

# AILA 2006 ANNUAL CONFERENCE

SAN ANTONIO, TEXAS  
JUNE 21-24, 2006

## SESSIONS AND SPEAKERS

### WEDNESDAY, JUNE 21, 2006

5:45pm-6:30pm      **New Attendees Orientation**  
*Romy Kapoor, Program Chair, (DL), Atlanta, GA*  
*Jeanne Butterfield, AILA Executive Director, Washington, DC*  
*Sharon Cook Poorak, AILA Director of Education, Washington, DC*  
*Joseph Reina, AILA Texas Chapter Chair, Dallas, TX*

### PRACTICE ROUNDTABLES (EVENING)

6:30pm – 8:30pm      **FUNDAMENTALS—I've Got My First Job, Now What Do I Do?**

- Overview of Legal Resources
- Legal Research Strategies
- Business Development & Networking Tips
- Entering Into Attorney Client Relationship: When Does it Begin, Engagement, Conflict and Termination Letter
- How to Handle Unethical Clients & Workplace Situations
- How to Become More Involved in AILA/Benefits of AILA Membership
- How to Get Assistance: AILA Liaisons & Congressional Assistance

#### ***Q&A***

#### ***Faculty:***

*Matthew Dunn, (DL), New York, NY*

*Diana C. Bauerle, Chicago, IL*

*Joanna Hedvall, Associate Director of Liaison and Information, AILA, Washington, DC*

*Rusty O'Brien, AILA Mid-South Chapter Chair, Louisville, KY*

6:30 pm – 8:30 pm      **Holy Immigration! Helping Religious Workers Come to the US**

- Organization Requirements
- Religious Occupations vs. Religious Vocation
- Volunteers and Paid Workers
- Nonimmigrants and Immigrants
- Dealing with the Consulate
- Timing Considerations
- Ability to Pay

*(DL) = Discussion Leaders*

*Q&A = Questions & Answers*

*\* = Suggested Speakers*

- Dealing with 501(c)(3) Issues

*Faculty:*

*Michael C. Runde, (DL), Milwaukee, WI*

*Rodney M. Barker, Boston, MA*

*James D. Eiss, Buffalo, NY*

*Martina M. Keller, Chicago, IL*

6:30pm – 8:30pm

### **The Role of the Immigration Paralegals**

- Balancing Priorities in Multi Lawyer Firm
  - Multi-Tasking
  - Understanding Attorney Preferences
- Distinguishing Paralegal and Attorney Responsibilities
  - What Do You Do When the Client Asks for Legal Advice?
  - Can You Quote Fee Information?
- Case Management—Best Practice and Technology
- Overview of Current Filing Procedures; Filing Tips

*Faculty:*

*Michael Patrick, (DL), New York, NY*

*Matthew I. Hirsch, Wayne, PA*

*Mark A. Mancini, Washington, DC*

*Jasmine Chehrazi, Paralegal, Washington, DC*

*\*Allison Walters, Paralegal, Los Angeles, CA*

6:30pm – 8:30pm

### **Doctors and Healthcare Workers: ABCs of MDs, RNs, OTs, MTs, Etc.**

- NIVs for MDs: J-1, H-1 and O-1 Issues (Change of Status, Licensing, 3 Year Commitment)
- Physician Waivers (IGA, Conrad etc.)
- Nurses (Schedule A Strategies)
- Licensing, Credentialing & Health Care Worker Certification
- Canadian Physician and Nurses

*Faculty:*

*Bruce Larson, (DL), Rochester, MN*

*Christopher J. Brelje, Goodyear, AZ*

*Carl Shusterman, Los Angeles, CA*

*Sylvia Titgemeyer, St. Louis, MO*

6:30pm – 8:30pm

### **Advanced Family Immigration Discussion/Review**

- Reinstatement of Removal
- Applying for Adjustment of Status as an arriving alien
- Waivers of the Permanent Bar

*Faculty:*

*Rita Provatas, (DL), New London, CT*

*\*Joseph C. Hohenstein, Philadelphia, PA*

*Philip Hornik, Portland, OR*

*Nicomedes E. Suriel, AILA Arizona Chapter Chair, Phoenix, AZ*

6:30pm – 8:30pm

### **Update on Midterm Elections—What Impact Do We Anticipate?**

- Anticipated hot elections
- Anticipated impact on pending immigration legislation and potential future planned lobbying efforts

*(DL) = Discussion Leaders*

*Q&A = Questions & Answers*

*\* = Suggested Speakers*

*Faculty:**Marshall Fitz, Director of Advocacy, AILA, Washington, DC**\*Laura F. Reiff, McLean, VA**\*Cook Report Representative***OTHER SESSIONS, WORKSHOPS & EVENTS**

TBD

**Chapter Chairs Orientation Meeting****THURSDAY, JUNE 22, 2006****OPENING PLENARY SESSIONS**

9:00am – 9:30am

**Keynote Speaker:***\*Dr. Emilio Gonzalez, Director, USCIS, DHS, Washington, DC*

9:30am – 10:00am

**President's Installation**

10:00am – 11:15am

**Hot Topics***Romy Kapoor,(DL), Annual Conference Program Chair, Atlanta, GA**Jeanne Butterfield, Executive Director, AILA, Washington, DC**Marshall Fitz, Director of Advocacy, AILA, Washington, DC**\*Kathleen Walker, AILA First Vice President, El Paso, TX**Crystal Williams, Deputy Director of Programs, AILA, Washington, DC*11:15am – 12:30pm **Interagency Government Panel***\*Carlina Tapia-Ruano,(DL), AILA President Elect, Chicago, IL**Robert Deasy, Director of Liaison and Information, AILA, Washington, DC**\*Jayson P. Ahern, Assistant Commissioner, Field Operations, DHS,  
Washington, DC**\*John Beverly, Administrator, Office of National Programs, DOL  
Washington, DC**\*Daniel Brown, Deputy Associate General Counsel for Immigration, DHS, General  
Counsel's Office, Washington, DC**\*Robert Divine, Acting Deputy Director, USCIS, Washington, DC**\*Stephen A. Edson, Acting Deputy Assistant Secretary for Visa Services, DOS,  
Washington, DC***FUNDAMENTALS TRACK**

10:00am – 10:50am

**Agencies that Affect Immigration Lawyers - How They Interact, Where To File, and How To Contact**

- Department of Homeland Security
  - Citizenship and Immigration Services
  - Customs and Border Protection
  - Immigration and Customs Enforcement
  - Executive Office for Immigration Review

*(DL) = Discussion Leaders**Q&A = Questions & Answers**\* = Suggested Speakers*

- Department of State (DOS)
- Department of Labor (DOL)
- Department of Social Security Administration (SSN)
- Department of Health and Human Services (HHS)
- Department of Justice (DOJ)
- Internal Revenue Service (IRS)

**Q&A (10:50am – 11:00am)***Faculty:**Simon M. Azar-Farr, (DL), San Antonio, TX**Barry J. Walker, Tupelo, MS**Donald J. Wolfson, New York, NY***11:00am – 12:20pm NIV Overview – Key Concepts to Analyze First**

- Maintaining, Changing, and Extending Status
- Regaining Legal Status
- What is to Overstay a Visa and What Are the Consequences?
- Visa vs. Status: What's the Difference?
- Can a Foreign National Leave the U.S. for a Contiguous Territory and Return on the Same I-94 Entry Document? The Contiguous Territory Exceptions
- Entering the U.S. on a B-1/B-2 Visa and Changing Status to Another Visa Category—Preconceived Intent: The 30/60 Day Rule
- Unlawful Presence: When is it Triggered, What Are the Penalties Under 222(g), Three and Ten Year Bars

**Q&A (12:20pm – 12:30pm)***Faculty:**Gayle Oshrin, (DL), New York, NY**Jeanne M. Malitz, San Diego, CA**Timothy G. Payne, Chicago, IL**\*Stacy Shore, McLean, VA***1:30pm – 2:20pm Consular & Border Applications (Nonimmigrant Visas)**

- Consular Interview – What Should Your Client Expect & Bring?
- Role of the Attorney
- Inspection & Entry: Procedures at Airport/Land/Seaport
- Who Can Apply?
- Where Can They Apply?: Know Your Consulates
- Potential Problems & Pitfalls: Bars & Waivers
- Denials and What You Can Do
- Overview of Security Checks
- Ethical Considerations

**Q&A (2:20pm – 2:30pm)***Faculty:**Evan J. Green, (DL), Toronto, Canada**Avi Friedman, Pacific Palisades, CA**L. Edward Rios, El Paso, TX***2:30pm – 3:45pm Employment-Based Nonimmigrant Visas**

- H-1B Specialty Worker
- H-1C Registered Nurse

*(DL) = Discussion Leaders*

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*Q&A = Questions & Answers**\* = Suggested Speakers*

- H-2A Farmworker
- H-2B Temporary Worker
- H-3 Trainee
- L-1A/L-1B Intracompany Transferee
- E-1/E-2 Investor
- R-1 Religious Worker
- TN Treaty Worker
- O-1 Extraordinary Ability Alien
- P-1/P-2/P-3 Performer
- J-1 Exchange Visitor
- A/G – Diplomats
- D Crewmen

**Q&A (3:45pm – 4:00pm)**

*Faculty:*

*Mercedes Badia-Tavas, (DL), Chicago, IL*  
*Denyse Sabagh, AILA Past President, Washington, DC*  
*Hamel Vyas, New York, NY*  
*Gregory A. Wald, San Francisco, CA*

4:00pm – 5:00pm

**Non Employment-Based NIVs**

- B-1 / B-2 Temporary Business/Pleasure Visitors
- F-1 / M-1 Academic/Vocational Students
- K-1 / K-3 Fiancés/Spouses of U.S. Citizens
- J-1 / Q-1 Exchange Visitors
- S/T Informants/Victims of Crimes
- V
- Visa Waiver Program
- Border Crossing Cards

**Q&A (5:00pm – 5:10pm)**

*Faculty:*

*Judy J. Lee, (DL), Houston, TX*  
*Sarah Hawk, Atlanta, GA*  
*Michael P. Nowlan, Detroit, MI*  
*Anita Patel, Knoxville, TN*

**TRACK I – BUSINESS**

2:00pm – 3:30pm

**Labor Certification-Based Immigration: Pre-Filing**

- Conversions of Previously Filed Applications: Calculating Advantages and Risks
- Visa Retrogression: Planning Far Ahead
- OES-SOC Wage Levels and Prevailing Wage Determinations
- Normal to the Occupation: What is Normal?
- Experience in the Job Offered vs. Alternate Experience
- Preparing Recruitment Reports

*Faculty:*

*Robert H. Cohen, (DL), Columbus, OH*  
*Stephen Garfinkel, Charlotte, NC*

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*Q&A = Questions & Answers*

*\* = Suggested Speakers*

*Edward R. Litwin, South San Francisco, CA*  
*Marcia N. Needleman, Board of Governors, New York, NY*  
*\*DOL Representative*

3:30pm – 5:00pm

**Labor Certification-Based Immigration: Post-Filing**

- Understanding the Decision Matrix: Red Flags and Codebreakers
- Handling Audits, Denials, Refilings, and Appeals
- Storage: When, Where, Why
- Employer Registration and Electronic Filing: Ethical Considerations

***Q&A (5:00pm – 5:10pm)****Faculty:*

*Susan M. MacLean, (DL), Chicago, IL*  
*Ester Greenfield, Seattle, WA*  
*Allen E. Kaye, AILA Past President, New York, NY*  
*Mitchell L. Wexler, Irvine, CA*  
*\*DOL Representative*

**TRACK II - FAMILY**

2:00pm – 3:20pm

**Challenging Marriage-Based Issues**

- K-3 vs. Consular Processing
- 245(i)
- Avoiding Surprises at the Interview
  - Separation
  - Criminal Acts
- Preparing for Separate Interviews: When CIS Splits Them Up
- Ethical Issues:
  - Duty to Disclose to the Government
  - Dual Representation
  - When Can You Remain on the Case?
- Adjustments Before the Immigration Court

***Q&A (3:20pm – 3:30pm)****Faculty:*

*Miko A. Tokuhama-Olsen, (DL), San Diego, CA*  
*Jan H. Brown, New York, NY*  
*Joanne T. Stark, Scottsdale, AZ*  
*Steven C. Thal, Minnetonka, MN*

3:30pm – 5:00pm

**Adoption and Related Immigration Issues**

- Orphan Cases
  - How to Process?
  - When are Children Legally Abandoned?
- Non-Orphan Cases
  - Possibilities for Adopting Relatives
- Establishing the Two Year's Physical/Legal Custody Requirement
- Issues Related to a US vs. a Foreign Adoption
- How to Document a Successful Case at the U.S. Consul?
- Steps for Acquiring Citizenship for the Adopted Child

- Ethical Considerations

**Q&A (5:00pm – 5:10pm)**

*Faculty:*

*Boyd F. Campbell (DL), Montgomery, AL*

*Margaret S. Choi, Denver, CO*

*\*Daniel E. Marcus, Hartford, CT*

*\*DOS Gov't Speaker*

### **TRACK III – ASYLUM**

2:00pm – 3:20pm

#### **Cutting Edge Issues in Asylum: Developing the Theory of a Social Group**

- Gangs
- Sexual Orientation
- Gender
- Children
- “Disfavored Groups”
- Is “Americanization” a Legitimate Basis for an Asylum Claim?
- Update on Recent Case Law, Memos to Support Your Case
- Developing a Winning Theory
- Resources for Expert Witnesses and Country Condition Information
- Ethical Considerations?

**Q&A (3:20pm – 3:30pm)**

*Faculty:*

*Mary E. Kramer, (DL), Miami, FL*

*Salvador Colon, Houston, TX*

*Hilary A. Han, Seattle, WA*

*Frank K. Lipiner, New York, NY*

3:30pm – 5:00pm

#### **Defensive Asylum/REAL ID**

- Case Update
- Experts
- Credibility
- How to Provide Corroborating Evidence—Are Polygraphs an Answer?
- CAT/Withholding
- Appellate Strategies When the Case is Denied

**Q&A (5:00pm – 5:10pm)**

*Faculty:*

*Michele Garnett McKenzie, (DL), Minneapolis, MN*

*\*Peter L. Ashman, Las Vegas, NV*

*Melanie D. Goldberg, Huntington Woods, MI*

*Virgil Wiebe, Minneapolis, MN*

### **TRACK IV – GOVERNMENT OPEN FORUMS**

2:00pm – 3:25pm

#### **Department of State (DOS) Open Forum**

*Faculty:*

*\*Liam Schwartz, (DL), DOS Liaison Committee Chair, Ramat Gan, Israel*

*(DL) = Discussion Leaders*

*Q&A = Questions & Answers*

*\* = Suggested Speakers*

*\*Tien-Li Loke Walsh, Pacific Palisades, CA*  
*\*DOS Representatives*

3:30pm – 5:00pm

**US Customs & Border Protection (USCBP) Open Forum***Faculty:*

*\*Diane Butler, (DL), CBP Liaison Committee Chair, Seattle, WA*  
*\*Fausta Albi, San Diego, CA*  
*\*CBP Representatives*

**PRACTICE ROUNDTABLES (EVENING)**

8:00pm – 10:00pm

**Fundamentals—Preparing a Marriage Based Case and Mock Interview**

- What Forms are Filed and Where
- I-864 – Affidavit of Support
- The Joy of Marriage: Union and Bona Fides to Prove the Validity of the Marriage
- Advance Parole and Employment Authorization: Who Should Apply and How Long Does it Take?
- Conditional Residence Status
- Common Mistakes or Pitfalls
- What Ethical Issues Must be Considered by the Attorney?
- Interview Procedure and Questions
- When Can Your Clients be Separated?
- What Documents Need to be Presented?
- How to Respond When the Officer Oversteps Their Authority?
- What is the Role of the Attorney at the Interview?
- Q&A

*Faculty:*

*Andres Benach, (DL), Washington, DC*  
*Martha E. Garza, Bellaire, TX*  
*Vincent W. Lau, Cambridge, MA*  
*Bernadette (Ginger) McGuire, Denver, CO*  
*Marina A. Toledo, Kenner, LA*

8:00 pm – 10:00 pm

**PERM War Stories**

- Regional Variations
- Strategies for Troublesome Occupations
- Successes and Failures
- Audit Triggers

*Faculty:*

*Steven M. Ladik, (DL), AILA Past President, Dallas, TX*  
*Diane M. Dear, Phoenix, AZ*  
*Howard W. Gordon, New York, NY*  
*Kyle Sherman, AILA Atlanta Chapter Chair, Atlanta, GA*  
*\*Nancy Taylor Shivers, San Antonio, TX*

8:00pm – 10:00pm

**Preparing Sexual Orientation and Gender Asylum Cases**

- Sexual Orientation Cases



- Preparing Declaration-Documenting:
  - Persecution, country conditions, and other issues
  - Psychological Evaluations—How Do They Help?
  - Addressing the One Year Issue
- Asylum Based on HIV Status
  - Is it a Basis Alone?
  - How to Prepare Such a Case?
- Gender Asylum Cases

*Faculty:**Christopher Nugent, (DL), Washington, DC**Ally Bolour, Los Angeles, CA**Ruben A. Rivera, Portland, OR**Sarah Sohn, Detention Watch Network, Immigration Equality, New York, NY*

8:00pm – 10:00pm

**How to Effectively Deal with a Hostile Immigration Court Environment**

- Effective Techniques When IJs Take Over a Hearing
- Effective Techniques When Incorrect Law is Being Applied During Your Hearing
- Effective Techniques for Dealing With Court Personnel
- Advice on How to Effectively Work With Your Trial Attorney—What Are His/Her Limitations Regarding Cooperation?
- How to Make an Offer of Proof?
- How to Effectively Raise and Preserve Objections?
- Professionalism Issues

*Faculty:**Jonathan D. Montag, (DL), San Diego, CA**Sochea Chea, Duluth, GA**Lourdes Martinez-Esquivel, Coral Gables, FL**Edward G. Shulman, Paterson, NJ*

8:00pm – 10:00pm

**Consular Processing – Part of the Admission Equation**

- Consular Appointments (Global Appointment Future)
- NVC, KCC the Role in the Process
- Timing in the Visa Process
- Security Checks-Planning Ahead (Pre-Clearance on the Horizon?)
- Overstays and US VISIT - Impact on Visa Issuance
- NSEERS, SEVIS—What's Left?
- Paroles and Documentary Waivers at Admission
- NIV Waivers at the Consulate
- Correcting the record - 00 Hits, Ending Redundant Checks (Keeping a Record in CLASS)
- Access to CCD at ports - What Does It Mean?

*Faculty:**Bernard P. Wolfsdorf, (DL), AILA Treasurer, Pacific Palisades, CA**Fausta M. Albi, San Diego, CA**Paul M. Isel, Rancho Palos Verdes, CA**\*Amy Marmer Nice, Washington, DC**Martha Schoonover, McLean, VA*

- 8:00pm – 10:00pm      **An Embarrassment of Riches: Immigration Lawyering in a 21st Century “Flat” World**
- Provide Consistently Great Immigration Legal Services.
  - Spot Business, Social and Legal Trends (before the bandwagon does) to Upgrade Your Client Base and Your Immigration Career.
  - Communicate with Passion and Persuasion in the Client Meeting, the Corporate Boardroom, the Courtroom, the Press Conference, the Networking Event and the Halls of Congress.
  - Use improvisation Training, Listening Skills, Empathy, Authenticity, Story-Telling and Body Language to Establish Trust and Relax Your Way to Better Social and Business Interactions

*Faculty:**Angelo A. Paparelli, (DL), Irvine, CA**Laura Danielson, Minneapolis, MN**Stephen Yale-Loehr, Ithaca, NY***OTHER SESSIONS, WORKSHOPS & EVENTS**

5:15 pm – 6:30 pm                      AILA Annual Membership Meeting

6:45 pm --7:45 pm                      President’s Reception

**FRIDAY, JUNE 23, 2006****MORNING PRACTICE ROUNDTABLES**

- 7:30am – 8:30am      **Volunteer Visionary: Becoming a Leader within AILA**
- Close to Home: How to Get Involved at a Local Level
  - I’m Ready for My Closeup: Moving from the Local to National Spotlight
  - Ready-Set-Vote! Running Your Campaign for Elected National Office
  - Inside Scoop: Insight on the Time, Energy and Resource Commitments Required of Elected Leaders

*Faculty:**Paul L. Zulkie, (DL), AILA Immediate Past President, Chicago, IL**Jennifer Lynch, Director of Membership, AILA, Washington, DC**Crystal Williams, Deputy Director, Programs, Washington, DC*

- 7:30am-8:30am      **Throwing that “Hail Mary”: Remedies of Last Resort**
- Private Bills
  - Deferred Action
  - Canadian Immigration-Is it an Option?

*Faculty:**Susan Cohen, (DL), Boston, MA**Heather Segal, Toronto, Canada**(DL) = Discussion Leaders**Q&A = Questions & Answers**\* = Suggested Speakers*

*Dale M. Schwartz, AILA Past President, Atlanta, GA*

7:30am-8:30am **Panel – TBD**

7:30am-8:30am **Panel – TBD**

## **FUNDAMENTALS TRACK**

8:00am – 9:15am **Preparing Form I-129 Petition for a Nonimmigrant Worker**

- Where to Locate the Legal Requirements?
- When to Use Form I-129?
- Supplements
- Documenting Eligibility for Classification
- Labor Condition Applications
- Educational Evaluations and Consultations
- Quotas
- Where to File? – Generally and Specifically
- Fees, including Premium Processing
- When to Use Form I-539?

***Q&A (9:15am – 9:30am)***

*Faculty:*

*Shawn A. Orme, (DL), Dallas, TX*

*Kathy W. Goss, Lonoke, AR*

*\*John “Jack” L. Pinnix, AILA Past President, Raleigh, NC*

*Barbara Wong Loughlin, Forest Hills, NY*

9:30am – 10:45am **Non Employment-Based Immigrant Visas**

- Family-Based Preferences
- Immediate Relatives
- Special Immigrants
- Diversity Visa Lottery
- Preparing and Filing the I-130
- Child Status Protection Act
- V & K Visas
- Ethical Considerations

***Q&A (10:45am – 11:00am)***

*Faculty:*

*Romulo E. Guevara, (DL), Phoenix, AZ*

*Alexis S. Axelrad, New York, NY*

*Dorothy H. Basmaji, Bingham Farms, MI*

*Joseph B. De Mott, San Antonio, TX*

11:00am – 12:15pm **Employment-Based Immigrant Visas**

- Proving “Extraordinary Ability”
- College, University or Research Institutions & “Outstanding Researchers”:  
How Permanent is the Job Offer? Overcoming the Permanency Problem  
with the Service Centers.
- Multinational Managers or Executives

*(DL) = Discussion Leaders*

*Q&A = Questions & Answers*

*\* = Suggested Speakers*

- Exceptional Ability: What is it? Where is it Defined and How Can This Standard be Met?
- Advanced Degree Holders: Defining Advanced Degree and the Importance for Certain Nationals – India, China, and the Philippines?
- National Interest Waivers
- Professionals
- Skilled and Unskilled Workers – What is the Distinction?: Corresponding Visa Categories
- Religious Workers
- Investors

**Q&A (12:15pm – 12:30pm)***Faculty:**Suzanne B. Seltzer, (DL), New York, NY**William D. Fong, Houston, TX**Charina P. Garcia, San Francisco, CA**Marcine Seid, AILA Board of Governors, San Jose, CA*

1:30pm – 2:45pm

**Adjustment of Status vs. Consular Processing (Immigrant Visas)**

- Should I Stay or Should I Go?
- Section 245 Eligibility
- Section 245(i) & (k)
- Jurisdiction, Advance Parole, EAD's
- Immigrant Visa Processing (NVC/Consulates)
- 3/10 Year Bar, Out-of-Status
- When Things Don't Work Out Well: Denials, Appeals, & Motions to Reopen

**Q&A (2:45pm – 3:00pm)***Faculty:**Mary L. Mucha, (DL), Los Angeles, CA**David P. McCauley, Honolulu, HI**Craig E. Miley, Dallas, TX**Lynn Susser, Memphis, TN*

3:00pm – 4:15pm

**Nuts and Bolts of Preparing a PERM Application***(would like the panelists to prepare a model 9089 to distribute )*

- Registration: Who, Where & When
- Drafting the Job Notice and Advertisement
- Obtaining a Prevailing Wage Determination
- Placing the Job Order
- Choosing Alternative Sources of Recruitment
- Completing the 9089 Form

**Q&A (4:15pm – 4:30pm)***Faculty:**Cheryl B. Williams, (DL), Nashville, TN**Pamela P. Mick, Chicago, IL**Aimee Clark Todd, Atlanta, GA**Timothy Wheelwright, AILA Utah Chapter Chair, Salt Lake City, UT*

4:30pm – 5:20pm

**PERM Strategies**

- When to Refile a Case Pending With a Backlog Reduction Center under PERM?
- Which Alternative Recruitment Sources to Choose?
- Determining the Education and Experience That Can be Required
- How to Avoid an Audit or Denial?
- What is an Audit & How to Respond?
- What Documents to Maintain, and Where and How to Maintain Them?
- Time Limitations, Periods and How to Calculate
- Drafting for the three year Bachelor Degree

**Q&A (5:20pm – 5:30pm)***Faculty:*

*\*Margaret A. Catillaz, (DL), AILA Past President, Rochester, NY*  
*Romy K. Kapoor, AILA Annual Conference Program Chair, Atlanta, GA*  
*Allen Orr, Washington, DC*  
*Ronald Y. Wada, San Francisco, CA*

**TRACK I - BUSINESS ONE**

8:30am – 9:45am

**Making Sense of the E Visa: Nonimmigrant Visas for Investors and Traders**

- Overview of E-1 and E-2 Business Visas
- Issues for E-1 Traders: Ownership and Origin, Substantiality
- Issues for E-2 Investors: Sources of Capital, “At Risk,” Profitability and Marginality, Business Structures, Management and Control
- Qualifying the Employee
- Issues for Start-Ups
- Merger, Acquisition, or Change in Corporate Structure
- Consular Issues in E Visa Processing
- Strategies for Leveraging the E into a Green Card
- Changing and Extending Status

**Q&A (9:45am – 10:00am)***Faculty:*

*Jay I. Solomon, (DL), Atlanta, GA*  
*Paul W. Ferrell, London, England*  
*Daniel C. Horne, San Francisco, CA*  
*\*Maurice Berez, Senior Adjudications Officer and Asst Dir.,*  
*Chief of Investor and Regional Center Unit, USCIS, DHS, Washington, DC*

10:05am – 11:20am

**Athletes, Entertainers & Artists (Os and Ps)**

- Unusual Petitioners
- Unusual Wage Arrangements
- Differing Measures of “Extraordinary”
- Timing Issues: Yesterday Is Not Soon Enough!
- Ethical Issues: Controversial Entertainers, Artists, and Performers

**Q&A (11:20am – 11:30am)***Faculty:*

*Kathleen L. Grzegorek, (DL), Los Angeles, CA*  
*Jenifer M. Brown, Indianapolis, IN*  
*Laya R. Kushner, Charlotte, NC*

*Tien-Li Loke Walsh, Pacific Palisades, CA*

11:35am – 12:25pm **Managing Client Expectations and Dealing with Client Disappointment**

- Setting the Tone from the Very Beginning
- Spelling It Out in the Agreement
- The Importance of Constant Communication
- It's Not My Fault! (Blame the Government?)
- The Hardest News I Ever Had to Deliver, and How I Delivered It
- Ethical Considerations Including Dual Representation

**Q&A (12:25pm – 12:35pm)**

*Faculty:*

*Carl Falstrom, (DL), San Francisco, CA*

*Roxana C. Bacon, Phoenix, AZ*

*Jerome G. Grzeca, Milwaukee, WI*

*Edwin R. Rubin, Newark, NJ*

2:00pm – 3:20pm **Professionalism and Law Office Management**

- Leveraging Your Representation/Fee Agreements to Handle Ethical Issues
- Start to Finish: Procedures for Opening and Closing Matters/Files
- Maximizing Time—Time Saving Techniques for You and Your Staff
- Managing Cases and Staff
- Marketing for the Busy Practitioner

**Q&A (3:20pm – 3:35pm)**

*Faculty:*

*Jeffrey W. Goldman, (DL), Boston, MA*

*Davis C. Bae, Seattle, WA*

*Dinesh P. Shenoy, Minneapolis, MN*

3:40pm – 5:00pm **Law Office Technology: Managing Technology Before it Manages You!**

- Software Available to the Immigration Practitioner
  - Research
  - Case Management
  - Forms
- On-Line Resources
- On-Line Filings
- InfoNet
- AILALink

**Q&A (5:00pm – 5:15pm)**

*Faculty:*

*Cletus M. Weber, (DL), AILA Washington State Chapter Chair, Seattle, WA*

*Randy Auerbach, AILA Director, Publication, Washington, DC*

*David S. Jones, Memphis, TN*

*Christopher M. Wright, Woodland Hills, CA*

## **TRACK II -- BUSINESS TWO**

8:30am – 9:45am **Update on Employment Verification System---No More I-9s?**

- Changing the Form but not the Rule
- “Citizens” vs. “Nationals”

*(DL) = Discussion Leaders*

*Q&A = Questions & Answers*

*\* = Suggested Speakers*

- Notice of Unauthorized Employment
- Dealing with Social Security
- The Changing Role of the Driver's License
- Catch It If You Can: The Internal Audit
- Avoiding Discrimination, an Enforcement Area
- Defending Against Investigations
- Jurisdiction: EEOC and Office of Special Counsel
- Application Questions: Is It Safe To Ask That?
- Update on Employer Enforcement Issues

**Q&A (9:45am – 10:00am)***Faculty:**Eileen M.G. Scofield, (DL), Atlanta, GA**Sarah Buffett, Charlotte, NC**Newton J. Chu, Hilo, HI**Leigh Nelson Ganchan, Houston, TX*

10:05am – 11:20am

**NIVs for Professionals: H-1B, Free Trade (TN, H-1B, E-3)**

- Strategies for the Professional Worker
- Capped or Not Capped—Are You Sure the Cap Applies to Your Client?
- Small Employers Hire Nonimmigrants, Too!
- Emerging Occupations
- Wanting It All: Dual Intent Issues
- Dealing with Corporate Changes
- What Can You and Your Client Do To Impact Current Legislation?
- Chile/Singapore Numbers

**Q&A (11:20am – 11:30am)***Faculty:**Eleanor Pelta, (DL), AILA Board of Governors, Washington, DC**Janet L. Henner, New York, NY**Tarik H. Sultan, Tucson, AZ*

11:35am – 12:25pm

**H-2B and Other Essential Workers**

- Essential Workers and Immigration Reform
- H-2A Agricultural Jobs
- H-2B Procedure and the Labor Certification
- Doctrine of Two Temporaries
- Dealing With the Quota
- Comparison to EB-3 Skilled/Unskilled Workers
- What can be done legislatively to help our clients

**Q&A (12:25pm – 12:35pm)***Faculty:**Jay C. Ruby, (DL), Atlanta, GA**\*Robert Kershaw, Austin, TX**Donald L. Mooers Jr., Bethesda, MD*

2:00pm – 3:20pm

**LCA Compliance: 21<sup>st</sup> Century Techniques**

- LCA Documentation and Audits
- Record Keeping Requirements—Ensuring Compliance
- Dependent Employers

*(DL) = Discussion Leaders**Q&A = Questions & Answers**\* = Suggested Speakers*

- Getting the Client “Audit Ready”—Internal Audits and Wage Typical Audit Issues
- Defending an Audit
- The RICO Nightmare?
- Third-Party Issues— Can You Be Liable for your Contractor?

**Q&A (3:20pm – 3:35pm)**

*Faculty:*

*Neil S. Dornbaum, (DL), Newark, NJ*

*\*Peter T. Schiron Jr., New York, NY*

*Alan Tafapolsky, San Francisco, CA*

*Andrew L. Wizner, AILA Connecticut Chapter Chair, Hartford, CT*

3:40pm – 5:00pm

**Adjustment of Status vs. Consular Processing: Should I Stay or Should I Go?**

- Adjustment Eligibility
- Jurisdiction: Where to File the I-485?
- Employment Authorization and Section 245(k)
- Travel and Advance Parole
- Section 245(i) and Grandfathered Applicants
- Processing through NVC and Consular Offices
- Discretionary Consular Office Acceptance
- Dealing with Delays (Retgression, Clearances, and Denials)
- Maintaining Status and Avoiding Unlawful Presence (3- and 10-Year Bars)

**Q&A (5:00pm – 5:15pm)**

*Faculty:*

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

*Dyann DelVecchio, Boston, MA*

*\* Shannon M. Underwood, Olympia, WA*

*Paul W. Virtue, Washington, DC*

**TRACK III - FAMILY**

8:30am – 9:45am

**IV Waivers-Reality of Success**

- Unlawful Re-entry Issues
- 3/10 Year Bar
- Medical Bars
- Crimes
- Public Charge
- Special Issues for Asylees and Refugees
- Difference when Applying at a US Consulate

**Q&A (9:45am – 10:00am)**

*Faculty:*

*Reginald A. Pacis, (DL), Detroit, MI*

*Richard Ginsburg, Hillsboro, Oregon*

*T. Douglas Stump, AILA Board of Governors, Oklahoma City, OK*

*\*CDC Representative*

*\*Warren Janssen, USCIS IV Waiver Officer, Ciudad Juarez, Mexico*



- 10:05am – 11:20am **Violence Against Women Act (VAWA)**
- Updates on the Law and Procedures at the Vermont Service Center
    - VAWA 2005
    - Update on Useful Memos
  - Good Moral Character: The Exceptions to GMC Bars
  - I-824 Issues and Derivative Children Abroad
  - Updates on Special Rule Cancellation
- Q&A (11:20am – 11:30am)**  
*Faculty*  
 Gloria A. Goldman, (DL), AILA Board of Governors, Tucson, AZ  
 Julie E. Dinnerstein, New York, NY  
 \*Maria Jose T. Fletcher, Miami, FL  
 \*George Murphy, Supervisor of VAWA Unit, Vermont Service Center
- 11:35am – 12:25pm **Protecting Victims of Crime**
- S Visa—Is It Often Used?
  - T Visa
  - U Visa
- Q&A (12:25pm – 12:35pm)**  
*Faculty:*  
 Sheila Neville, (DL), Los Angeles, CA  
 Mary V. Day, Tucson, AZ  
 \*Sally L. Kinoshita, San Francisco, CA  
 \*Gov't Representative
- 2:00pm – 3:20pm **Consequences of Criminal Conduct**
- Latest Case Law
  - How to Interface with Criminal Defense Attorneys
    - Crimes of Violence
    - Sexual Abuse
    - Domestic Abuse
  - Analysis of a Case
    - Recommendation of Pleas
    - Projection of Various Consequences
  - Post Conviction Options
  - Legislative Options for our Clients
- Q&A (3:20pm – 3:35pm)**  
*Faculty:*  
 Linda Kenepaske, (DL), New York, NY  
 Robert Frank, Newark, NJ  
 Jay S. Marks, Silver Spring, MD
- 3:40pm – 5:00pm **Detention and Bonds**
- Procedures to Secure a Bond
    - Arriving Aliens
    - Before the Immigration Court
  - Who is Subject to Mandatory Detention?
  - How to Prepare a Redetermination Case
  - *Joseph* Hearing
  - Legislative Options for our Clients

**Q&A (5:00pm – 5:15pm)***Faculty:**Jeff Joseph, (DL), AILA Board of Governors, Denver, CO**Holly S. Cooper, Florence Project, Florence, AZ**David W. Leopold, AILA Secretary, Cleveland, OH**\*ICE Representative***TRACK IV – MASTERS-FAMILY**

8:30am – 9:45am

**Advanced Topics of Citizenship**

- Updates on Derivative and Acquisition Issues
- Keys to a Successful Disability Claim
- Good Moral Character—How To Make Your Case?
  - Selective Service Issues
  - Multiple DUIs
  - Arrests Without a Conviction
  - Child Support Payment Issues
- N-470 Protection of Residency Requirement
- What to Do When the Government Won't Act
- Where to Go When Your Case is Denied—“Lets Make a Deal”
- Update on Claims of Nationality vs. Citizenship

**Q&A (9:45am – 10:00am)***Faculty:**Jonathan S. Greene, (DL), Washington DC Chapter Chair, Towson, MD**Robert A. Mautino, San Diego, CA*

10:05am – 11:20am

**Complex Family Based Issues**

- Retention of Priority Dates
- Death of a Petitioner—Death of Petition?
- Is There a Valid Marriage?
  - Cousins
  - Common Law Marriages and Divorces
  - Proxies
- Waivers of the Bars—212(a)(9)
- Preconceived Intent/Fraud
- What “Kicks In” the Permanent Bars?
- Update on Recent Case Law
- Reinstatement of Removal Orders
- Ethical Considerations

**Q&A (11:20am – 11:30am)***Faculty:**Jeffrey A. Devore, (DL), Palm Beach Gardens, FL**Royal F. Berg, AILA Board of Governors, Chicago, IL**Lisa D. Duran, Phoenix, AZ**Aggie R. Hoffman, Los Angeles, CA*

11:35am – 12:25pm

**Representing Lesbian, Gay, Bisexual, and Transgender (LGBT) Clients in Marriage-based Cases***(DL) = Discussion Leaders**Q&A = Questions & Answers**\* = Suggested Speakers*

- Update on Law Governing Rights of Transsexual Marriage Cases Before CIS at this Time
- Preparing Transsexual Marriage/Fiancé Case—How Should You Document Transsexual Issues?
- DOMA and Why Same Sex Marriages are not Viable at this Time before CIS
- What Constitutes a Legitimate Marriage?
- Same-Sex Marriages from Canada—Can You Use It in the U.S.?
- Ethical Considerations
- Status update on “Uniting American Families Act” and other Legislative proposals

**Q&A (12:25pm – 12:35pm)***Faculty:**Sharon Dulberg, (DL), San Francisco, CA**Noemi E. Masliah, New York, NY**Nancy M. Robinett, Tucson, AZ*

2:00pm – 3:20pm

**Protecting the Interests of the Children**

- Special Immigrant Juveniles—Process for application and recognition
- Representing Detailed Juveniles
- Asylum Issues
  - I-730 and Consular Processing
- Child Status Protection Act
- Family Unity

**Q&A (3:20pm – 3:35pm)***Faculty:**Kathleen Moccio, (DL), AILA Board of Governors, Minneapolis, MN**Anne Chandler, University of Houston Law Center, Houston, TX**Judy Flanagan, Phoenix, AZ*

3:40pm – 5:00pm

**Advanced NACARA Issues**

- When Government Alleges Client is Persecutor of Others
- What to Do When Client Classified as a Terrorist
- Criminal Convictions
- Creative Strategies Regarding Physical Presence
- Limited Options for Dependents
- Strategies for Motions to Reopen Where Government Will Not Join

**Q&A (5:00pm – 5:15pm)***Faculty:**Stephen Manning, (DL), Portland, OR**Mark Silverman, San Francisco, CA**Alyssa G. Simpson, San Rafael, CA***TRACK V-MASTERS-BUSINESS**

8:30am – 9:45am

**Moving Forward While Retrogressing**

- Informing the Employer Client-Assessing Pending and New Cases
- Asking the Right Questions-Chargeability Case Analysis
- Specific Review of 1st, 2nd, 3rd Preference and Options

*(DL) = Discussion Leaders**Q&A = Questions & Answers**\* = Suggested Speakers*

- Predictions on Availability
- Cross Chargeability Issues
- “Band-Aid” Legislation Needed now-
  - Family Members
  - Annual L Extensions

**Q&A (9:45am – 10:00am)***Faculty:**Daryl R. Buffenstein, (DL), AILA Past President, Atlanta, GA**Kathrin S. Mautino, San Diego, CA**Lydia Tamez, Redmond, WA*

10:05am – 11:20am

**NIV/IV Waivers for Business Immigration Lawyers: “When the Best and Brightest Have Baggage”**

- Parsing the Statutes
- When and Where to Apply
- Getting Around the Ground
- Applying While Inside the U.S. vs. While Outside the U.S.
- How Long Will It Take?
- Ethical Considerations Including Dual Representation

**Q&A (11:20am – 11:30am)***Faculty:**Mark J. Newman, (DL), Atlanta, GA**Christine Brigagliano, San Francisco, CA**William Z. Reich, Buffalo, NY*

11:35am – 12:25pm

**Making Something Out Of Nothing-Getting Around the H-1B Cap and Limitations of Stay**

- Exemptions from the H-1B cap
- Comparing AC21 §§ 104(c) and 106(a)—3-year versus 1-year extensions;
- Can you get a 7<sup>th</sup> year of H-1B status for a worker when s/he’s abroad?
- What’s mine is yours:
  - Do extensions under AC21 apply to the H-1B and H-4 spouse of an H-1B nonimmigrant?
  - Are substitutions on labor certification applications available to extend H-1B status?
- Bootstrapping--Can you use the filing of a prior employer to extend H-1B status? Can you benefit under AC21 for filings made after year 5 of H-1B status?
- What about those regulations?

**Q&A (12:25pm – 12:35pm)***Faculty:**Ilana J. Drummond, (DL), San Francisco, CA**Naomi Schorr, New York, NY**Paul L. Zulkie, AILA Immediate Past President, Chicago, IL*

2:00pm – 3:20pm

**The New Admission Conundrum**

- The Checklist for Clients - - Don't Leave Home Without it
- US VISIT and NSEERS Compliance Waivers
- Exit Control - What Ports and Potential Problems?

- 222(g) Triggers and What To Do If Your Client Still Has His I-94 Post Expiration
- Western Hemisphere Update
- Utility of 22 CFR 41.112(d) - What If You Apply For A Visa?
- Multiple Entries - 8 CFR 285.1(f)
- The Dangers of B-2
- Ten Prints on the Horizon

**Q&A (3:20pm – 3:35pm)**

*Faculty:*

*Kathleen C. Walker, (DL), AILA 1<sup>st</sup> Vice President, El Paso, TX*

*David Garson, Toronto, Canada*

*Gregg Rodgers, Seattle, WA*

3:40pm – 5:00pm

**Litigation for Business Immigration Lawyers**

- Laying the Litigation Foundation
- Know Your Actions – Mandamus, Declaratory Judgment, etc.
- Exhaustion of Remedies and How to Overcome It
- How Do You Know if Your Case Is Good?
- Understanding the Rules and Calendaring the Deadlines
- Bringing In Co-Counsel?
- How Much to Charge (Don't Forget EAJA Fees!)
- Ethical Considerations Including Dual Representations
- Assemble a Team or Go It Alone?

**Q&A (5:00pm – 5:15pm)**

*Faculty:*

*David Grunblatt, (DL), New York, NY*

*Charles H. Kuck, AILA 2<sup>nd</sup> Vice President, Atlanta, GA*

**TRACK VI – GOVERNMENT OPEN FORUMS/POLICY**

8:30am – 9:30am

**General Counsel Open Forum**

*Faculty:*

*\*Denyse Sabagh, (DL), General Counsel Liaison Chair, Washington, DC*

*\*Warren R. Leiden, AILA Board of Governors, San Francisco, CA*

*\*General Counsel Representatives*

9:30am – 10:30am

**Executive Office of Immigration Review (EOIR) Open Forum**

*Faculty:*

*\*Laura Lichter, (DL), EOIR Liaison Committee Chair, Denver, CO*

*\*Joseph A. Vail, Houston, TX*

*\*EOIR Representatives*

10:30am – 12:00noon

**Department of Labor (DOL) Open Forum**

*Faculty:*

*\*Frances C. Berger, (DL), DOL Liaison Committee Chair, New York, NY*

*\*Karen B. Koenig, Atlanta, GA*

*\*DOL Representatives*

*(DL) = Discussion Leaders*

*Q&A = Questions & Answers*

*\* = Suggested Speakers*

- 2:00pm – 3:30pm      **US Citizenship & Immigration Services (USCIS) Open Forum**  
*Faculty:*  
 \*Eleanor Pelta, (DL), USCIS Liaison Committee Chair, Washington, DC  
 \*Cora Tekach, Washington, DC  
 \*USCIS Representatives
- 3:30pm – 5:00pm      **US Immigration & Customs Enforcement (USICE) Open Forum**  
*Faculty:*  
 \*Amy L. Peck, (DL), ICE Liaison Committee Chair, Omaha, NE  
 \*Cheryl David, New York, NY  
 \*USICE Representatives

### **OTHER SESSIONS, WORKSHOPS & EVENTS**

- 9:00am                      Naturalization Ceremony
- 12:30 pm – 4:00 pm      AILF Board of Trustee Meeting
- 6:30 pm – 10:00 pm      AILF Reception and Dinner

### **SATURDAY, JUNE 24, 2006**

- 7:30am – 8:30am      **BREAKFAST WITH THE EXPERTS**

### **FUNDAMENTALS TRACK**

- 8:00am – 9:15am      **Inadmissibility and Removability**
- Differences Between Inadmissibility and Deportability
  - Grounds of Inadmissibility (INA §212(a))
  - Grounds of Removability (INA §237(a))
  - Basics of a Removal Proceeding
  - Detention, Bonds & Hearings
  - Entry/Admission/Exceptions
  - Expedited Removal (INA§235)
- Q&A (9:15am – 9:30am)**  
*Faculty:*  
 Cheryl David, (DL), New York, NY  
 Magali S. Candler, Houston, TX  
 Howard Hom, San Diego, CA  
 Erich C. Straub, Milwaukee, WI
- 9:30am – 10:45am      **Inadmissibility & Removability Defenses & Relief**
- Waivers Under INA 212
  - Basics of Removal Proceedings:
    - Voluntary Departure

- Cancellation of Removal (LPR's & non-LPR's)
- Asylum
- Adjustment of Status
- Expedited Removal: Any Relief?
- Admission Strategies: Deferred Inspection, Withdrawal of Admission Application, Waiver of Visa
- Ethical Considerations

**Q&A (10:45am – 11:00am)***Faculty:**Anayancy R. Housman, (DL), AILA New Jersey Chapter Chair, Elizabeth, NJ**John Ayala, Los Angeles, CA**Justin Burton, Chicago, IL**John S. Richbourg, Memphis, TN*

11:00am – 12:15pm

**Naturalization and Citizenship**

- Jurisdictional Requirements for Filing an N-400 Application for Naturalization through the Service Centers
- Where Will the Applicant be Interviewed & What Can They Expect; Questions Commonly Asked for the U.S. Civics, History and English Exam?
- How Many Years of Permanent Residency Status is Required – Three or Five Years?
- Naturalization Requirements: Physical Presence Requirement & Good Moral Character
- Offenses that Trigger Bars to Naturalization and Possible Deportation
- Filing of Tax Returns by the Applicant
- Selective Service Requirement for Male Applicants
- Issue of Dual Nationality
- Q&A

**Q&A (12:15pm – 12:30pm)***Faculty:**Maurice Goldman, (DL), Tucson, AZ**Judith G. Cooper, Houston, TX**Kimberly K. Hunter, St. Paul, MN**Mario M. Ramos, Nashville, TN*

1:30pm – 2:30pm

**MOCK HEARING: Cancellation of Removal Non-permanent Residents***(simulated hearing: Judge, TA, Respondent, attorney)*

- NTA: Contesting on Improper Service & Other Grounds
- Pleading to the Allegations
- Burden of Proof/Supporting Documentation
- Stop—Time Rule
- Criminal Records/Rehabilitation
- Ethical Considerations

*Faculty:**Mark R. von Sternberg, (DL), New York, NY**Sean Lewis, Nashville, TN**Joan Mathieu, AILA Central Florida Chapter Chair, Clearwater, FL**\*Immigration Judge*

2:30pm – 3:30pm

**Mock Naturalization Interview***(DL) = Discussion Leaders*

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*Q&A = Questions & Answers**\* = Suggested Speakers*

- Preparing the Client
- Documentation Client Should Bring to Interview
- Varying Local Practices
- Under Oath
- Accurate Factual Information
- U.S. Residence – Travel Abroad
- Grounds of Ineligibility
- Good Moral Character
- Willingness Issues
- English Test and Civics and Exceptions
- Special Classes
- Oath Ceremony

*Faculty:*

*Anis N. Saleh, (DL), AILA Southern Florida Chapter Chair, Miami, FL*

*Kevin Lawrence Dixler, Chicago, IL*

*Joseph B. La Rocca, Baton Rouge, LA*

*Jose Salvador Tellez, Laredo, TX*

3:30pm – 4:30pm

#### **Mock NIV Interview**

- Preparing the Client: What to Expect & What to Bring?
- TCN Processing in Mexico, Canada, etc. (Which Posts Still Allow TCN Processing)
- Security Clearances—Which Nationals Need Them?

*Faculty:*

*Eric S. Bord, (DL), Washington, DC*

*Anastasia Tonello, London, Great Britain, UK*

*Annie J. Wang, New York, NY*

4:30pm – 5:30pm

#### **I-601 Workshop: How to Prepare & File Documentation When There is an Issue of "Unlawful Presence"**

*(a sample brief will be provided)*

- Definition of Unlawful Presence & Statutory Exceptions
- "Permanent Bar"
- Judicial Review & Motions to Reopen
- "Extreme Hardship" Standard: Who is Impacted?
  - Practice Pointers & Tips
  - Use of Expert Witnesses
  - Identifying Potential Issues
    - Medical/Health Insurance
    - Employment
    - Language
    - Human Rights Report
    - Separation of Family Members
- Waivers: When Are They Needed & What Triggers the Need
- Terrorist Sponsored Countries
- Fraud
- Difference in Processing of Visa Categories
- Attorney Representation/Role of Attorney
- Immigrant Intent: How to Avoid/How to Overcome)



- Common Pitfalls
- Ethical Considerations
- What to Do if Visa is Refused: Visa Refusals/Reconsideration Requests

*Faculty:*

*Carole M. Mesrobian, AILA Santa Clara Chapter Chair, San Jose, CA*

*Lindsay A. Curcio, Brooklyn, NY*

*Carlos R. Juelle, Los Angeles, CA*

*B. John Ovink, Tampa, FL*

*David N. Simmons, Denver, CO*

## **TRACK I – BUSINESS**

9:00am – 9:50am

### **Managing L-1A Scrutiny**

- Functional and Supervisory Manager Issues
- Current USCIS Scrutiny
- Strategies for Responding to RFEs
- Precedent Decisions and CIS Directives
- Don't Forget the Blanket L!
- Dealing with Corporate Changes

***Q&A (9:50am – 10:00am)***

*Faculty:*

*Kelly M. McCown, (DL), AILA Northern California Chapter Chair, San Francisco, CA*

*Gerard M. Chapman, Greensboro, NC*

*\*Andrew R. Lerner, New York, NY*

10:05am – 10:55am

### **L-1B—What's so Special About You?**

- CIS Says: No One's Special These Days
- Current CIS Standards—What Supports an L-1B Case
- Preparing the Client for Battle
- Overcoming RFEs
- Appealing Decisions

***Q&A (10:55am – 11:05am)***

*Faculty:*

*Tammy Fox-Isicoff, (DL), Miami, FL*

*Bo Cooper, Washington, DC*

*Sherry L. Neal, Cincinnati, OH*

11:10am – 12:00pm

### **Training American Style**

- Multiple Choices—J-1, H3, B-1 Trainee
- Pros and Cons of Each Option
- Training Programs: Creation, Considerations and Caveats
- J Program Designation

***Q&A (12:00pm – 12:15pm)***

*Faculty:*

*Cora D. Tekach, (DL), Washington, DC*

*Lori T. Chesser, Des Moines, IA*

*Scott F. Cooper, AILA Michigan Chapter Chair, Troy, MI*

*(DL) = Discussion Leaders*

*Q&A = Questions & Answers*

*\* = Suggested Speakers*

2:00pm – 5:15pm

**PERM Workshop**

- Professional vs. NonProfessional Positions
- Listing Special Requirements
- Dealing with the Decision Matrix: 9089 Drafting Techniques
- Cases in the Backlog Reduction Centers
- Requirements: Education and Experience Complexities
- Audits: Triggers and Response Strategies
- Case Examples
- Post Filing Strategies
- Challenges of O\*Net Job Zones
- Communicating with DOL
- Nuances of Additional Recruitment Choices
- Coping with DOL Errors
- Inexact Regulations/Ambiguous Requirements
- Latest Developments

*Faculty:**Ron Klasko, (DL), AILA Past President, Philadelphia, PA**Steven A. Clark, AILA Past President, Boston, MA**Angela J. Ferguson, Kansas City, MO**Elissa M. McGovern, McLean, VA***TRACK II – BUSINESS**

9:00am – 9:50am

**Study Break: Keeping F-1 and M-1 Students in Status**

- SEVIS!
- Need a New School? Transferring
- Need Money? Working
- Need a Break? Reducing Course Load
- Took a Break? Reinstatement
- School's Out! Graduation Matters (Work Authorization, Change of Status)

***Q&A (9:50am – 10:00am)****Faculty:**Scott D. Pollock, (DL), Chicago, IL**Craig Peterson, Minneapolis, MN*

10:05am – 12:15pm

**Representing the Best and the Brightest: What's So Special, and How to Prove It (including Workshop)**

- Extraordinary, Outstanding, Exceptional, National Interest: What's the Difference?
- The Ever-Expanding Standards: Governing Law vs. What the Service Centers Try to Impose
- The Mysteries of NYSDOT
- Effectively Making the Case
- Responding to the Inevitable RFE
- Ethical Considerations
- Workshop on How to Prepare and File a Successful Case from Start to Finish

*Faculty:**(DL) = Discussion Leaders**Q&A = Questions & Answers**\* = Suggested Speakers*

*\*Michael Maggio, (DL), Washington, DC*  
*Emily J. Curray, Denver, CO*  
*Rita Kushner- Sostrin, Pacific Palisades, CA*  
*Sharon R. Mehlman, San Diego, CA*  
*Nathan A. Waxman, New York, NY*

2:00pm – 3:20pm

**Visitors ARE Welcome Here! B-1/B-2/WB/WT Nonimmigrants**

- Finding the Line Between Business and Employment and Proving It!
- Compensation, Reimbursement and Honorariums
- Satisfying the Consular and CBP Officers: Documentation Strategies
- America is a Land of Opportunities: Hunting for a Job, School or to Start a Business
- B Visas for Non-Derivative Dependents
- B-1/WB in Lieu of H-1B/H-3/L-1 and Other Nonimmigrant Classifications
- B-1s from WB Countries
- Potential Legislative Options for our Clients

**Q&A (3:20pm – 3:35pm)***Faculty:*

*Warren R. Leiden, (DL), AILA Board of Governors, San Francisco, CA*  
*Teri A. Simmons, Atlanta, GA*  
*Lincoln Stone, Los Angeles, CA*  
*Susan B. Storch, Newark, NJ*

3:40pm – 5:00pm

**J-1 Waivers**

- Skills List Issues
- No Objection: Letters from Home
- US Government Funding: The Kiss of Death?
- Recent Rules: Others Bars on the J-1
- Immigration Status vs. Program Status vs. SEVIS Status: What's the Difference?
- Know the J-1 Caps and Bars
- Waiver Application Timing: When Do You File?
- The Possibility of Extensions
- Ghosts from the Past: Ethical Considerations (The "Buried" J-1)

**Q&A (5:00pm – 5:15pm)***Faculty:*

*Wendy C. Hess, (DL), Jenkintown, PA*  
*Bruce A. Hake, Damascus, MD*  
*Palma R. Yanni, AILA Past President, Washington, DC*

**TRACK III - REMOVAL**

9:00am – 9:50am

**Trial Strategies in the Defense of Removal**

- Burden of Proof—How to Make it Work for Your Client?
- Challenging Records Used by the Government to Prove a Conviction
- Divisible Statutes
- Motions to Suppress
- Direct and Cross Examination Techniques

- Controlled Substance Issues

**Q&A (9:50am – 10:00am)**

*Faculty:*

*Philip Smith, (DL), AILA Oregon Chapter Chair, Portland, OR*

*Jodi Goodwin, Harlingen, TX*

*Ilana Greenstein, Boston, MA*

10:05am – 10:55am

**Relief from Removal—Does it Currently Exist?**

- 212(c) Applications
- Long Term PRs with Convictions—Pros and Cons of Filing of Affirmative 212(c) Applications Prior to Travel
- Updates on 212(h)
  - Can you File a 212(h) Stand Alone Application?
- Updates on 212(i)
- Cancellation of Removal-New Strategies for 10-Year Cancellation in Court and on Appeal
- Renewing Denied I-485 and I-751 Applications in Proceedings
- Procedural Issues—How to Deal with Filing in Different Jurisdictions
- Update on Filing Ancillary Benefit Applications
- Potential Legislative Options for our Clients

**Q&A (10:55am – 11:05am)**

*Faculty:*

*Laura Lichter, (DL), AILA Board of Governors, Denver, CO*

*Vikram K. Badrinath, Tuscon, AZ*

11:10am – 12:00pm

**REAL ID**

- Expanded Definition of Terrorist Organization and its Impact
- Relief from Removal-
  - Corroboration of Evidence and Testimony
  - How to Prepare a Case?
- How Did it Change the World of Federal Court Litigation?
- Is Habeas Review Gone?

**Q&A (12:00pm – 12:15pm)**

*Faculty:*

*Maria Baldini Potermin, (DL), Chicago, IL*

*Lee Gelernt, New York, NY*

*\*Lisa S. Brodyaga, San Benito, TX*

2:00pm – 3:20pm

**Motions to Reopen in Removal**

- What Constitutes New Facts for a Motion to Reopen?
- What is Sufficient Ineffective Assistance of Counsel for Remand?
- Tolling—When Does the Time Toll?
- How to “Beat” Time on Numerical Bars?
- The Effects of Voluntary Departure

**Q&A (3:20pm – 3:35pm)**

*Faculty:*

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

*Victor Nieblas Pradis, AILA Board of Governors, Los Angeles*

*Tilman Hasche, Portland, OR*

**TRACK IV – MASTERS****9:00am – 12:15pm      Effective Advocacy and Strategies When Crafting RFE Responses and Appellate Briefs before the CIS, AAO and BIA**

- AAO
- USCIS for RFEs
- BIA

*Faculty:**Martin J. Lawler, (DL), San Francisco, CA**Dagmar Butte, AILA Board of Governors, Portland, OR**Stanley Mailman, AILA Past President, New York, NY**Estelle M. McKee, Ithaca, NY**Lory D. Rosenberg, AILA Board of Governors, Rockville, MD**\*Robert P. Wiemann, Director, AAO, USCIS, Washington, DC**\*BIA Staff Attorney**\*USCIS, TSC Adjudicator***2:00pm – 3:20pm      Federal Court Update**

- Timely Issues in Court of Appeals Litigation
- Supreme Court Review

***Q&A (3:20pm – 3:35pm)****Faculty:**Beth Werlin, (DL), Litigation Clearinghouse Attorney, AILF, Washington, DC**\*Matt Adams, Seattle, WA**Ira J. Kurzban, AILA Past President, Miami, FL**Trina Realmuto, Basel, Switzerland***3:40pm – 5:00pm      Federal Court Litigation: When Is It the Best Option?**

- How and When to Go to Federal Court
- Exhaustion of Administrative Remedies
- Drafting and Filing Suite/Declaratory and Injunctive Relief
- Demanding a Decision – Writs of Mandamus
- Discovery and Depositions
- Deciding Whether to Appeal

***Q&A (5:00pm – 5:15pm)****Faculty:**Nadine Wettstein, (DL), Director Legal Action Center, AILF, Washington, DC**Marc Van Der Hout, AILA Board of Governors, San Francisco, CA***OPEN FORUMS/SPECIAL MEETINGS SESSIONS****9:00am – 10:00am      USCIS Ombudsman Open Forum***Faculty:**\*David H. Paruch, (DL), Ombudsman Liaison Committee Chair, Troy, MI**\*Margaret A. Catillaz, AILA Past President, Rochester, NY**\*Ombudsman Representatives*

10:00am – 11:00am      **USCIRF Expedited Removal Study One Year Later: Consideration of Findings and Recommendations**

*Faculty:*

- \*Charles H. Kuck, (DL), AILA 2<sup>nd</sup> Vice President, Atlanta, GA
- \*Mark Hetfield, USCIRF, Washington, D.C.
- \*Kate Jastram, UC-Berkeley, California
- \*Steven C. Lang, Pro Bono Coordinator, EOIR, McLean, VA
- \*Robert Divine, Acting Deputy Director, USCIS, Washington, DC
- \*Senior Asylum Officer, Office of Policy, DHS

11:00am – 12:00pm      **Great Moments In Immigration History**

*Faculty:*

Brian K. Bates, AILA Board of Governors, Houston, TX

2:00pm – 3:00pm      **Ethics & Professionalism—Avoiding Becoming the Defendant**

- Discussion of current prosecutions of immigration practitioners
- Steps to take to avoid malpractice issues in the area of immigration law
- Substance Abuse Issues Related to Attorneys

**Q&A (3:00pm-3:10pm)**

*Faculty:*

- \*Peter D. Williamson, (DL), AILA Past President, Houston, TX
- \*Alan J. Pollack, New York, NY
- Kristina K. Rost, Boston, MA
- \*gov't representative/prosecutor

## OTHER EVENTS

TBD	<b>AILF Breakfast for Chapter Chairs</b>
TBD	<b>AILA Chapter Chairs Meeting</b>
12:00 pm – 3:00 pm	<b>AILA Board of Governors Meeting</b>
5:30 pm – 7:00 pm	<b>AILA Annual Awards Presentation</b>
9:00 pm – 1:00 am	<b>AILA Saturday Night Party and Jazz Cafe</b>