenship by investment limitations
- Qualifying positions
- Overview of the application process: USCIS vs. consular applications
- Citizenship by investment update

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

Introduction to Other Nonimmigrant Visas: The Less Traveled Path

Panelists will provide an overview of key visa options not covered in depth elsewhere in this program, including visas for foreign nationals looking to come to the United States for reasons other than employment, as well as lesser-used but helpful employment-based options.

- A, G, and NATO: diplomats and government representatives
- B-1 and B-2: visitors
- C and D: crew and transit
- F, J, and M: students and exchange visitors
- I: foreign media
- H-2A and H-2B: seasonal workers
- Q: the cultural visa
- S, T, and U: crime-related visas

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

Introduction to Nonimmigrant Visa Consular Processing (Fundamentals)

Panelists will review the basics of nonimmigrant visa consular practice at U.S. consulates and embassies abroad. They will discuss the overall process, provide guidance regarding common challenges, and advise on best practices to successfully prepare your clients.

- When and where clients can apply: DOS visa wait times, expedites, third-country national processing, and possible stateside processing
- Common issues in completing Form DS-160
- Step-by-step guidance and tips for understanding and dealing with the relevant consulate
- Administrative processing and potential triggers
- Inadmissibility and waiver issues
- Effective client preparation to avoid processing issues and denials

4:00 pm–4:30 pm

Networking Break

4:30 pm–5:30 pm

Introduction to Naturalization (Fundamentals)

Panelists will cover the basics of becoming a U.S. citizen. The requirements and process of naturalization will be presented. They will also discuss common red flags and risks of filing for naturalization.

- Eligibility requirements for naturalization
- Continuous residence and physical presence
- Three-year vs. five-year residence and good moral character periods
- Common good moral character issues
- English language and civics testing
- Introduction to medical exemptions and N-648s

5:30 pm–7:30 pm

Exhibit Hall Opening Happy Hour

BUSINESS

8:00 am–9:00 pm

Employment Pathways to Permanent Residence for Humanitarian Parolees (Intermediate)

Panelists will focus on options for individuals who have been paroled on one of the country-specific programs, DACA advance parole, or at the southern border. They also will advise on options to transition to green cards through employment-based categories.

- PERM, extraordinary ability, H-1B, and other options for paroled professionals
- Options for DACA recipients, TPS holders, and parolees
- Eligibility for asylees: PERM, etc.
- Importance of maintenance of status and lawful entry, whether §245(k) helps

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

PERM: The “New” ETA Form 9089 After the First Year (Intermediate)

It has been a year since the new ETA Form 9089 was introduced. Panelists on this intermediate-level session will review what we have learned and what we are still figuring out.

- Updates and resolutions on the unknowns
- Strategically completing Form 9141
- Specific Vocational Preparation (SVP) analysis and business necessity explanation
- What about multiple prevailing wage forms?
- Processing times and audit trends

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Isn't that Special? Special Handling PERMs, Specialized Immigrants, and Special Issues (Intermediate/Advanced)

Panelists on this intermediate to advanced level session will focus on when special handling may be appropriate. They will look specifically at issues within both academia and professional sports. This panel is appropriate for those with an understanding of basic PERM requirements.

- The lifecycle of a special handling case
- Navigating the new ETA-9089 vis a vis special handling, including SVP analysis and more
- Special issues in athlete and university cases
- Handling a reselection case
- Review of BALCA decisions

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

Wage Transparency and Equal Pay Transparency (EPT) Rules: PERM Recruitment Best Practices (Advanced)

An increasing number of local jurisdictions are requiring some level of wage transparency for employers, whether it be as simple as providing wage information upon request or formally identifying offered wages in job advertisements. While these laws are location specific and not required under the PERM regulations, they can impact how we advise clients on PERM labor market test requirements.

- What municipalities/states currently require wage transparency and how do you keep up with changes?
- Insights on specific enforcement actions to date
- Weighing the risks and balances: best practices for advising clients on PERM ad requirements when they may be subject to EPT laws
- Coordinating approach to PERM recruitment with general counsel and labor/employment counsel input

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

Employment Visas and Permanent Residence for Academics (Advanced)

Universities typically start their rigorous hiring processes one year before the academic year to hire the best and brightest professors the talent pool has to offer. These professors are then tasked with carrying out the school's educational and research mission and upholding their stellar reputation. This advanced panel will discuss:

- Nonimmigrant visa options for tenure track and non-tenure track professors
- Immigrant visa options for professors: PERM, EB-1, NIW?
- Travel while transitioning from OPT/STEM OPT to a nonimmigrant visa
- Issues that can derail the process and how to overcome them
- Communication strategies for highly accomplished but worried professors

4:00 pm–4:30 pm

Networking Break

4:30 pm–5:30 pm

Permanent Residence: Non-Physicians Health-Care Workers (Intermediate)

Daily we hear in the news about a national health-care worker shortage. Panelists will discuss permanent residence options for non-physician health-care workers. They will focus on important issues such as knowing and understanding the educational system of the beneficiary's home country, as well as U.S. licensing issues.

- Understanding the CGFNS licensing process
- Reviewing the PERM process and filing the I-140 Petition
- Process for Schedule A occupations
- Arrival issues in the United States
- Ethical considerations in employee retention and “clawback” agreements

5:30 pm–7:30 pm

Exhibit Hall Opening Happy Hour

FAMILY

8:00 am–9:00 am

USCIS Systems and Procedures: A Practical Understanding of What Happens with Your Petition, from Filing to Approval (Intermediate)

Much of what immigration practitioners do revolves around persuading a key audience: USCIS. A key to successful persuasion is to know that audience! So, what goes on inside USCIS? Our expert panelists will present an in-depth understanding of USCIS, including how it works and what else practitioners should know about it.

- What are the mechanics of USCIS?
- Best practices to avoid an RFE
- How to fix defective approval notices: name typos, I-94 errors, I-551 issued as LPR for CPR
- What you need to know about electronic filing

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Complex I-751 Issues (Intermediate)

The I-751 is a standard part of any family practitioner's services, but what do you do when a timely, jointly filed petition is not possible? Panelists will discuss strategies for dealing with complicated I-751 issues.

- Changes in family unity after filing: converting to a waiver
- Preparing the clients for interview
- Pending divorce at time of interview
- The joint N-400/I-751 interview
- Recent trends in I-751 litigation

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Complex I-130 Issues: Avoiding and Challenging Denials or Revocations (Part I) (Advanced)

While the basics of an I-130 filing are straightforward, there are many situations that can sink a filing. The experts in Part I of this two-part,

advanced panel will discuss strategies for when an I-130 is denied by USCIS and revoked by consular posts, and whether appealing or filing a new I-130 is prudent.

- When is a sponsor needed? What form should you use?
- Avoiding a denial: beefing up bona fides, responding to RFEs
- What to do when the consular office wants to revoke the I-130
- Strategies when an I-130 is denied: Appeal? Refile?

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

Complex I-130 Issues: Petitioner Criminal Records or Beneficiaries in Removal Proceedings (Part II) (Advanced)

The experts in Part II of this advanced panel will tackle heightened standards and complications resulting from prior criminal issues, as well as removal proceedings. Panelists will help you understand how to prepare your case before filing, and they will advise on what to expect when the petitioner has a criminal record or the beneficiary is in removal proceedings.

- Preparing for a possible conflict of interest
- Adam Walsh Act: recent successes!
- I-130 while in removal proceedings
- Bona fide marriage exemption procedures

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

Naturalization: When to File, When to Wait, and When Not to File (Intermediate)

While most naturalization applications are straightforward, there are still many pitfalls that can doom an application and even get the applicant's residency revoked. Panelists will discuss complicated naturalization questions to help practitioners navigate converting green cards into U.S. citizenship.

- Already a citizen? File N-600 or N-565

- N-648: deference to the doctor, who chooses the doctor
- Criminal issues and certified records
- Past misrepresentations at USCIS or a consulate

4:00 pm–4:30 pm

Networking Break

4:30 pm–5:30 pm

Ethical Issues in Nontraditional Marriage Situations and Managing USCIS Bias (Ethics and Bias) (Intermediate)

Married couples today are often not “traditional.” Panelists will examine closely how to discern if USCIS may have concern about a relationship and how to address that concern. They also will discuss how to ethically withdraw representation.

- What is a “nontraditional” marriage?
- USCIS marriage fraud indicators in most nontraditional marriages
- Is it fraud or just a nontraditional marriage? Red flags, the intake, supporting documents
- Creative evidence for demonstrating bona fides: How much is necessary?
- Elimination of USCIS bias: dealing with possible racism, ethnic discrimination, age bias, and/or other diversity bias

5:30 pm–7:30 pm

Exhibit Hall Opening Happy Hour

LITIGATION AND REMOVAL PROCEEDINGS

8:00 am–9:00 am

Effective Writing for Agencies and Courts (Intermediate)

The practice of immigration law is the practice of writing. Panelist will address effectively tailoring your writing to each audience, creating easy-to-read and understandable briefs, and effectively preserving issues without getting bogged down in the weeds.

- Addressing your writing to the target audience
- Storytelling in brief writing and RFE responses
- Getting the adjudicator to pay attention without cheap tricks or

distracting formatting

- Preserving issues for appeal without getting bogged down

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Advanced Trial Skills: How to Make Effective Objections in Immigration Court (Advanced) (Trial Skills)

The Federal Rules of Evidence are not strictly applied in immigration courts and immigration court procedures are not clearly defined, presenting many problems for immigration practitioners. Panelists will examine these problems and review common objections in immigration court using real world hypotheticals and examples.

- Relevance, reliability, and fundamental fairness as only bars to admissibility of evidence
- Rules that do and don’t apply in immigration court
- Documentary vs. testimonial evidence, applicable objections
- Other “objections”: getting nonverbal happenings on the record
- Contesting issues with interpreters, objecting to judicial conduct or questions, and more

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Advanced Trial Skills: Preparing for the Merits Hearing (Advanced) (Trial Skills)

Everyone can be a litigator, and everyone can be a “better” litigator, so let’s get better together! Panelists will discuss a wide range of crucial substantive and procedural issues impacting removal defense practice at the trial level. They will help prepare you to move forward with litigation and advise on your options if you decide that litigation is not the best course to follow.

- Are you ready to move forward? Biometrics, witness list, interpreters, knowing your IJ’s appearance medium, in-person/video

- Substantive preparation: selecting witnesses, properly accrediting, and preparing them
- Stipulations: why and how to make them
- Deciding not to go forward: pros and cons of prosecutorial discretion/off calendar notices
- Subpoenas

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

Don’t Concede Anything: Make the Government Do Its Job in Immigration Court! (Intermediate)

It is important for attorneys to object to and otherwise challenge the notice to appear (NTA): in writing/on the record of proceedings if service is improper; if the content is deficient or inaccurate; if there are grounds to contest the respondent’s removability; or if the evidence has been unconstitutionally obtained. Panelists will discuss:

- Presumption of alienage, challenging even with defensively filed I-589s
- Identifying defective/deficient/improperly served NTAs
- Motions to terminate
- Overview of motions to suppress
- Considerations to discuss with respondents in reviewing factual allegations

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

The Doctrine of Consular Nonreviewability: Preparing for Litigation (Advanced)

The experts on this advanced panel will examine consular nonreviewability, beginning with what is known about a client’s indicia of inadmissibility. They then will advise on best practices for building a record with DOS and LegalNet that rebuts DOS’s assertions.

- Develop the record in anticipation of denial—i.e., exculpatory material, expert witness report, etc.
- Promptly ask for factual basis and specific subsection of statute upon denial

- District court litigation and appeals to the circuit courts
- Strategies on establishing standing and jurisdiction
- Alcohol, drugs, back taxes, and other discretionary issues that can kill your case

4:30 pm–5:30 pm

How to Deal with Lying: Ethically Preparing Your Clients (Intermediate) (Ethics)

Lawyers are often faced with clients who, for one reason or another, may disclose information they should not have, or may have misrepresented the truth. Panelists will focus on working with clients to avoid findings of adverse credibility and fraud, how to argue against those findings when they happen, and navigating tricky ethical issues related to these issues.

- How does the INA define “fraud” and “misrepresentation” in different contexts?
- Legal arguments on materiality, dealing with conflicting information, and relief that remains
- How can you prepare your client to avoid adverse credibility findings, or findings of fraud or misrepresentation?
- How can you rehabilitate your client in the moment if lies surface during removal proceedings or before USCIS?
- What responsibility do you have to your client to advise them as to the possible criminal penalties for lying?

5:30 pm–7:30 pm

Exhibit Hall Opening Happy Hour

SPECIAL SESSIONS

8:00 am–9:00 am

What Every Ethical Immigration Lawyer Should Know: If Only I Knew Then What I Know Now (Fundamentals) (Ethics)

Panelists will share wisdom from years of practice to provide expert guidance for new practitioners on the basic knowledge and resources needed to adhere to key ethics requirements and build a successful practice.

- Legal research essentials: INA, CFR, Foreign Affairs Manual, USCIS Policy

Manual, and *Kurzban's Immigration Law Sourcebook*

- AILA resources, practice pointers, and the importance of mentor relationships
- Overview of ethics requirements and dual representation
- Essentials of retainer agreements and consultations
- Client retention and selection: Don't be afraid to say “no”!

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

How to Incorporate SAVE Support into Your Practice

Since the government is using SAVE in their work, should you be adding it to yours, too? What support can you provide within the immigration context relating to SSA, DMV, and other benefit-issuing organizations? Panelists will discuss:

- How to incorporate SAVE support into your practice
- What are appropriate parameter models/fee structuring?
- What are the best practices for minimizing delays?
- How to deal with SAVE delays: reasons and resolutions
- When and how to seek AILA liaison assistance

10:30 am–11:00 am

Networking Break

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

Immigrants List Civic Action Panel: The Political Landscape for Immigration Reform

Immigration reform is still one of the top issues for congressional legislation. But how can we, as immigration lawyers, use our expertise to advocate to members of Congress for true reform? Join Immigrants' List Civic Action for a discussion on immigration policy and the political landscape for 2024 and the upcoming presidential election.

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

The American Immigration Council's Expanding Horizons: Diversify Your Business Immigration Practice with the J-1 Visa Category

Panelists will explore how legal practitioners can enhance and diversify their business immigration practice by incorporating the J-1 visa category. They will delve into the unique features and benefits of the J-1 visa program, giving attendees useful insights into expanding their services and better serving clients in an increasingly globalized world.

- Overview of the J-1 visa category: purpose, eligibility requirements, and key subcategories
- Identifying opportunities for diversification
- Navigating J-1 program requirements
- Program benefits for employers and participants: global talent, cultural diversity, and professional development

4:00 pm–4:30 pm

Networking Break

4:30 pm–5:30 pm

Top Mistakes in Employment-Based Practice 2024: (Intermediate)

We all make mistakes, but we don't all make all the mistakes. A competent attorney not only acknowledges their mistakes but is ready with solutions for clients. Hear stories about real problem cases and advice on how to navigate these scenarios.

- Do your homework and phone a friend: best practices to avoid errors
- Common blunders: You missed it, now what?
- Hindsight is 20/20: how to handle mistakes you could not have prevented or never saw coming
- Tips for discussions with clients, including providing alternatives and solutions
- When do you need to notify your malpractice insurance carrier?

5:30 pm–7:30 pm
Exhibit Hall Opening Happy Hour

TECHNOLOGY MINI TRACK

8:00 am–9:00 am

The Ethics of the Evolving Landscape of Data Privacy (Ethics/Cybersecurity)

Law firms are ethically bound not just to take necessary measures to protect client data from privacy threats, but also to ensure data availability post-disaster and to inform clients if their data has indeed been compromised. It is critical for attorneys and law firms to recognize data privacy threats and address them through comprehensive cybersecurity programs, including preparing and implementing incident response plans.

- Potential pitfalls, challenges, and risk mitigation strategies related to bias, data privacy, and liability
- How to ethically collect personal information, including that of clients, opposing parties, and third parties
- Best practices for complying with data privacy laws
- How this applies to Model Rule of Professional Conduct 1.6
- Cybersecurity insurance: What is and isn't covered?

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Breaking the Limited Mindset: Utilizing Technology for Your Practice and Meeting Ethical Obligations (Ethics)

Attorneys are among the slowest adopters of new technology, often hindered by a traditional mindset regarding how to operate a law practice. Panelists will guide you through the essentials of deliberately, strategically, and ethically adding technology in a way that also bolsters the bottom line and meets competency requirements.

- Methods to collect and analyze data of all types: tech audits, designating a tech staff person, utilizing outside vendors
- Defining the duty to competently use technology in practice
- Recognizing the implications of the forward-looking nature of Model Rule 1.1

- Identifying how technology competence intersects with other ethical duties

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Efficiency Unleashed: Transforming Law Firm Management with AI and Other Technologies

Join us for an enlightening panel discussion as we delve into the cutting-edge realm of law firm management. Discover how AI and other groundbreaking technologies are revolutionizing the legal landscape, empowering firms to streamline their processes like never before, maximizing efficiency, optimizing workflows, and ultimately propelling firms toward a more successful and client-centric future.

- Case management software
- Document automation tools
- Data analytics and business intelligence
- Artificial intelligence for document review
- Chatbots and virtual assistants

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

AI Prompt Engineering: The Secret to Making AI an Effective and Ethical Time Saver (Ethics)

Want to get what you want faster and smarter, but afraid of new technology? You may find yourself wondering what the potential pitfalls are, and how you can use the most up-to-date technology while also avoiding malpractice. Panelists will examine the issues surrounding artificial intelligence and how lawyers can navigate this new minefield.

- What is a large language model? What can it do? What can't it do?
- Using AI effectively in a way that is practical and ethical
- Ethical considerations for using AI in the legal profession

- Transparency, accountability, and safeguarding client confidentiality

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

The Business of Practicing Business Immigration Law 101: Things I Wish I Knew When I Started Practicing (Fundamentals)

Panelists will provide new practitioners with a broad understanding of the basic 'ins and outs' of the business of practicing immigration law. They also will advise on global mobility and dealing with the many stakeholders, including the foreign national and possible company contacts, as well as recruiters, human resources, and general counsel.

- General overview of the life cycle of nonimmigrant and immigrant business cases
- Case assessment, initiation, and communication, including client identification
- Effective case management and processing
- Managing expectations/Service Level Agreements (SLAs)
- Tips on pricing and communication

4:00 pm–4:30 pm

Networking Break

WEDNESDAY TRAININGS AND SPECIAL EVENTS

8:00 am–5:30 pm

Registration

7:30 am–8:00 pm

Exhibit Hall Hours

5:30 pm–7:30 pm

Exhibit Hall Opening Happy Hour

Thursday, June 13, 2024

FUNDAMENTALS

8:00 am–9:00 am

Overview of Family-Based Immigration (Fundamentals)

Panelists will provide an overview of family-based immigration and explain why the process can be complicated, often taking several years to complete. Those new to immigration should attend this session to gain a general understanding of family-based immigration law, and to prepare for the more in-depth fundamentals-level family panels.

- Family-based immigration categories
- Immediate relatives vs. preference categories and the Visa Bulletin
- Process for applying for a family-based immigrant visa or adjustment of status
- Establishing the bona fides of the relationship
- Changes in family situation/relationships: death, divorce, marriage, age-out, etc.
- Affidavit of support and public charge

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Ethical Considerations in Marriage-Based Adjustment of Status, Consular Processing, and K Visas (Ethics) (Fundamentals)

Panelists will discuss various methods for a U.S. citizen to sponsor their foreign national fiancé(e) or spouse. Panelists also will review ethical considerations in taking a case, and they will identify factors that should be discussed with a potential client when choosing between adjustment, consular processing, or a K visa.

- Ethical considerations in family-based cases: nonimmigrant vs. immigrant intent, dual representation, and other red flags
- Third-party involvement and joint sponsors

- The steps for each process, processing times, deciding the best route for your client
- Expediting the process: managing client expectations

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

I-751 Petitions to Remove Conditions on Residence (Fundamentals)

Panelists will address the nuts and bolts of preparing and filing an I-751 petition. They also will discuss in detail certain aspects of the process, including best practices for documenting a good faith marriage and remedies for late submission and waivers of the joint filing requirement.

- Who is required to submit an I-751 petition, and when?
- Basics of preparing an I-751 petition
- What is “good faith” and how is it proved?
- Remedies for late submission
- Introduction to I-751 waivers: divorce, abuse, or death

BUSINESS

8:00 am–9:00 am

Immigration Challenges Faced by Beneficiaries from Countries with Backlog and Retrogression Issues (Intermediate)

Clients are in limbo—frozen in time between here and abroad by the immigration quota system. Panelists will explore how to develop long-term plans and advise nationals regarding issues arising in their seemingly endless path to permanent residence.

- Visa retrogression and challenges of being in a nonimmigrant status for years
- Resolving issues from USCIS extension denials after multiple approvals
- Dealing with employers regarding need for
- , PERM, and I-140 approval
- Ethical responsibilities if employer is taking advantage of nonimmigrants

- What fees/expenses can employees pay?

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Always Extra, Never Ordinary: A Discussion on Extraordinary Ability Petitions O-1 and EB-1 (Intermediate)

Rockstars, superstars, scientists, and business executives—many fall under the extraordinary ability categories. But how can you tell if they qualify? What is USCIS looking for? Why do I have to provide so many support docs? Get the answers to these questions and more in this intermediate panel.

- Adjusting expectations between O-1A and O-1B standards
- Making the leap from O-1A/B to EB-1A: When is it right to do it?
- Special issues in the extraordinary: social media, reference letters, itineraries, and peer groups
- Thinking outside the box

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

When You Aren't Extraordinary Enough! How to Stop Worrying and Love the National Interest Waiver (Intermediate)

Slower than an EB-1, more difficult than a PERM, the National Interest Waiver has long been overlooked by practitioners. But now with premium processing as an option and layoffs pausing PERMs across the country, it's time to start considering the NIW in your regular practice.

- Introduction to the regulations: advanced degree vs. exceptional ability
- Incorporating USCIS guidance on STEM, entrepreneurs, and job creation
- Review of *Matter of Dhanasar*
- Filing strategies and hurdles: What is in the national interest anyway? Filing non-traditional NIW cases? Examples of recently approved petitions

FAMILY

8:00 am–9:00 am

Death of the Petitioner or Principal Beneficiary (Intermediate)

The experts in this intermediate panel will address what happens when the petitioner or principal beneficiary dies. What can the surviving beneficiary or derivative beneficiaries do to preserve their hope of remaining in or coming to the United States?

- INA §204(l): history, eligibility, corollary application benefits
- Humanitarian reinstatement: eligibility, procedures, how it differs from INA §204(l)
- Procedures: where, how, when, what to file, and what to expect from USCIS
- Best practices for working with the affected survivor(s)
- Effects on waivers where qualifying relative dies

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Consular Processing: When Things Go Wrong (Advanced)

Consular processing delays are now unfortunately becoming the norm rather than the exception. Panelists will discuss strategies on how to move forward when cases get stuck with the U.S. Department of State.

- NVC Delays
- Administrative processing: background/national security, export control/sensitive technology
- Special considerations for individuals born in Iran
- Working with the U.S. Consular Office in Ciudad Juarez

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Maintaining Residency Issues (Advanced)

Panelists will discuss advanced issues in helping clients maintain residency when they are thinking about spending more than 180 days outside the United

States or have already done so.

- Reentry permits: Must one do anything but try to enter?
- SB-1: helpful evidence, whether it is needed or worth it
- Arguing abandonment directly to CBP officials at the time of reentry
- Why file an I-407?
- Reestablishing residency to apply for naturalization

LITIGATION AND REMOVAL PROCEEDINGS

8:00 am–9:00 am

Challenging Immigration Denials and Delays in Federal District Court (Intermediate)

Don't just take it, sue them! Panelists on this session, perfect for both beginners or as a refresher, will provide an overview of various types of immigration actions you can bring in federal district court, and they will advise on what to expect if you file suit.

- What is standing, who has jurisdiction, and where is venue proper?
- Mandamus litigation: when to use it with or opposed to the Administrative Procedure Act (APA)
- Challenging denials or revocations under APA in a post-Patel world
- Challenging naturalization denials under 8 USC §1421(c)
- Challenging naturalization delays pre/post-interview

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Hot Topics on Asylum Law and Policy (Intermediate)

Stay up to date on all the changes in asylum law practice. Panelists will discuss everything from important decisions relating to asylum eligibility to policy decisions by the Biden Administration, including federal court challenges to those policies.

- Status of border-related litigation, including challenges to the Circumvention of Lawful Pathways (CLP) rule
- How is expedited removal being implemented, including procedures

for CFI, RFI, and FERM cases

- Access to counsel issues and other challenges of CFI, RFI, and FERM cases
- Update on the challenges against federal immigration law in Texas

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Parole and the Cuban Adjustment Act (Intermediate/Advanced)

Recently, Cuban Adjustment Act (CAA) applicants have faced more challenges because many do not receive traditional parole documents when processed at the border. Panelists will explore creative ways to make these arguments with USCIS and in court.

- Comparing I-220A (Order of Release on Recognizance), parole under §212(d)(5), and ICE or judicial bond
- Arriving aliens vs. present without inspection: Why does the distinction matter?
- Where courts stand: review of current decisions
- CAA litigation update, and why it matters for everyone else

GOVERNMENT OPEN FORUMS

8:00 am–9:00 am

Detention Ombudsman Open Forum

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Verification and Documentation Open Forum

10:30 am–11:00 am

Networking Break

11:00 am–12:15 pm

Department of Labor (DOL) Open Forum

12:00 pm–1:30 pm

Lunch Break

PLENARY

1:30 pm–5:00 pm

Plenary and Hot Topics

THURSDAY TRAININGS AND SPECIAL EVENTS

7:00 am–4:15 pm

Registration

7:30 am–6:00 pm

Exhibit Hall Hours

5:30 pm–6:30 pm

AILA Annual Membership
Meeting and Annual Awards

Friday, June 14, 2024

FUNDAMENTALS

8:00 am–9:00 am

Labor Certification 101
(Fundamentals)

Nearly all EB-2 and EB-3 cases require a certification from DOL that the U.S. employer has been unable to find willing, qualified, and available U.S. workers through good faith recruitment. Panelists on part one of this two-part series will discuss the basic concepts and steps associated with DOL's PERM process for preparing and filing applications for labor certification.

- Steps of the labor certification application process
- Job description and the minimum requirements
- "Actual minimum requirements" and "business necessity": how to document when they exceed normal
- Prevailing wage: what it is, how and when to obtain
- FLAG and filing the ETA 9141 and ETA 9089
- Roles of various stakeholders: immigration lawyer, company contact, foreign national's manager, and foreign national

9:00 am–9:25 am

Networking Break

9:25 am–10:25 am

Labor Certification 102
(Fundamentals)

Recruitment is at the core of the labor certification process and must be conducted with

scrupulous attention to the regulations and FAQs. There is no room for error! Panelists on part two of this two-part series will offer guidance on DOL-mandated recruitment and post-recruitment documentation to help practitioners successfully navigate the PERM recruitment process.

- Recruitment timeline and deadlines
- 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 use of checklists
- Maintaining evidence of recruitment, recruitment report, the audit file, and document retention

10:25 am–10:50 am

Networking Break

10:50 am–11:50 am

Employment-Based
Immigration Preference
Categories (Fundamentals)

Panelists will provide a basic overview of the immigrant visa preference categories, per country caps, chargeability and cross chargeability, numerical limitations, the Visa Bulletin, and other key concepts relating to the employment-based 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

11:50 am–2:45 pm

Lunch Break

2:45 pm–3:45 pm

Adjustment of Status
(Fundamentals)

Panelists will provide an overview of the adjustment of status (AOS) process in the family, employment, and humanitarian context. They will discuss the basic requirements and how to assess eligibility for adjustment of status versus consular processing, as well as potential red flags.

- Basic requirements for AOS applications
- Ancillary applications: I-864, I-765, I-131, and supporting documentation
- Common red flags: entry without inspection, intent at entry, status violations, unauthorized employment
- Introduction to INA §245(k)
- Factors to be considered and overview of interview process
- Updated public charge guidance

3:45 pm–4:10 pm

Networking Break

4:10 pm – 5:10 pm

Creating Effective Immigration
Systems for Your Firm

It's not just an understanding of the law that ensures a successful practice. Learn from our expert panelists how to set up best practices and standardization in your firm. Panelists will walk you through the essential components of a good case system and will teach you how you can set up your own system to increase efficiency and productivity.

- Developing efficient workflows
- Creating intake questionnaires and document checklists
- Client memos and template client communications to save you time
- Assisting clients with tricky forms questions
- Strategies for prepping clients for interviews

BUSINESS

8:00 am–9:00 am

Anti-discrimination Issues in
Sponsorship Decisions, ITAR,
and Verification (I-9s and
E-Verify) (Advanced)

For employers, visa sponsorship and

the Form I-9, International Traffic in Arms Regulations (ITAR) requirements, social security number (SSN) delays, and recruitment software provide countless opportunities for actions that may be perceived as discriminatory. What can employers ask during the hiring process? What if you learn later that the employee needs sponsorship? Panelists will cover:

- Avoiding discrimination claims in the ITAR context
- Hiring (or refusing to hire) individuals with expiring work authorization or those requiring immigration-related sponsorship or support, enforcing honesty policies
- Requiring an SSN on or before a specific date
- Possible discrimination in PERM recruitment
- Recent alienage (1981) cases, as well as citizenship/nationality (§1324b) cases

9:00 am–9:25 am

Networking Break

9:25 am–10:25 am

The New Era of I-9s: Virtual I-9 Verification, E-Verify NextGen, and the New Form I-9 (Intermediate)

Think you know how to counsel your clients on I-9 issues? There are more developments impacting your practice than you may know! Within the past year, USCIS rules changed to allow virtual I-9 verification in specific circumstances. Simultaneously, a new Form I-9 was published. All of this occurred while USCIS worked to release E-Verify NextGen. Without covering every single document, panelists will point out key places where the list of acceptable documents is incomplete.

- Current Form I-9 version: What changed?
- Form I-9 “alternative procedures” (virtual verification): lessons learned over the past year
- E-Verify NextGen
- The new Form I-9’s reversion to a one-page document
- The “real” list of acceptable documents

10:25 am–10:50 am

Networking Break

10:50 am–11:50 am

Advanced Issues for L-1 Visas (Advanced)

With ongoing issues limiting H-1B visa availability and country-specific nonimmigrant visa categories, the L-1 visa remains an important option for employers with international operations. Panelists will discuss L visas for new offices, blanket Ls, and upgrades from L-1B to L-1A and L visas for Canadians.

- Business plans, timing, and office space for new office L-1 petitioners
- EB-1C vs. L-1A requirements, planning an initial L-1 with EB-1C in mind
- Corporate reorganization and merger and acquisition’s effects on L-1 eligibility and multinational manager eligibility
- Intermittent L-1s
- Blanket Ls and consular appointment availability

11:50 am–2:45 pm

Lunch Break

2:45 pm–3:45 pm

When to Sponsor the Permanent Resident Process for Workers in Nonimmigrant Status (Advanced)

Panelists will discuss when the best time is to start the green card process in light of the overall limitations on nonimmigrant visa lifecycles and the fact that the green card process is taking longer and longer,

- What are the considerations to ensure a streamlined and equitable process?
- How much time is really needed for the green card process?
- How can an employer set a policy to ensure equitable immigration support regardless of how long the process will take?
- How to advise clients on hiring new talent who might have limited time
- How to proactively address prevailing wage requirements

3:45 pm–4:10 pm

Networking Break

4:10 pm–5:10 pm

The Seasonal Visas: H-2A and H-2B—Temporary Yet Essential Workers (Intermediate)

With the tight labor market in the United States, seasonal laborers are in high demand. Panelists will move beyond the basic requirements to discuss issues surrounding timing and temporary need, as well as the ever-changing supplemental visa allotments for practitioners who don’t regularly file H-2As or H-2Bs.

- H-2A and H-2B overview and timelines
- Peak load vs. seasonal occupations beyond hospitality and landscaping
- The cap and supplemental visas
- Worker recruitment and interfacing with agencies
- Immigrant options for H-2 workers

FAMILY

8:00 am–9:00 am

Humanitarian Parole: All the Variations (Advanced)

Many immigrants have a need to come to the United States but are not eligible for a visa. Panelists will discuss how, when, and where to apply for humanitarian parole when obtaining a visa is not an option.

- Differences between U4U, family reunification, country specific, and humanitarian parole
- Medical emergency
- Family emergency
- Significant public benefit (medical benefits to society)
- Which classifications are work authorized?

9:00 am–9:25 am

Networking Break

9:25 am–10:25 am

Mastering Legal Challenges in Temporary Protected Status Applications (Masters)

As more countries are designated for Temporary Protected Status (TPS), mastering the ins and outs of TPS is increasingly important for humanitarian practitioners. Panelists will discuss challenges that can arise when applying

for TPS.

- Firm resettlement
- Dual nationality/citizenship
- Late filing of initial applications and/or renewals
- When is an I-601 waiver needed?

10:25 am–10:50 am

Networking Break

10:50 am–11:50 am

Overcoming Challenges in Humanitarian Visa Beneficiary Adjustment of Status (Intermediate)

Panelists will discuss challenges when applying for adjustment of status with the underlying basis of a humanitarian visa. They will focus on the distinction between seeking adjustment under §§245 and 209 of the INA. Panelists also will provide insight into the effects of advance parole in the context of Temporary Protected Status (TPS) holders, their "admission" status into advance parole requirements, and early I-485 filing for T and U visa holders.

- INA §245 vs. §209 for asylees/refugees
- When is advance parole (AP) needed? Is TPS an admission? Is DACA AP?
- When can an I-485 be filed before 3 years for T and U visas
- When is maintenance of status necessary?

11:50 am–2:45 pm

Lunch Break

2:45 pm–3:45 pm

Racism, Stereotypes, Prejudices, and Cultural Ignorance Affecting Immigrants (Bias)

Panelists will discuss prevalent stereotypes and biases experienced by people of color at USCIS, in court, and in detention, with a special emphasis on Black immigrants. They will advise on best practices for advocating on behalf clients in light of these racial and cultural prejudices.

- Prejudice in the courtroom: How to recognize it, how to challenge it, and possible remedies
- Prejudice at USCIS: How to recognize it, how to challenge it, and possible

remedies

- Prejudice in detention: How to address it

3:45 pm–4:10 pm

Networking Break

4:10 pm–5:10 pm

Who Wants to Be a Millionaire Immigration Attorney?

Audience members will be selected to play a fast-paced and educational game answering easy to difficult questions on a variety of immigration law issues. Contestants will "risk it all" by

moving up the game's financial ladder. Don't know the answer? Poll the audience! Use a

lifeline! Ask THE immigration expert: Ira Kurzban! Learn about the latest issues in immigration in this fun and interactive session. Arrive a few minutes early to enter your name into the drawing to be a contestant and for a chance to win a free registration for AC25!

LITIGATION AND REMOVAL PROCEEDINGS

8:00 am–9:00 am

Preserving Due Process and Dignity: How to Navigate the Complexities of Mental Illness in Immigration Proceedings (Advanced)

What do you do when your client is suffering from mental health issues that will affect their ability to participate in removal proceedings? Panelists will explore:

- Overview of major mental health issues
 - How they might affect your client's ability to participate in immigration proceedings
- Competency hearings and Matter of M–A–M–
- Requesting accommodations for clients who are competent but have mental health challenges
- How to help clients who struggle with trauma present their best case
- Handling credibility issues

9:00 am–9:25 am

Networking Break

9:25 am–10:25 am

Representing Unaccompanied Children: Our Ethical Obligations and Taking Care of Ourselves (Advanced) (Ethics)

What are the legal options available to unaccompanied minors in removal proceedings? Panelists will discuss how to take a child-centered approach and help your client make decisions about their case. Experts also will discuss our ethical obligations and self-care.

- Choosing options and determining venue: discussing options with your client
 - SIJS
 - Trafficking
 - Asylum
 - USCIS or immigration court
- Trauma-informed lawyering and working with children
- Understanding the unaccompanied child's journey and obtaining records
- Whether to partner with state court attorneys or jump into state court yourself
- Attorney wellbeing related to working with traumatized children

10:25 am–10:50 am

Networking Break

10:50 am–11:50 am

The Council Presents the Complicated State of Immigration Policy in Biden's Fourth Year

As President Biden's first term comes to an end, the whiplash of immigration policy continues. With Congress as divided as ever and an election looming, where are we heading nationally? Join the American Immigration Council for a discussion of where the Administration has made meaningful progress, where it has failed to meet its commitments, and what comes next in the world of U.S. immigration policy.

- What is the current situation at the southern border, and how have states, local governments, and the immigration bar responded?
- Which backlogs remain a problem for the foreseeable future?
- What are the latest trends in interior enforcement?

11:50 am–1:20 pm

Lunch Break

2:45 pm–3:45 pm

Complicated Cancellation of Removal Issues for Non-Lawful Permanent Residents (Intermediate)

Panelists will discuss eligibility challenges in the wake of Niz-Chavez v. Garland. They also will advise on best practices for meeting the exceptional and extremely unusual hardship standard.

- Accruing the required 10 years, stop-time rule overview: crimes and NTAs
- What do *Pereira* and *Niz-Chavez* mean?
- Exceptional and extremely unusual hardship: use of psychological evaluations
- How to effectively prepare testimony to support country condition evidence
- Alcohol, drugs, back taxes, and other discretionary issues that can hurt your case

3:45 pm–4:10 pm

Networking Break

4:10 pm–5:10 pm

FOIA Litigation and Administrative Appeals (Intermediate)

You filed your FOIA request, but the government is withholding records or won't respond. Now what? Panelists will address best practices in appealing negative determinations and suing the agency under the Freedom of Information Act (FOIA). They also will discuss getting an award of attorneys' fees.

- Whether, when, and how to file an administrative appeal
- Prerequisites for taking your case to court: venue, exhaustion, and making a clear record
- Drafting and filing the complaint and serving the appropriate parties
- Negotiating document release and briefing dispositive motions

GOVERNMENT AND LIAISON COMMITTEE OPEN FORUMS

8:00 am–9:00 am

CIS Ombudsman Open Forum

9:00 am–9:25 am

Networking Break

9:25 am–10:25 am

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

10:25 am–10:50 am

Networking Break

10:50 am–11:50 am

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

11:50 am–1:20 pm

Lunch Break

1:20 pm–2:20 pm

U.S. Executive Office for Immigration Review (EOIR) Open Forum

2:20 pm–2:45 pm

Networking Break

2:45 pm–3:45 pm

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

3:45 pm–4:10 pm

Networking Break

4:10 pm–5:10 pm

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

SPECIAL SESSIONS

8:00 am–9:00 am

The History of Immigration Law and How the Past Can Help Us Predict the Future

Clients often expect attorneys to be able to look into our crystal balls and tell them what immigration looks like several years from now. While only time will truly tell, a look back on major immigration changes and political trends can be enlightening on the types

of changes that could be possible in the future. Panelists will explore the history of major immigration law changes and try to read the tea leaves on how the past can predict the future.

- History of U.S. immigration law
- What movements led to changes in the past?
- How international politics have affected U.S. law
- What have we learned from decades of failed immigration reform?

9:00 am–9:25 am

Networking Break

9:25 am–10:25 am

Promoting Inclusivity: Handling Challenging Clients, Reducing Implicit Bias, and Leading Effectively in Your Law Firm (Implicit Bias)

Inclusivity is essential to success as an immigration lawyer, but implementing inclusivity in real life can be difficult. When casual racism or xenophobia creep into a conversation with a prospect or client, or between staff members at your firm, how do you deal with this? Learn ways to support staff who receive the brunt of negative client interactions and provide your staff with clear instructions on how to deal with difficult situations.

- Confronting and eliminating inappropriate or biased remarks in the office
- Building a firm culture that is welcoming and diverse
- Making the client experience accessible to all: from your website to your services
- Incorporating diversity, equity, and inclusivity into your hiring practices

10:25 am–10:50 am

Networking Break

10:50 am–11:50 am

Managing in a Nonprofit: Deliverables with a Heart

Managers in a nonprofit setting need to meet targets and deliverables, but also must be cognizant of staff expectations. With the lower salaries of the nonprofit sector, staff often expect a greater work/life balance and less focus on metrics. Supervisors and managers in a nonprofit setting have to balance staff requests, client needs, and grants in a way that

keeps everything moving forward successfully.

- Ways to motivate staff when more money isn't on the table
- How to juggle less resources and capacity constraints when grant deliverables are hanging over your head
- Ways to be compassionate while also setting expectations
- Creative funding strategies

11:50 am–1:20 pm

Lunch Break

2:45 pm–3:45 pm

The Retainer That Never Ends: Law Practice Management and Ethics in an Age of Historic Processing Backlogs (Intermediate) (Ethics)

This session will feature a Q&A-style forum with veteran practitioners who will discuss the difficulties and solutions surrounding enormous processing backlogs. How are different types and sizes of legal service providers approaching the immense processing times and other delays with USCIS, EOIR, DOL, and consulates?

- How to ethically ask for more money when a case will take years to be decided
- How to continue to take cases responsibly if you cannot close existing ones
- How to deal with conflicts and dual representation issues that arise years down the road
- How to develop a profitable business plan considering current and future backlogs as well as legal changes
- When to withdraw and when to utilize limited representation

3:45 pm–4:10 pm

Networking Break

TECHNOLOGY LUNCH SESSIONS

1:20 pm–2:20 pm

Tech Session 1

1:20 pm–2:20 pm

Tech Session 2

1:20 pm–2:20 pm

Tech Session 3

1:20 pm–2:20 pm

Tech Session 4

1:20 pm–2:20 pm

Tech Session 5

FRIDAY TRAININGS AND SPECIAL EVENTS

7:00 am–4:15 pm

Registration

7:30 am–5:00 pm

Exhibit Hall Hours

6:00 pm–10:00 pm

American Immigration Council's 2024 Immigration Impact Awards

Saturday, June 15, 2024

FUNDAMENTALS

8:00 am–9:00 am

Crimmigration 101 (Fundamentals)

There are immigration consequences to criminal activities. Experts on this session will examine the intersection between criminal and immigration law. They will provide attendees with an overview of the terms, documents, and burdens to cases in immigration court for clients with a criminal history, including:

- Crimes under INA §§212(a)(2), 237(a)(2), or 237(a)(3)
- What constitutes a conviction?
- Analyzing the charges, plea agreement, and record of conviction
- Immigration issues in plea bargaining

- Examples of crimmigration in employment cases
- Basic tips for educating the criminal lawyer and the client

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Asylum 101 (Fundamentals)

Panelists on this introductory session will provide an overview of the asylum process for newer practitioners. They will discuss affirmative and defensive asylum, as well as the rapidly changing case law and adjudication procedures. Panelists also will address important recent developments affecting asylum law practice.

- The five basic grounds for asylum
- Identifying and articulating a “particular social group”
- Establishing the nexus between harm and the protected ground
- Grounds of ineligibility, statutory bars, and discretion
- Employment authorization and the asylum clock
- Introduction to the CBP One App

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Inadmissibility and Removability (Fundamentals)

Panelists on this fundamentals panel will introduce the grounds of inadmissibility and removability that occur in some way in virtually all immigration matters.

- Inadmissibility vs. removability: INA §§212(a), 237(a)
- Common grounds of inadmissibility
- Common grounds of removability

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

Introduction to Waivers of Inadmissibility (Fundamentals)

Whether filing for a nonimmigrant visa or an immigrant visa, your

otherwise inadmissible client may be eligible for a waiver. Panelists will provide an overview of immigrant and nonimmigrant waivers, focusing on who qualifies and how to file. They then will direct attendees to additional panels and resources that provide more in-depth coverage of this complex topic.

- Nonimmigrant visa waiver
 - o The I-192
 - o When and where to file
 - o The adjudication process
- Immigrant visa waiver
 - o Form I-601 (and sometimes I-601A)
 - o The qualifying relative
 - o Differences depending on ground of inadmissibility
 - o Documenting hardship
 - o Discretion

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

Anatomy of a Removal Proceeding: Part I (Fundamentals)

Representing clients in removal proceedings requires skill, innovation, and perseverance. Panelists in Part I of this two-part introductory session will provide you with the basics you need to be an effective litigator in immigration court.

- Commencement of proceedings: reviewing the notice to appear (NTA)
- Removability vs. inadmissibility
- When does the government bear the burden of proof? When do you?
- Common available forms of relief: cancellation of removal, asylum, and related grounds
- What about voluntary departure? When and when not to take it

4:00 pm–4:30 pm

Networking Break

4:30 pm–5:30 pm

Anatomy of a Removal Proceeding: Part II (Fundamentals)

Now that the basics have been covered, 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 and pleading to the NTA
- Motions, applications, and evidence
- Prosecutorial discretion requests
- Prehearing briefs and their importance
- Individual hearings: What happens? How do you prepare?

BUSINESS

8:00 am–9:00 am

What's New with H-1B Visas? (Advanced)

The increasing demand for a limited number of H-1B visas continues to raise issues for employers who must face the inevitable bad news on non-selection in the H-1B lottery. Even when selected, employers increasingly face complex issues that arise for their professional employees. Panelists will focus on advanced issues such as:

- Updates on registration process, fallout from fraudulent registrations, third-party worksites
- Ethical considerations in counseling self-registering lottery winners
- Issues in making an effective bona fide termination of an H-1B worker
- Pre-planning considerations: LCAs, conversations with employees
- Do cap exemptions apply? Guiding clients through exemption options and potential concurrent employment with a cap-subject employer

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Old and New EB-5 Cases: The Ongoing Implementation of the EB-5 Reform Act of 2022

Major programmatic changes resulted from enactment of the EB-5 Reform and Integrity Act of 2022 (RIA) in March 2022. Additionally, USCIS adjudications of pre-RIA cases reveal new changes in I-526 petition processing for source and path of funds. Panelists will discuss the ongoing changes to implement the RIA, as well as new trends emerging for grandfathered pre-RIA cases. Topics will include:

- New RFE and NOID trends in I-526 and I-526E source and path of funds
- Immigrant visa process and adjustment of status trends for EB-5 investors: source of funds revisited
- Adjudication timelines and the role of mandamus litigation in I-526, I-526E, and I-829 petition adjudication
- Review of USCIS policy and guidance since the passage of RIA through form and form instructions implementation
- Changes to annual compliance period for regional centers and reporting to investors

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

PERM Round-Up (Advanced)

Panelists on this session will synthesize what we have learned in the various PERM panels at AC24. Join us as we discuss the latest hot topics and delve further into the takeaways from the Open Forums. Bring your questions!

- Review PERM Hot Topics
- Latest on the Flag ETA-9089 Form
- Takeaways from the USDOL Open Forum

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

Stateside Visa Processing (Intermediate)

With the announcement regarding DOS restarting the stateside visa processing program, what is the latest, and what do we know now that we didn't last year? Panelists on this intermediate session will get you up to date.

- Who qualifies for the benefit? Are family members eligible?
- What is the timeline for the expected full rollout?
- What is the process for obtaining a visa?
- How will the stateside process interact with those who have DUIs or other arrests or offenses?
- Reviewability of stateside decisions

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

Consular Processing for Employment-Based Clients (Intermediate)

Consular processing preparation of a client has often been a neglected part of immigration law. Panelists will address the difficulties in preparing client(s) in both common and unusual case situations and discuss:

- Tips on preparing the client for the “interview”
- Reviewing consulate procedures and supporting documentation, following up with client for debrief
- The role of the Kentucky Consular Center and Diplomatic Security Service
- End user client letters and INA §221(g)
- Expedite requests and third country processing

4:00 pm–4:30 pm

Networking Break

4:30 pm–5:30 pm

Unusual Adjustment of Status Issues that Arise in Employment-Based Cases (Advanced)

Panelists on this advanced session will explore what happens when complex issues threaten approval of your client’s application for lawful permanent resident status.

- INA §245(k): What does it mean, what can it waive (types of violations), and when does it apply? How can it potentially affect derivative beneficiaries?
- Follow-to-join: derivative spouse and child eligibility, impact of CSPA
- Cross-chargeability: What is it? Whom does it help?
- The impact of retrogression, interfiling, and/or change of underlying basis

FAMILY AND HUMANITARIAN

8:00 am–9:00 am

Avoiding the Residency Requirement: Mastering

J-1 Visa Waivers for Non-Physicians (Intermediate)

Navigating J-1 exchange visitor waivers involves grappling with several difficult challenges. Panelists will discuss these challenges and advise on best practices for dealing with the intricacies of seeking a J-1 waiver.

- No objection
- Extreme hardship
- Fear of return

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Navigating Our Broken Asylum System (Intermediate)

Seeking asylum affirmatively, defensively, and at the border has become increasingly difficult, not only because of substantive legal challenges, but because the procedures for applying have become nearly impossible. Without meaningful access to the asylum system, those in need of protection will be returned to the hands of their persecutors. Panelists will address current procedural hurdles in the asylum system and provide practical tips for practitioners to help their clients overcome these hurdles and navigate this broken system.

- Affirmative and defensive receipt and biometrics notices
- Expedited processing, dedicated dockets, and short timelines
- Unreasonable delays in interview scheduling and decision issuance at the asylum offices
- Tips and tricks for filing I-589s online
- Negotiating with DHS trial attorneys and preparing for hearings with difficult immigration judges

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Advanced VAWA Issues (Advanced)

Violence Against Women Act (VAWA) self-petition cases are always heartbreaking, but even more so when complications arise. Panelists will discuss how to navigate difficult issues in VAWA petitions and related waiver and residency applications.

- Proving abuser’s immigration/citizenship status issues with parent and children as principal victims
 - Self-petitioning stepchildren
- Effect of life changing events: divorce, death, loss of permanent residence or citizenship
- Available waivers
- Considerations when applicant is not eligible for adjustment

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

Advanced T Visa Issues (Advanced)

The T visa is probably the most underutilized humanitarian process in immigration law. While most practitioners know the basics, they tend to shy away from this visa due to lack of experience and special complications that arise specifically in the T visa context. Panelists in this advanced session will dive into the details of representing trafficking victims and advise on best practices for a successful petition.

- Screening for trafficking in other cases
- Working with law enforcement and moving on without certification
- Derivatives: Who can apply? Conflicts of interest
- Issues in removal proceedings: continuances and administrative closure

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

Advanced U Visa Issues (Advanced)

U Visas have become more and more common and popular for humanitarian practitioners, so much so that USCIS reports over 100,000 petitions currently pending. Panelists in this advanced session will not be covering the basics. Instead, they will discuss nuances and complex issues encountered with U visa petitions and processes.

- Understanding the forms: filing the I-730 and/or I-590 with best evidence

- Qualifying crime complications: fitting robbery into a U visa
- Bona fide determinations (BFDs) and available benefits from BFDs
- Derivatives and life changes after filing, after-acquired spouses/relatives
- Issues in removal proceedings: continuances and administrative closure

4:00 pm–4:30 pm

Networking Break

4:30 pm–5:30 pm

Ethical Pitfalls When a Marriage-Based Case Becomes a Potential VAWA Case (ETHICS) (Intermediate)

Learn what to do when allegations of abuse enter a marriage case. Panelists will discuss the potential conflict of interest issues in representing existing I-130 parties in a subsequent VAWA case.

- Can an attorney represent an I-130 beneficiary in a subsequent VAWA I-360 petition?
- Preserving an I-485 if already filed
- How to deal with a client's cultural issues in a VAWA case
- Challenges and strategies in representing male VAWA applicants

LITIGATION AND REMOVAL PROCEEDINGS

8:00 am–9:00 am

Advanced Particular Social Group/Political Opinion Formulation (Advanced)

Post-Matter of A–B– III, the law on what makes for a legally cognizable particular social group (PSG) remains in flux. Panelists will do a deep dive into the current law of PSG formulation and political opinion. They will work through how and when to craft a winning PSG/political opinion for your asylum claims, and what to do when confronted with difficult caselaw in your circuit.

- Avoiding common mistakes when formulating PSGs
- Arguing and proving your PSG
- Recent BIA and federal appellate decisions that affect PSG claims

- When is a “social group” really just a political opinion?

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Habeas Corpus: What's Left in the Wake of Rodriguez, Preap, and Aleman Gonzalez? (Intermediate)

Panelists will address what constitutional claims remain open to noncitizens who either seek a bond hearing before an immigration judge or who hope to remain out on bond. They will cover both the legal and factual aspects of bringing habeas petitions with various types of claims.

- How do you challenge your prolonged detention via a Mathews analysis or a reasonableness test?
- What to do if you were released from criminal custody and ICE comes knocking many months or years later
- Nuts and bolts considerations of whether to file, and what happens next
- Are there substantive due process claims that one can bring challenging civil detention?
- What burden applies when a district judge is ordering a bond hearing?

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Crimmigration: A Circumstance Specific Approach (Advanced)

Circumstance specific analysis appears in several key categories of crimes. Panelists will take a deep dive into the concepts of this approach and the specific areas where it is used by the courts.

- Applying for admission to district court and Case Management Electronic Case Filing (CM/ECF) login
- Conspiracy, 18 USC §371, money laundering and wire fraud, the no “overt act” element concept in aggravated felony, analysis of crimes involving moral turpitude (CIMTs)
- Child abuse, INA §237(a)(2)(E), need

to involve contact or harm to meet the definition

- o How to push back when the agency goes too far

- Fraud and deceit crimes, determining amount of loss looking at restitution, forfeiture, and what constitutes a loss to the victim
- Drugs, moving forward after *Chamu v. United States AG*, the impact on *Duenas-Alvarez* and its progeny

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

Judicial Review of Mixed Questions (Masters)

The U.S. Supreme Court's decision in Guerrero-Lasprilla v. Barr holds that mixed questions of law and fact are reviewable but leaves open questions about the nature and extent of such review in particular contexts. Panelists will focus on the circuit splits and discuss strategies to attack the holding in this case.

- Circuit split on whether “exceptional and extremely unusual hardship” is reviewable
- *Martinez v. Clark*, reviewability of bond decisions: “danger to the community”
- *Wilkinson v. Garland*, regarding review of “exceptional and extremely unusual hardship”

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

Applying the Categorical Approach at the Atomic Level to Challenge Drug-Based Grounds of Removability (Masters)

Panelists will examine the application of the categorical approach in challenging drug-based grounds of removability. They will plumb the depths of the statutory and case- or substance-specific nuances, strategies, and landmines that are likely to arise when making such challenges.

- Federal vs. state isomers and substance-specific caveats
- Possession versus possession with

intent to deliver and paraphernalia offenses

- Trafficking and aggravated felony offenses
- Need for remuneration in marijuana trafficking crimes, and the reason to believe standard

4:00 pm–4:30 pm

Networking Break

4:30 pm–5:30 pm

Crimmigration: Does a Mens Rea of Recklessness Count? (Masters)

One of the key concepts in looking at the impact of criminal behavior is whether the crime has a qualifying mens rea. Panelist will look at CIMTs and crimes of violence involving negligence, specific intent, and the middle ground of recklessness.

- Does a reckless mens rea constitute a CIMT?
- Does a reckless mens rea constitute an aggravated felony crime of violence?
- DUIs, felony DUIs, and DUIs with injury

SPECIAL SESSIONS

8:00 am–9:00 am

Coaching, Coaching Everywhere: Understanding the Payoff on Investing in Different Coaching Relationships

Everyone seems to have a coach these days. There are executive coaches, health coaches, life coaches, and career coaches. Coaches are people who keep you accountable and moving forward, but they are expensive, and it takes time to find a good match and build the relationship. Get the ins and outs of this pivotal tool, learn how you can use it to transform your practice, career, or life, and come out with more understanding of the return on investment.

- What is a coach? How can it help your law practice?
- When to seek a coach and how to find the right one
- The basics of terms and duration of a coaching relationship
- How to prepare for an effective relationship

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Diffusing Tensions: Mastering De-Escalation Techniques and Ensuring Office Safety

Wellbeing and practice management are inextricable from safety. We cannot strive for wellbeing or be productive when we do not feel safe. Panelists will lay out de-escalation techniques that can defuse tense situations and discuss how to teach these techniques to staff and lawyers.

- Standards for office safety
- How to create an office safety plan
- De-escalation techniques that you can incorporate into your daily practice
- How to counsel support staff after intense client interactions

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Ethically Taking HR, Technology, and Remote Working from Science Fiction to Reality (Ethics)

Feeling overwhelmed trying to balance the practicalities of practicing law, the need to delegate, and incorporating the latest technologies, all while avoiding the unauthorized practice of law? Panelists will address what can be delegated, what can't be delegated, and how to effectively address the firm's business needs including:

- Making hiring decisions: Is tech going to eliminate paralegals or increase them?
- Is using remote workers a benefit or burden? How do you supervise them?
- How much can you give a paralegal to do?
- How do you ethically set up an effective intake system maximizing technology use and remote workers?
- How do we balance these questions with our ethical obligations and business considerations?

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

The Loneliness Epidemic in Immigration Law Firms

Research has shown loneliness spreading across the United States at an exponential rate. Many solo practitioners have felt the impact of loneliness for years, and now that remote work is more common, we are all experiencing the effects of working "alone" and its impact on our wellbeing. Panelists will discuss:

- Experiences with solving the isolation problem
 - Addressing isolation in various law firm sizes and models
- How to make virtual connections feel less superficial and more real
- How to broach the topic and proactively change the loneliness experience
- Proactively managing this epidemic for those who feel isolated

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

Cross Cultural Implicit Bias and Effective Legal Representation (Implicit Bias and Ethics)

The world can be your potential client base, and if you deepen your awareness of cultural competency, you will dramatically enrich your effectiveness as an attorney. Panelists will provide tips on how best to build confidence and trusting relationships with clients from different cultures, navigate the immigration system, and celebrate America's diversity. They will discuss the unwritten rules of engagement, highlight cultural differences in legal approaches, and address the existence of implicit bias on all sides.

- Bridging your client's cultural viewpoint to the rigid guidelines of the U.S. government
- Addressing potential biases by the government
- Demonstrating techniques to address biases during client representation and meeting them where they are

- Celebrating different cultures within your office
- Understanding your client's culture to improve your services

4:00 pm–4:30 pm

Networking Break

4:30 pm–5:30 pm

Guide to Business Development for Immigration Attorneys

Building a book of business is essential for your success and establishing autonomy within a firm, but where do you start? As there is no one uniform approach, panelists will present attendees with a business development framework that they can customize to fit their personality and skills.

- Marketing techniques to grow your firm's revenue, profit, and income
- How to attract your ideal immigration clients
- How to get to a potential client to say "yes"
- Utilizing technology for marketing
- How to overcome challenges posed by competition from non-lawyers and non-legal services

SATURDAY TRAININGS AND SPECIAL EVENTS

7:15 am–12:00 pm

Registration

7:30 am–3:00 pm

Exhibit Hall Hours

8:00 pm–11:00 pm

AILA Saturday Night Party

Pre-Recorded OnDemand Conference Sessions

The panels below will be recorded prior to the conference and available to all attendees in their digital libraries.

New Attendee Orientation

Is this your first time attending an AILA Annual Conference? If so, then the New Attendee Orientation is for you!

Join your colleagues at this session to learn all you need to know to make your Annual Conference experience a great one!

Essential Terms and Concepts (Fundamentals)

Panelists on this fundamentals-level session will provide an overview of the general concepts, terms, language, and rules that are essential to the practice of immigration law. Panelists will cover the distinctions between key terms and concepts including:

- Nonimmigrant, immigrant, and citizen
- Visa vs. status, visa waiver, and visa exemption
- Visa expiration, petition expiration date, and period of admission
- Changing status, extending status, adjusting status, consular processing
- Violations of status, overstay, and unlawful presence
- Priority dates, filing dates, final action dates, understanding the Visa Bulletin
- Inadmissibility and removability

Overview of Immigration Agencies (Fundamentals)

Panelists on this fundamentals session will provide an overview of the different government agencies and sub-agencies and their roles in the immigration process.

- U.S. Department of Homeland Security (DHS): USCIS, ICE, HSI, CBP
- U.S. Department of State (DOS): Consular Posts, NVC
- U.S. Department of Labor (DOL): OFLC, BALCA
- U.S. Department of Justice (DOJ): EOIR, BIA, IER

2024 AILA Annual Conference and Webcast

Small Group Strategy Sessions

This year's Annual Conference will offer several small sessions for attendees who would like a more advanced, discussion-style experience. Attendance at these sessions will be capped at 50 registrants. Pre-registration is required on a first-come, first-served basis. These sessions are not CLE-eligible. Sign-up instructions will be emailed to registrants beginning April 1, 2024. Space is limited and available on a first-come, first-served basis.

Wednesday, June 12, 2024

1:30 pm–2:30 pm

My Client's Information Is on the Dark Web: How a Subpoena Can Help (Advanced)

A recent government data breach highlights the need for subpoenas. Panelists will discuss how to fearlessly tender a subpoena motion to immigration court that addresses voids of evidence or testimony that practitioners would like to fill by seeking evidence or testimony.

- Scenarios where subpoenas are appropriate and helpful
- Burdens, due diligence, and essential elements of all subpoena motions
- Issues of impossibility and fundamental fairness in presenting a case
- No threat to national security would surface from disclosure attendant to subpoena
- District court litigation when DHS does not to comply

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

Mergers and Acquisitions for Immigration Lawyers

Mergers and acquisitions (M&A) is a complex area of business immigration, presenting lawyers handling such cases many issues to consider. Our expert panelists will discuss the implications for immigration law when companies merge with and/or acquire other companies, and they will advise on successful strategies for dealing with the unique intricacies presented by M&A cases, garnered from their years of experience.

- Understanding deal documents
- Models for due diligence review and assessing potential liability
- Identifying and protecting key foreign national employees
- Decision trees for adopting Form I-9s vs. executing new ones
- Form I-9 due diligence
 - o Limiting company exposure for actual and constructive knowledge
 - o Avoiding discrimination issues

4:00 pm–4:30 pm

Networking Break

4:30 pm–5:30pm

RFEs, NOIDs, and NOIRs Strategies in Family-Based and Naturalization Cases (Intermediate)

Expert panelists will discuss current trends in Requests for Evidence (RFE), Notices of Intent to Deny (NOID), and Notices of Intent to Revoke (NOIRs) by USCIS in family-based and naturalization cases. They also will advise on strategies and best practices for how to challenge and/or respond to requests made by USCIS.

- Latest USCIS policies
- Burdens of proof and how to meet them
- Responding to erroneous requests or fishing expeditions
- Misstated facts/law
- When to withdraw or resubmit

Thursday, June 13, 2024

8:00 am–9:00 am

Spousal Employment: E Spouses, L-2 Spouses, H-4 EADs, Adjustment EADs (Intermediate)

As visa backlogs and general green card processing times continue to drag on, what are effective options for dependent spouses who want or need to work? Panelists will review procedures and timing considerations.

- Visa classes that require an employment authorization document (EAD) vs. those authorized incident to status and addressing I94 errors
- Renewal process and timing in light of automatic extension provisions
- Premium processing dependent EADs via principal filing
- Incidental work for foreign employers: What constitutes work that requires U.S. government authorization and what does not?
- Flip-flopping between principal and dependent status and timing

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Documenting Hardship: What Is It, and What Types of Evidence Can Prove It? (Intermediate)

What are the hardship standards for waivers and cancellation of removal? What types of evidence can meet those standards? Panelists will share creative strategies about how to find, and present, nontraditional types of evidence that can meet the standard.

- Hardship is more than what meets the eye
- Best practices in developing valid medical grounds
- Country conditions and fear of returning as emotional or psychological hardship
- How to make a compelling case: experts, professional reports, use of charts and graphs

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Working with Criminal Defense Attorneys to Mitigate Immigration Consequences of Criminal Offenses (Advanced)

Your noncitizen client has been arrested! How do you work with criminal defense attorneys to mitigate the negative immigration consequences? Is the Record of Conviction (ROC) all that the adjudicator or immigration judge can rely on?

- Advising at different phases of criminal case: pre-charging, arraignment, pre-trial conferences, post-conviction
- Conduct *Padilla* investigation to seek amendment of charging instrument: language, count, etc.
- Exculpatory material, material witness warrant, immigration status as element of crime, etc.
- Immigration consequences of alternatives to count(s) of arrest: different charge or conviction
- Stipulation to factual basis (*Shepard*) and when facts outside ROC are relevant
- Building relationships so that the criminal attorney knows the basics of immigration law and never expunges a dismissal again!

Friday, June 14, 2024

8:00 am–9:00 am

The Ethics of Proactively Initiating Removal Proceedings (Advanced)

Are removal proceedings always negative? What if proceedings would resolve the issue and let your client move forward in life? Panelists will address the strategic use of removal proceedings as a problem-solving device, and they will discuss strategies and ethical implications.

- How can removal proceedings help your client?
 - o Filing an N-400 to get relief that is unavailable elsewhere
 - o Standalone §212(h) waiver for lawful permanent residents
 - o Asking for an NTA after a denied benefit application.

- Do you have to file for every type of relief for which a respondent may be eligible?
- Ethical implications of affirmatively seeking removal proceedings
- Protecting yourself in case things do not turn out as expected
- How to have frank discussions with clients about the risks and benefits

9:00 am–10:50 am

Networking Break

10:50 am–11:50 am

How to Build a Niche Practice

Practicing in a niche area of immigration is an attractive option for attorneys who want to reduce their competition and focus on the work that they love. However, transitioning to a niche practice involves important ethical, practical and financial considerations. This panel features practitioners who have ‘niched down’ to a very narrow practice area of immigration law.

- Considerations in selecting the right niche practice: market conditions, your expertise and interests, and profitability
- Transitioning from a full-service practice to a niche practice without adversely affecting the bottom line
- Marketing your niche practice ethically and effectively

11:50 am–1:20 pm

Lunch Break

1:20 pm–2:20 pm

Unauthorized Employment in Immigration: NIL, Influencers, Student Athletes (Intermediate)

When is work ... ‘work’? The rise of Name Image Likeness (NIL) deals in collegiate sports, as well as the rapidly growing social media industry, have created a multitude of issues that immigration lawyers must deal with regarding unauthorized employment in the United States.

- What are the definitions of “employment” and “labor” for immigration purposes?
- How to use B visas for athletic competitions

- How do you apply current standards to new and growing fields?
- What immigration issues arise for passive income and NIL fees?
- Posting on Instagram: Is it considered work?
- Other related social media/influencer questions

2:20 pm–2:45 pm

Networking Break

2:45 pm–3:45 pm

Beyond Unlawful Presence: Waiving Other Inadmissibilities with I-601 Waivers (Advanced)

Waiver practice occurs in both family- and employment-based immigration cases. Going beyond the basics of filing an I-601 waiver for unlawful presence and misrepresentation, our expert panelists will review other grounds of inadmissibility that can be waived.

- Vaccination: COVID, communicable diseases
- Marijuana: legal use included
- Criminal issues: prostitution, polygamy, unlawful voting, alien smuggling
- Misrepresentation and false claims
- Waivers specific to TPS, renouncing citizenship for tax purposes, Communist Party membership

3:45 pm–4:10 pm

Networking Break

4:10 pm–5:10 pm

Opportunities for State and Local Advocacy for Immigrant Inclusive Policies

Various state laws and policies affect immigrant access to education, employment, healthcare, and other state services or benefits. Attorneys can help refugee resettlement agencies and other immigrant rights organizations in their advocacy efforts. Panelists will provide a roadmap of how to help support and lead efforts in your area.

- Ways you can support local efforts
- Top trending issues at the state and local level
- The importance of centering immigrant leaders in advocacy

efforts

- Tips and pointers on state-level legislative advocacy

Saturday, June 15, 2024

9:30 am–10:30 am

Immigration Issues Related to Workers Returning to the Office (Advanced)

Now that the pandemic is over, more employers are requiring workers to return to the office at least part-time. Panelists on this advanced session will consider the immigration issues unique to returning to the office following a period of remote work or working from home.

- Wage impact for H-1B, TN, L-1 workers returning to the United States and those continuing to work abroad
- What if H-1B workers are required to return to the office part-time?
- Discrimination considerations between foreign workers and U.S. workers
- PERM considerations: how remote PERM recruitment affects return to office
- Tax issues for employees returning to the office: state, international, and U.S. tax liability

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Concrete Tips on How to Have an Organized Law Firm

Office organization is crucial to your ultimate success. Panelists will discuss why you should be prioritizing organization, and they will provide concrete tips on how to take your firm to the next level.

- Having clear processes for handling cases
- Staff reporting structure: setting up and editing as needed over time
- Annual performance reviews
- Establishing financial reporting and controls
- Saying no to unprofitable cases

12:00 pm–1:30 pm

Lunch Break

1:30 pm–2:30 pm

Customer Service 101

The practice of law can be overwhelming. Customer service can get lost in the shuffle behind keeping up with your cases, staying abreast of constant legal updates, and the everyday business of practicing law. Because our practices depend on our clients, however, we cannot deprioritize customer service. Panelists will discuss:

- Creating reasonable goals and turnaround times for client service
- Setting reasonable boundaries for clients and informing them of realistic expectations
- Establishing consistent client service across all your team members
- How to handle situations when you can't deliver what you have promised

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

Friends of Court Programs at Your Local Immigration Court and Limited Scope Representation at the Immigration Court(Intermediate)

Panelists will provide an overview on how immigration attorneys can foster access to justice and assist pro se immigrants in navigating the immigration court system using EOIR's Friend of the Court guidance and the regulations pertaining to limited scope representation.

- The scope of permissible service in the Friend of the Court and limited representation models
- Benefits and drawbacks: How can each of these models help or harm pro se immigrants?
- Ethical considerations: What is the attorney's duty when acting as Friend of the Court or providing limited representation?
- What to do when immigration judges disallow Friends of the Court
- How to preserve the record in the context of Friend of the Court or limited scope representation.