

## AILA ANNUAL CONFERENCE ON IMMIGRATION LAW

### Program Highlights

- New Attendee Orientation (pg. 3)
- Plenary/Hot Topics Strategy Session (pg. 8)
- Government Open Forums (pgs. 10, 14)

For detailed conference information, visit [info.aila.org/ac22](http://info.aila.org/ac22).



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION



**Dear Colleagues:**

In New York City, 1946, 20 attorneys founded what would later become the American Immigration Lawyers Association (AILA) to advance the practice of immigration law, promote reform, facilitate justice, and elevate the standards of the field.

This June, we will return to the city where it all began to celebrate AILA's 75th anniversary during the 2022 AILA Annual Conference on Immigration Law (AC22) and we would be honored if you would join us.

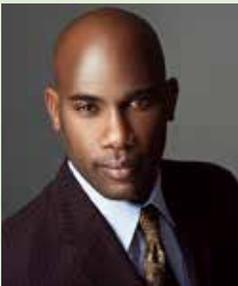
This is our first in-person Annual Conference since COVID-19 turned the world upside down. No industry was left unaffected by the ramifications of the pandemic, changing how we live and work, shifting our priorities, and introducing monumental backlogs across government agencies. A major component of this year's program will be dedicated to succeeding despite those changes, moving forward in this changed professional landscape, and maintaining your own well-being through it all.

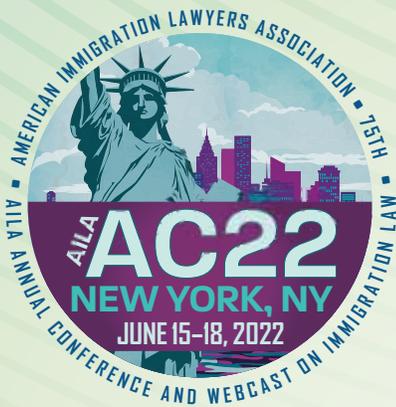
We are also a year into the Biden presidency and now have a firmer grasp on how this administration addresses immigration issues, the positive developments that have been made to rescind harmful policies, and the challenges that remain. AC22's jam-packed four days provide ample opportunities to bolster your legal knowledge, enhance and refine strategies, and discover new and creative ways to defend your clients with the help of your fellow immigration practitioners.

It has been my pleasure to serve as the President of AILA this year, and I hope you will join us in New York City this June so we can reconnect with colleagues and benefit from the expert discussions, critical updates, and innovative guidance you've come to expect from the premier immigration law event of the year!

Sincerely,

Allen Orr  
AILA President





## 2022 AILA ANNUAL CONFERENCE

June 15–18, 2022

Wednesday, June 15, 2022

### FUNDAMENTALS

8:30 am–9:30 am

#### New Attendee Orientation

*Is this your first time attending the AILA Annual Conference? If so, this session was designed especially for you! Attend this session to learn all you need to know about making the most out of your Annual Conference experience.*

9:30 am–10:00 am

#### Networking Break

10:00 am–11:00 am

#### Ready to Be an Immigration Lawyer? If Only I Had Known Then What I Know Now!

*AILA is here for you! Panelists will discuss the basic knowledge and resources you need to begin and grow your successful immigration practice.*

- Establish Mentor Relationships
- Google Searches and Listserv Questions Are *Not* Legal Research! Using the INA, CFR, *Kurzban's Immigration Law Sourcebook*, AILA.org, the *Foreign Affairs Manual*, and Official Government Manuals
- Case Management Tools, Online Subscription Services
- Retainer Agreements and Consultations
- Getting and Keeping Good Clients, Passing on Potential Problem Clients

11:00 am–11:30 am

#### Networking Break

11:30 am–12:30 pm

#### Introducing Essential Terms and Concepts

*Panelists on this fundamentals session will provide an overview of the general concepts, terms, language, and rules that are essential to the practice of immigration law.*

- Nonimmigrant vs. Immigrant
- Adjustment of Status vs. Consular Processing
- Visa vs. Status, Visa Waiver, Visa Exempt
- Visa Expiration vs. Petition Expiration Date vs. Period of Admission
- Changing or Extending Status
- Violations of Status, Overstays, Unlawful Presence, Inadmissibility, and Removability
- DACA, TPS, VAWA, and Parole
- Asylee vs. Refugee
- Priority Dates and the Visa Bulletin
- Permanent Residence vs. Citizenship

12:30 pm–1:00 pm

#### Networking Break

1:00 pm–2:00 pm

#### Overview of Immigration Agencies

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

- U.S. Department of Homeland Security (DHS): U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP)
- U.S. Department of State (DOS): Consular Posts, National Visa Center (NVC)
- U.S. Department of Labor (DOL): Office of Foreign Labor Certification (OFLC), Employment and Training Administration (ETA), Board of Alien Labor Certification Appeals (BALCA)
- U.S. Department of Justice (DOJ): Executive Office for Immigration Review (EOIR), Board of Immigration Appeals (BIA), Immigrant and Employee Rights Section (IER) (formerly known as the Office of Special Counsel (OSC))
- Executive Actions Beyond the Agencies

2:00 pm–2:30 pm

#### Networking Break

2:30 pm–3:30 pm

#### The Alphabet Soup of Nonimmigrant Visas: Part I

*The objective of this panel is to give new practitioners a basic overview of the nonimmigrant visa categories. Panelists in Part I of this two-part session will cover the most commonly used employment-based nonimmigrant visas.*

- E-1 and E-2: Treaty Traders and Investors
- H-1B, H-1B1, H-3, and E-3: Temporary Workers
- H-2A and H-2B: Seasonal Workers
- F, J, and M: Students and Exchange Visitors
- I: Foreign Media
- TN: Canadian and Mexican Professionals
- Q: The Cultural Visa
- R: Religious Workers

3:30 pm–4:00 pm

#### Networking Break

4:00 pm–5:00 pm

#### The Alphabet Soup of Nonimmigrant Visas: Part II

*Part II of this two-part fundamentals session is an introduction to visas for diplomats, visitors, students, fiancé(e)s, religious workers, and crime victims.*

- A, G, NATO, and N: Diplomats and Government Representatives
- B-1 and B-2: Visitors
- C and D: Aliens in Transit, Alien Vessel and Aircraft Crew
- K-1 and K-3: Fiancé(e)s and Family Members
- L-1A and L-1B: Intracompany Transferees
- O: Extraordinary Individuals
- P: Athletes, Artists, and Entertainers
- S: Informants
- T: Victims of Human Trafficking
- U: Victims of Crimes

5:00 pm–5:30 pm

#### Networking Break

5:30 pm–6:30 pm

### **USCIS vs. DOS vs. CBP**

*Panelists will discuss the “what, when, why, where, and how” of nonimmigrant and immigrant consular processing vs. filing with USCIS vs. admissions and inspections with CBP.*

- The Agencies: Service Centers and Field Offices vs. Embassies and Consulates vs. Inspections and Admissions
- Difference Between a Visa, an I-94, and Status: Does a Visa Expire When Status Expires? Does Status Expire When a Visa Expires? How Do I Renew?
- When Does My Client Need a Visa? Visa Waivers, ESTA, and Applying at a Border
- Applications for Nonimmigrant Employment Categories that Can or Must Be Presented at a Consulate: Diplomats, E Visas, I Visas, Blanket Ls, TNs
- Becoming a Permanent Resident: Visa Bulletin, Adjustment of Status (AOS) vs. Consular Processing, Violations of Status, Nonimmigrant Intent Rules, International Travel Restrictions, AOS Abandonment, etc.

6:30 pm–7:00 pm

### **Networking Break**

7:00 pm–8:00 pm

### **In a New Lawyer State of Mind: How to Have a Long, Successful, Healthy, and Happy Career**

*One often hears about people leaving their careers in immigration law due to burnout. What steps can you, as a new immigration lawyer, take from the outset to maximize your happiness, reach your career goals, and avoid having to look for a new field?*

- Avoiding Jumping from Job to Job and Staying in Immigration for the Long Haul
- Making a Good Living and Paying Off Student Loans
- Progressing in Your Career
- Maintaining Emotional Resilience in the Face of High Pressure and Constant Injustices
- Achieving a Healthy and Productive Work-Life Balance
- Making Diversity and Inclusion a Priority

## **BUSINESS**

1:00 pm–2:00 pm

### **Lessons Learned from the Great Downgrade Rush of 2020**

*This intermediate panel will discuss challenges attorneys face in finding the best options for clients after the dramatic advances in priority dates in FY2022 and beyond due to the unused 2020 and 2021 family immigrant visa numbers.*

- Post-Filing Adjustment of Status Issues
  - EB-3 “Downgrades” from EB-2 for Adjustments Already Filed
  - Is It Possible to “Upgrade” Back to EB-2 If Categories Flip?
  - Can You Cross Over an I-485 from Employment- to Family-Based (or Vice Versa)?
- Multiple I-485 Filings: Can You File as Both a Principal and a Dependent (in Two EB Categories), or in an EB and Family Category?
- Issues with Concurrent Filings of EB-2 and EB-3 Petitions After PERM Approval
- Do Multiple I-485 Filings Raise Ethical Issues Regarding the Applicant’s Intent to Work for the I-140 Petitioning Employer?

2:00 pm–2:30 pm

### **Networking Break**

2:30 pm–3:30 pm

### **Issues Facing Students Who Win the H-1B Lottery (and Those Who Don’t)**

*Before buying that lottery ticket, it is imperative to discuss options for students with the prospective employer. This intermediate panel will address creative options for those selected in the lottery (and those who are not), including exemptions from the H-1B cap, maintaining student status and ability to train/work, and avoiding the H-1B altogether.*

- Maintaining F-1 Status for Change of Status to H-1B: Perils of CPT/OPT on the Same Degree Level
- Creative Ways to Exploit Exemptions for Cap-Subject Employers
- Other NIV Options (and Risks): O-1, TN, Treaty-Based NIVs
- Skip the H-1B and Go from F-1 Straight to Permanent Residence: Timing, Traveling, and Addressing the F-1 Nonimmigrant Requirements

3:30 pm–4:00 pm

### **Networking Break**

4:00 pm–5:00 pm

### **EEEEK! Filing Post-Pandemic E-1 And E-2 Applications**

*The pandemic has drastically impacted E-1/E-2 visas, bringing about a “new normal” in the filing of these applications. Many E visa businesses were shuttered or on life support for the better part of 2020. Those that survived, and now need to renew, are faced with lackluster 2021 revenue and reduced staff. Some businesses have gone entirely virtual, realizing they no longer need a physical office and that employees can work from almost anywhere in the world. So, what’s an E-2 visa applicant to do with poor financial performance, no office in the United States, and fewer (or no) employees? What will count as continuing business operations? Given the economic fallout and supply chain issues caused by the pandemic, is an E visa even possible anymore? Panelists in this intermediate session will provide an overview of where things now stand with E visas and address the many questions investors, traders, and practitioners now have.*

- E Visas: Overview of the Current Situation
- Options When the E-2 Is Expiring: Filing with CSC, Strategic Entry to Gain a New Two-Year Period, Consular Appointments in Light of Backlogs and Consular Closures
- Challenges Of Renewing an E Visa After Year of Financial and Employee Losses
- Drafting an E-2 Application When the Only Office Is Virtual and Employees Might Not Be in the United States
- Addressing E-1 Trade Downturn Due to Economic Factors and Supply Chain Issues

5:00 pm–5:30 pm

### **Networking Break**

5:30 pm–6:30 pm

### **Exploring the Extraordinary, Athletic, and Entertaining: Advanced Topics in Os and Ps**

Panelists in this intermediate to advanced session will discuss strategies for winning O and P petitions, identify new and emerging fields, and address current trends in requests for evidence (RFEs).

- Documenting New and Emerging Fields Effectively, Itineraries in a Quickly Changing World
- Using Agents as Petitioners to Provide Flexibility for Short-Term Employment or Multiple “Employers”
- RFE Trends
- Support Personnel: Who Is Essential?
- Consulting Organizations and Labor Union Consultation Issues

6:30 pm–7:00 pm

### **Networking Break**

7:00 pm–8:00 pm

### **International Entrepreneur Parole: Current State of the Program**

The Biden Administration announced its support for the International Entrepreneur Parole (IEP) program in May 2021, stating that it will strengthen and grow the U.S. economy through increased capital spending, innovation, and job creation. Panelists on this intermediate session will discuss the requirements of the program, whether it is working, and common requests for evidence.

- Best Options for Student or Recent Graduate Entrepreneurs
- Qualifying Investment and Eligibility Criteria
- Best Practices When Preparing Parole Applications
- IEP Program Versus Other Existing Options
- Ethically Advising Clients in New Categories of Benefits

## **FAMILY**

1:00 pm–2:00 pm

### **“Help Me, Help You, Help Me”: Identifying Family, Probate, Tax, and Public Benefits Issues**

We all know that criminal charges can affect immigration clients, but what about other areas of the law? Panelists on this intermediate session will discuss the effects of family law, probate, tax law, etc. on immigration clients.

- Family Law: Prenuptial Agreements, Making Sure the Divorce Is Final, I-864s and Alimony/Maintenance/Assets, Registering Foreign Adoption Judgments, Children Born Out of Wedlock
- Probate: Wills, Jointly Titled Property, Adopted Children, and Proof of Relationship
- Tax Law: Joint or Single Filing Status, Avoiding Filing Status as “Nonresident” for LPRs
- Miscellaneous: Receipt of Public Benefits, Applications for Public Benefits, and Other Financial Applications

2:00 pm–2:30 pm

### **Networking Break**

2:30 pm–3:30 pm

### **“You’re FOIA’d!” The Immigration Attorney’s Secret Weapon**

Have you ever had an issue affecting your case pop up at the last minute? Did your client “forget” something that happened in the past? Never be surprised again! Speakers on this intermediate panel will identify which records to search via FOIA requests to get the information needed for your case.

- FOIA Essentials: How to Get What You Need, and from Which Agency
- Timing and Other Strategic Considerations
- Which Records to Ask for, How to Find the “Ghosts” of the Past
- What to Do with the Records You Receive
- Appealing and Litigating Redacted and Limited FOIA Responses

3:30 pm–4:00 pm

### **Networking Break**

4:00 pm–5:00 pm

### **When an Adjustment Interview Heads South**

When an adjustment interview proceeds unexpectedly, what do you do as the attorney of record? Panelists on this intermediate session will advise on best practices for preparing for the unexpected, remaining calm, and still representing your client zealously, whether in person or telephonically.

- What the Examiner Can See and You Cannot: Identifying Red Flags Ahead of Time, Knowing What You Don’t Know
- How to Challenge an Aggressive USCIS Examiner by Using the USCIS Policy Manual and FAM
- Knowing When to Ask for a Supervisor, When to Suspend an Interview, and When to Withdraw from Representation
- Stokes Interviews: How to Assess and Advise on Affidavits and Statements Presented to Your Client
- The Life Cycle of an I-130 Denial: What to Do When a Case Is Denied

5:00 pm–5:30 pm

### **Networking Break**

5:30 pm–6:30 pm

### **RFE, NOID, and NOIR Strategies in Family and Naturalization Cases**

The experts on this intermediate-level session 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 provide guidance on how to address many of the most common and/or difficult requests made by USCIS.

- The Latest on USCIS Policy on Adjudication Without RFEs and NOIDs
- How to Assess and Respond to Overreaching RFEs and NOIDs
  - o Resubmitting Evidence, Requests for Unnecessary Documents, and Thinking Outside the Box for New Evidence
- Strategies for Responding to Clearly Erroneous or Overzealous RFEs, NOIDs, and NOIRs
  - o Supervisory Review and Liaison

6:30 pm–7:00 pm

### **Networking Break**

7:00 pm–8:00 pm

### **Q&A with Former Immigration Judges**

*Ask former immigration judges your pressing questions! Want advice on corroborating your client's claim, making legal arguments, putting witnesses on the stand, or handling challenging trial attorneys? During this panel, you can learn how to best present your immigration court case from the experts. Panelists will answer live audience questions. Presented by the Immigration Justice Campaign.*

## LITIGATION & REMOVAL PROCEEDINGS

1:00 pm–2:00 pm

### **Release from Custody: Getting Your Client Bond in Immigration Court**

*Panelists on this intermediate session will discuss issues related to obtaining bond for your client in immigration court, including challenging mandatory detention and establishing bond eligibility.*

- Is Your Client Eligible for a Bond? How to Locate the Facts and Apply the Law
- Burdens of Proof and What Your Client Needs to Establish to Secure Release on Bond
- Challenges to Mandatory Detention and Other Bars to Release
- Avenues for Seeking Release for Your Client Outside of Immigration Court (with ICE and in Federal Court)
- Case Law Updates on Bond-Related Issues

2:00 pm–2:30 pm

### **Networking Break**

2:30 pm–3:30 pm

### **Applying for Prosecutorial Discretion While in Removal Proceedings**

*The experts on this intermediate session will discuss how and when to apply for prosecutorial discretion (PD), as well as the types of discretion available. The panel also will advise on weighing whether to request dismissal, administrative closure, and other forms of PD.*

- What Are the Latest Developments in PD?
- Is My Client Eligible for PD? What Types Are Available to My Client?

- Practical Considerations in Making a PD Request, Including Maintaining Employment Authorization
- Consent Dockets, Administrative Closure, and Other Ways to Avoid a Removal Order While Waiting for Collateral Benefit Adjudications
- Tips and Strategies for Requesting PD Directly from the Courts and Board

3:30 pm–4:00 pm

### **Networking Break**

4:00 pm–5:00 pm

### **Knocking on Heaven's Door: "Arriving Aliens" and "Applicants for Admission"**

*You may be aware that an "arriving alien" is not simply someone showing up at the border or the airport. But do you know what the term means? The experts on this intermediate session will discuss how to determine when your LPR, TPS, or parole clients are actually arriving aliens. They also will advise on best practices for representing arriving alien clients, and identify how they are treated differently under the INA.*

- How Attorneys Can Protect Themselves Both Legally and Through Encryption
- Whether Your Client Is an "Arriving Alien" or "Applicant for Admission"
- Fighting the Arriving Alien Designation in Court and Before USCIS
- The Different Ways Circuit Courts Have Interpreted the Term "Arriving Alien": How Does This Affect Your Client?
- The Effects of the Arriving Alien Classification on Eligibility for Bond, Jurisdiction Over Adjustment of Status, and Other Issues

5:00 pm–5:30 pm

### **Networking Break**

5:30 pm–6:30 pm

### **Is Parole by Any Other Name Still Parole?**

*DHS can be inconsistent with their paperwork when they release someone from immigration detention. The U.S. Supreme Court taught us in Jennings that all persons caught at the border must be held, and that ANY release is parole as a matter of law. DHS may call it release on recognizance, parole from custody, or nothing at all, but is it still "parole"? The experts on this advanced panel will discuss the many issues related to parole.*

- Statutory Framework Surrounding Mandatory Detention at Ports of Entry
- Successful Arguments that Release Is Parole
- Current State of Litigation on the Issue
- How Does Release as Parole Help Your Clients and When?
- Release on Recognizance as Parole, Filing Form I-102 to Receive Proof of Parole, and Other Strategies to Document Your Client's Parole Status

6:30 pm–7:00 pm

### **Networking Break**

7:00 pm–8:00 pm

### **Fraud Charges, Burdens of Proof, and Relief for Fraud/Misrepresentation Charges**

*Your LPR client has been charged with fraud: What do you do now? The experts on this intermediate session will address the different contexts in which fraud charges arise, the burdens of proof for clients, and what relief is available.*

- How Does the INA Define "Fraud" and "Misrepresentation" in Different Contexts?
- Inadmissibility at the Time of Admission or Adjustment of Status, How to Deal with Such Charges
- The Many Forms of Marriage Fraud: How to Defend Effectively Against Them
- False Claims to U.S. Citizenship Made Prior to or After Admission, Related Grounds of Removability, Potential for Relief
- Forms of Relief Available for Sustained Fraud Findings: Cancellation, Waivers, Etc.

## LAW PRACTICE MANAGEMENT / SPECIAL SESSIONS

8:30 am–9:30 am

### **A (Big) Apple a Day: Therapy, Well-Being Techniques, and Adopting a Consistent Practice**

*The past five years have been a nightmare for all of us. Whether due to the actions of the Trump administration or the effects of the pandemic, the country is now more divided than ever. Like many, immigration attorneys are experiencing unprecedented levels of stress. Panelists will offer solutions to avoid burnout and remain healthy for the long term. Start off the conference with some much-needed self-care!*

- The Benefits of Therapy, Including Group Therapy
- Techniques to Improve Well-Being: From Diet and Exercise to Mindfulness and Sleeping Practices
- Creating a Culture of Wellness and Work-Life Balance in Your Practice
- Practical Ways to Develop and Maintain a Consistent Practice
- AILA's Lawyer Well-Being Center and Other Resources

9:30 am–10:00 am

### **Networking Break**

10:00 am–11:00 am

### **Business Essentials for New and Small Firms**

*Starting a new firm involves significant financial and professional risks. Having the right information is key to determining whether these risks are worth taking. Panelists will provide a broad overview of the business basics you will want to know prior to venturing out on your own.*

- Can I Afford to Open a Firm?
- Choosing a Corporate Entity and Establishing a Firm
- Accounts, Accounting, and Setting Rates
- Office Space, Infrastructure, and Technology
- Getting Insured and Getting Started

11:00 am–11:30 am

### **Networking Break**

11:30 am–12:30 pm

### **Pandemic Errors: It's Not the Mistakes but How You Deal with Them that Matters (Ethics)**

*The stress, mental exhaustion, and work-from-home difficulties caused by the pandemic have made the practice of law extremely challenging. Most practitioners will admit to having made errors during this time. Unfortunately, as we know, immigration law is a field in which a minor typo can have dire consequences for our clients. It's happened to all of us, but they say the things you learn the hard way are the things that stick with you the longest. Panelists will discuss best practices for addressing errors made and avoiding them in the future.*

- Common Errors and Mistakes Made During the Pandemic
- Should We Be Reviewing Work Performed During the Early Days of the Pandemic?
- Do I Really Have to Tell My Client? Tips for Communicating Errors to Clients
- If I Ignore It, Will It Go Away? What Could Happen? When to Seek Assistance
- Worst Case Scenarios: Denials, Having Your Client Seek Other Counsel, and Whether You Need Your Own Attorney
- Establishing Protocols and Best Practices to Avoid Errors, Particularly in Reviewing Electronically

12:30 pm–1:00 pm

### **Networking Break**

1:00 pm–2:00 pm

### **Calmly Navigating the Treacherous Waters of Lozada Ineffective Assistance of Counsel Complaints (Ethics)**

*Panelists will address how to ethically and professionally handle receiving a bar complaint based on a Lozada motion. They also will advise on best practices for responding to a complaint, and how not to take the grievance personally.*

- Preventative Steps to Avoid a Bar Complaint
- When a Grievance Is Filed: Strategies for Responding, How to Handle Confidential Attorney-Client Information

- How State Bars View *Lozada*: A Simple Procedural Mechanism, or Will They Dig Deeper for Violations?
- Filing Anonymous Bar Grievances on Behalf of Your Client, Filing a *Lozada* Claim Against Yourself
- Steps to Take If You Think the Complaint Is Frivolous

2:00 pm–2:30 pm

### **Networking Break**

2:30 pm–3:30 pm

### **Out of Status? Nunc Pro Tunc**

*Your client has overstayed their status! What do you do now? Request that USCIS exercise its discretion and approve the application or petition nunc pro tunc! Nunc pro tunc literally means "now for then" and is a discretionary remedy by which USCIS, in its discretion, can approve a late-filed request for extension or change of status. Panelists will discuss when to use this tool, the mechanics in making the request, and strategies for making effective arguments.*

- Legal Authority
- How Is a Nunc Pro Tunc Request Made?
- Formulating the Nunc Pro Tunc Strategy
- What Evidence Should Be Included with the Request?
- Nunc Pro Tunc Trends

3:30 pm–4:00 pm

### **Networking Break**

4:00 pm–5:00 pm

### **Risk Management Best Practices for Immigration Lawyers (Ethics)**

*Panelists will provide guidance on avoiding common grounds of malpractice and advise on what to do if you have been sued for malpractice. Even if the suit is frivolous, and even if you have malpractice insurance, defending yourself against malpractice allegations will be disruptive to your practice and law office. Come to this session to learn valuable risk-management tips to avoid this.*

- Determining Whether You Are Qualified to Take on a Case
- Common Malpractice Claims Against Lawyers
- What You Can Do to Prevent a Malpractice Claim
- Dealing with a Malpractice Claim and Maintaining Your Firm's Reputation

5:00 pm–5:30 pm  
**Networking Break**

5:30 pm–6:30 pm  
**Truth to Power: Structural Racism in Immigration Law (Diversity and Bias)**

*There is growing awareness of how historical and structural racism in the United States affects us all. Immigration law is no exception, as its very roots are steeped in racial inequities. The experts on this panel will advise on how to navigate the challenges immigration practitioners face, particularly in this time of heightened racial polarization in America, in representing clients within a legal system fundamentally stacked against them from the outset.*

- A Brief History of Racism in Immigration Law
- Current Racist Structures in Immigration Law: Adjudicatory and Prosecutorial Discretion, Asylum and Refugee Processing, Immigration Detention, Monitoring and Policing of Immigrants, How Bond Is Set
- Targeting and Surveillance of Black, Muslim, and Asian Immigrant Communities
- How Traditional Immigration Lawyering Often Furthers Racist Bias, Challenging This in Everyday Practice
- Building Relationships: Working with BIPOC Attorneys, Immigration Advocates, and Activists to Fight Structural Racism and Create Opportunities for Repair

**Thursday, June 16, 2022**

## PLENARY

8:00 am–8:30 am  
**Conference Kick-Off**

8:30 am–9:45 am  
**President's Installation**

*Join your fellow AILA members to hear from AILA's outgoing president, Allen Orr, about AILA's accomplishments during the last year. Following this, AILA's incoming president, Jeremy L. McKinney, will share his vision for AILA's future. Don't miss this chance to get to know Jeremy and hear his plans for continuing to strengthen AILA during his tenure!*

10:15 am–10:45 am  
**Keynote Address**

11:15 am–12:30 pm  
**Hot Topics Strategy Session with the AILA National Officers**

## FUNDAMENTALS

10:00 am–11:00 am  
**Asylum I: Protecting Those Seeking Refuge in the United States**

*Panelists will provide an overview of the asylum process for new practitioners. They will outline the differences between affirmative and defensive asylum applications and address preparing evidence for the application. More detailed information will be presented in the Removal Track.*

- Basics of Eligibility for Asylum
- How, Where, and When to Apply for Asylum: Affirmative, Defensive, Port of Entry
- Grounds of Ineligibility and Statutory Bars
- Overcoming the One-Year Bar
- Related Forms of Relief: Withholding of Removal and Protection Under the Convention Against Torture

11:00 am–11:30 am  
**Networking Break**

11:30 am–12:30 pm  
**Asylum II: Mechanics of an Asylum Application**

*Panelists will build upon the information discussed in Asylum I to provide new practitioners with a better understanding of the asylum process and key concepts.*

- Particular Social Groups (PSGs): What You Need to Know
- What Is a Credible Fear Interview or Reasonable Fear Interview, Which Clients Require One Before They Can File an Asylum Application?
- The Trafficking Victims Protection Reauthorization Act (TVPRA)
- Special Considerations for Unaccompanied Children
- Working with Clients, Preparing Your Client for an Interview and Court

12:30 pm–1:00 pm  
**Networking Break**

1:00 pm–2:00 pm  
**Family-Based Immigration I**  
*"We are family," but who is family according to U.S. immigration laws? Panelists on this introductory session will provide an overview of family-based immigration categories and prepare attendees for the more in-depth fundamentals family panels.*

- Does the Foreign National Need a Visa?
- Definition of Family Members, Immediate Relatives vs. Preference Categories
- Special Considerations for Spouses of U.S. Citizens
- Who Is a Conditional Resident, and How and When Must Conditions Be Removed?
- Priority Dates and the Visa Bulletin

2:00 pm–2:30 pm  
**Networking Break**

2:30 pm–3:30 pm  
**Family-Based Immigration II**  
*Panelists on this session will further explore concepts, issues, and requirements that are commonly encountered during a family-based case.*

- Common Barriers and Issues with Adjustment of Status and Immigrant Visa Applications: Affidavit of Support, Public Charge, and Three-/Ten-Year Bars
- Adopted Children, Orphans
- Lawful Permanent Resident and U.S. Citizen Children Born Overseas
- Child Status Protection Act
- Special Situations: Widow/Widower, VAWA, and Special Immigrant Juveniles

3:30 pm–4:00 pm  
**Networking Break**

4:00 pm–5:00 pm

### **Naturalization: Completing the Immigration Journey**

*From permanent resident to U.S. citizen, naturalization is the final step of the immigration journey. Panelists will provide an overview of eligibility requirements for naturalization, including circumstances when filing an N-400 is not in the best interests of the client.*

- Continuous Residence, Physical Presence, and Good Moral Character Requirements
- English Language and Civics Testing, Exemptions, and Waivers
- Timing Issues
- When Not to File for Naturalization

## **BUSINESS**

1:00 pm–2:00 pm

### **It's Tough to Become an Intracompany Transferee: Crafting Winning L-1A and L-1B Arguments**

*The experts on this intermediate session will discuss current trends and advise on how to include and account for as much as possible when crafting arguments while also keeping them succinct. They also will discuss how to document L-1A executive, managerial, or L-1B specialized knowledge duties.*

- When to Argue Executive, Manager (Including Function Manager), or Specialized Knowledge
- Legal Resources: Cases and Policies for Intracompany Transferees
- Advanced and Specialized Knowledge: What's the Difference and How to Develop the Argument in Writing
- Making Creative Arguments and Backing Them Up with Documents
- Past Outcome Does Not Predict Future Success: Extensions and Securing Approval After the L-1A

2:00 pm–2:30 pm

### **Networking Break**

2:30 pm–3:30 pm

### **H-1B: Specialty Occupations Outside the Box**

*Panelists on this intermediate to advanced panel will discuss the major changes to the H-1B program over the past several years. They also will address the effects of litigation on the adjudication of H-1B petitions and provide tips on how to win the toughest H-1Bs by proving specialty occupation.*

- Defining the “Specialty Occupation” and Fitting a Position Within
- Recent Trends in Determining Who Is a “Professional”
- Proving Qualifications for the Specialty Occupation Based on Experience, Either Without a Related Degree or Without Any Degree
- Proving Positions that O\*Net Doesn't Cover Are Specialty Occupations
- What Are They RFE'ing Now?

3:30 pm–4:00 pm

### **Networking Break**

4:00 pm–5:00 pm

### **The New Normal: Dealing with a Remote Workforce**

*The pandemic has significantly affected nearly every aspect of modern life. One positive impact has been the exponential rise in remote employment. With a computer and a Wi-Fi connection, work formerly done predominantly in centralized offices now can be performed from almost anywhere, no matter the employee's location. Unfortunately, the immigration laws have not caught up to the realities of our new, mobile, working world and remain stuck in the pre-pandemic era. Panelists on this intermediate session will provide an overview of where things now stand, discuss how to remedy errors made during the last two years, and advise on best practices for ensuring compliance going forward.*

- No Physical Office? Maintaining/Posting Compliance Documents, Addresses to Use for Various Filings
- Strategies to Keep Track of the Location of a Remote Workforce
- Work Location Still Not Correct on H-1Bs and PERMs Filed Two Years Ago: Consequences and Remedies

- Employees Returning to the Office After Working from Home: What Needs to Be Done?
- Ensuring Future Compliance in the “New Normal” Exchange

## **HUMANITARIAN MINI TRACK**

1:00 pm–2:00 pm

### **U Status Is a BFD (It's Not What You Think!) and Other Updates**

*In this intermediate panel, learn the latest on the Bona Fide Determination (BFD) policy, work cards, fee waivers, and other ancillary matters regarding U status applications.*

- Bona Fide Determination Policy Overview, Including Work Authorization Eligibility
- Is the Waitlist Still a Thing? How Long Is It?
- Handling Fee Waivers: Best Practices to Hopefully Avoid Denials
- Consular Processing: Handling Backlogs at Posts
- U Applicants in Removal Proceedings: Administrative Closure as an Option

2:00 pm–2:30 pm

### **Networking Break**

2:30 pm–3:30 pm

### **Advanced T Visa Issues**

*The experts on this advanced panel will cover special T visa situations, including T visas for children, T visas for those in removal proceedings, and how to overcome agency delays and difficult RFEs.*

- T Visas for Minors: Tips When Screening, Common Fact Patterns, Avoiding Conflicts, Confidentiality Issues
- Best Practices: Tips on How to Prepare for RFEs, Overcome Delays, and More
- T Visas in Removal Proceedings: What You Need to Know

3:30 pm–4:00 pm

### **Networking Break**

4:00 pm–5:00 pm

### What to Do When a Marriage-Based Petition Becomes a Potential VAWA Case

The experts on this intermediate to advanced panel will address thorny issues that can arise when representing clients in a marriage-based petition, particularly when extreme cruelty or physical abuse are involved.

- Identifying Extreme Cruelty and Physical Abuse, How to Ask When You Suspect
- Comparing Options: Converting Joint I-751 to a Battered Spouse Waiver, VAWA Self-Petition, and VAWA Cancellation
- What About a U or T Visa?
- When an I-130 Becomes an I-360

## LITIGATION & REMOVAL PROCEEDINGS

1:00 pm–2:00 pm

### Hot Topics in Removal: Case Law Updates, New Arguments, and More!

Panelists in this session will take a deep dive into removal hot topics. They will discuss the latest case law developments, identify upcoming battles in the courts, and advise on new arguments to make to preserve and win on the issues. Topics will include developments in crimmigration, prosecutorial discretion, administrative closure, and burdens for relief in immigration court.

- Important Immigration Cases Pending in the Circuit Courts and U.S. Supreme Court
- Updates on Attorney General Decisions
- Judicial Review of Questions of Mixed Law and Fact (e.g., Hardship)
- Prosecutorial Discretion and Administrative Closure Are Back: How to Use Them to Help Clients in Court

2:00 pm–2:30 pm

### Networking Break

2:30 pm–3:30 pm

### Controlled Substance Convictions and Burdens of Proof: U.S. Supreme Court, Circuit Court, and BIA Jurisprudence

The Supreme Court gave us *Mellouli v. Lynch*, but since then, the case law is confusing and convoluted. Panelists will discuss the current state of the law regarding the controlled-substance grounds of removability. They also will advise on how attorneys can employ successful strategies for litigating controlled substance cases in immigration court.

- How the Divisibility of Controlled Substance Statutes Can Help You Win Your Case
- Is Your Client Removable: Understanding Means vs. Elements?
- Working with Criminal Defense Attorneys to Find Drug-Related Charges that Include Non-Federally Listed Controlled Substances
- Do “Drug Unspecified” or Vague Conviction Records Help? Understanding How an Ambiguous Conviction Affects Eligibility Under *Pereida v. Wilkinson*

3:30 pm–4:00 pm

### Networking Break

4:00 pm–5:00 pm

### Due Process: Protecting Your Client’s Constitutional Rights from the Marvelous Evils of Technology

Panelists on this intermediate session will discuss the impact of COVID-related court orders. They also will address the use of technology during immigration proceedings and how it may violate your client’s Fifth Amendment rights to due process.

- How Individual Hearings via Phone or Webex Negatively Affect the Judge’s Credibility Determinations
- Communication and Interpreter Issues Associated with Remote Connections, Televideo, and Telephonic Appearances
- How to Handle the Immigration Courts’ Attempts to Streamline Individual Hearings to Your Client’s Detriment
- The Dreaded Scheduling Orders: How to Review and Respond, Litigating Contested Removability Before Filing for Relief

## GOVERNMENT & LIAISON COMMITTEE OPEN FORUMS

1:00 pm–2:00 pm

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

2:00 pm–2:30 pm

### Networking Break

2:30 pm–3:30 pm

### Detention Ombudsman Open Forum

3:30 pm–4:00 pm

### Networking Break

4:00 pm–5:00 pm

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

## Thursday Special Events

5:15 pm–7:00 pm

### AILA Annual Membership Meeting and AILA Annual Awards

## Friday, June 17, 2022

## FUNDAMENTALS

8:00 am–9:00 am

### Professional NIVs: An In-Depth Look at the H-1B and Its Alternatives

Panelists will cover core elements of the H-1B visa to establish foundational knowledge of the H-1B process and criteria. They also will cover alternatives to the H-1B for use during the year, when H-1B visas may not be immediately available.

- The Evolving Definition of “Specialty Occupation”
- What Is an LCA? Things to Consider When Preparing and Filing One
- Degree Requirement and Equivalencies
- How to Navigate the H-1B Cap Registration Process
- Alternative Professional Visas (TN, H-1B1, E-3, and OPT/STEM OPT)

9:00 am–9:30 am

### Networking Break

9:30 am–10:30 am

**Strategies for Athletes, Artists, Entertainers, and Other Extraordinary Individuals**

Panelists will provide insight into representing some of the world's most talented people. Nonimmigrant visas, such as the O and the P, were created to ensure that these extraordinary individuals from abroad can live and work in the United States. What is the benchmark for approval, and what are the limitations?

- The Standards Are High: Understanding the Criteria
- Framing the Field for Proving “Best of the Best”
- The O-1 and Its Limitations: Nonimmigrant Intent, Inability to Self-Petition vs. Holdout Corporations, Agent Filings, Etc.
- The Wide Wide World of Ps
- Basic Documents for Os and Ps: Itineraries, Advisory Opinion Letters, and Supporting Evidence

10:30 am–11:00 am

**Networking Break**

11:00 am–12:00 pm

**Employment-Based Immigrants: The Preference Categories**

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

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

12:00 pm–1:00 pm

**Networking Break**

1:00 pm–2:00 pm

**PERM I: Basic Concepts and Essential Steps for Filing**

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

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

2:00 pm–2:30 pm

**Networking Break**

2:30 pm–3:30 pm

**PERM II: Proving the I-140 Prior to Filing the PERM**

“What we call the beginning is often the end . . . The end is where we start from.” [~T.S. Eliot] Panelists will explain that to file a successful PERM, all the elements for the I-140—proof of the beneficiary's qualifications and proof of the employer's ability to pay the wage—must be obtained at the beginning. Winning a PERM but losing an I-140 serves no one.

- Documenting the Beneficiary's Education, Including Equivalency to U.S. Degrees
- Documenting the Beneficiary's Experience (If Any Is Required)
- When Can a Beneficiary Use Experience Gained While Employed by the Petitioner?
- Documenting the Employer's Ability to Pay the Wage at the Time of Filing, Likelihood of Continued Ability to Pay

- Audits: What Is the Difference Between a Random Audit and a Triggered Audit?
  - o How to Know the Difference, How to Avoid Them
  - o What to Prepare When the Benchmarks Are High and You Know You Are Going to Get Audited

3:30 pm–4:00 pm

**Networking Break**

4:00 pm–5:00 pm

**ILCA Panel: The Policy and Political Landscape for the 2022 Midterm Elections**

Immigration reform is still one of the top issues for congressional legislation. What does the political landscape in Congress look like now, and how do the upcoming 2022 midterm elections affect this? Join Immigrants' List Civic Action (ILCA) for a discussion of these important issues.

**BUSINESS**

8:00 am–9:00 am

**Opportunities for H-2B Visas for Seasonal/Short-Term Positions: Beyond Hospitality and Leisure Occupations**

The past several years have seen increasing demands for seasonal and temporary workers, with a corresponding increase in petitions for workers in such positions. This intermediate panel will discuss nuances of these applications, including complex issues surrounding timing and temporary need.

- H-2Bs Are Not Limited to Seasonal Work at Resorts: Using H-2Bs for Physical or Occupational Therapist Assistants, Health Care Aides, and Other Caretakers
- The Crux of the Matter: H-2B Cap and Timing
- Documenting Temporary Need
- Anatomy of a 9142B
- Nationality Matters
- Plan for the Future: Transition to PERMs, LPR Status for Nonprofessionals

9:00 am–9:30 am

**Networking Break**

9:30 am–10:30 am

**Training and Specialists: H-3s and Js**

*Don't overlook training visas! Follow the winding road to Oz! Panelists on this intermediate session will discuss visa options for trainees and specialists*

- H-3 vs. J-1s: Training and Internships— Permitted Activities and Ethically Advising Employers in Alternatives to H-1Bs
- Developing a Training Program and Confirming the Trainee's Qualifications
- J-1 Specialists
- Working with Umbrella Program Sponsors
- Options for Transition to Other Nonimmigrant Categories, or to Permanent Residence

10:30 am–11:00 am

**Networking Break**

11:00 am–12:00 pm

**PERM: The Heart of Employment-Based Immigration**

*Panelists on this intermediate session will cover the latest information on prevailing wages. In doing so, they will define the position and requirements in the remote workforce, recruitment options, 9089 revisions, and audits.*

- Updates on Prevailing Wage Calculations, Including Alternative Requirements
- The Impact of Remote Work on PERM Applications
  - o Must Applicants Be Notified?
  - o Is Working Remotely a Requirement, a Benefit, or Both? Who Decides?
  - o How and Where Do You Advertise?
- The Latest on Form 9089 Revisions, Including Modernized, Supposedly "Real World" Recruitment
- Responding to Burdensome PERM Audits Requesting Extensive Financial Documentation to Establish that a Bona Fide Job Opportunity Exists

12:00 pm–1:00 pm

**Networking Break**

1:00 pm–2:00 pm

**Using PERMs to Transition from Lesser Skilled NIV or Humanitarian Status to Permanent Residence**

*Panelists on this intermediate session will discuss how the "Current" status of the EW "Other Worker" immigrant visa category for most countries presents possibilities for sponsoring lesser skilled, essential workers. They also will address how adjustment of status barriers may snatch defeat from the jaws of victory.*

- Defining the Position and Its Requirements, Proving Your Client's Qualifications
- Traps for the Unwary in Transitioning from NIV to Immigrant
- Can You Adjust Status from DACA, TPS, Applicant for Asylum, or Other Perpetual EAD Worker?
- Challenges in Consular Processing If Adjustment Is Not an Option

2:00 pm–2:30 pm

**Networking Break**

2:30 pm–3:30 pm

**The EB-1A, NIW, and Schedule A in Nontraditional Fields**

*This area of immigration is limited only by your imagination! The experts on this intermediate to advanced panel will discuss success in proving extraordinary ability in occupations as disparate as farrriers, nonprofit CEOs, motivational speakers, startup entrepreneurs, microblading tattoo artists, and more. They also will address NIWs for those in business and Schedule A exceptionality beyond college professors and artists.*

- Alternatives to New Office L Extensions
- Strategies for Defining the Applicant's Field
- How Is Achievement Measured in the Field? Educational Benchmarks, Unique Awards, Original Contributions, Media, Critical Roles, and Salaries
- How to Define and Demonstrate an Occupation Is in the National Interest
- Who Is Exceptional? When is Schedule A the Best Option?

3:30 pm–4:00 pm

**Networking Break**

4:00 pm–5:00 pm

**To Immigrate or Not to Immigrate: That Is the Question**

*The experts on this advanced panel will cover the myriad issues to consider when deciding to pursue permanent residence, including the impact on family members, employers, and coworkers. Panelists also will advise on helping clients analyze the long-game benefits of having a green card should we live through another pandemic or similarly disruptive event. What is the role of the immigration attorney in spotting issues for prospective LPRs?*

- Visa-Specific Considerations
- Loss of Status of O and P Support Personnel, B-2 Cohabiting Partners, and B-1 Personal/Family Employees
- Employer Issues: Must the Nonimmigrant Become an LPR (or Ultimately a Citizen) to Participate in Government Contract Work, Receive Research Grants, or Other Restricted Employment?
- Tax Considerations: Taxation on World-Wide Income Can Be a Deterrent to Becoming an LPR
- Timing Issues: Dealing with Rigid Time Frames for NIV Extensions, Aging Out Children, etc.
- Travel Considerations/Preserving Permanent Residence: Is Spending 183 Days a Year in the United States Feasible for the LPR and Family?

**FAMILY**

8:00 am–9:00 am

**Representing Clients in Nontraditional Marriages: Overcoming Biases (Bias)**

*Nontraditional binational marriages tend to contradict many outdated principles and traditions. The experts on this advanced panel will discuss how our current immigration system creates unfair obstacles for nontraditional binational couples. They also will provide practice tips for immigration practitioners handling cases involving nontraditional marriages.*

- USCIS Marriage Fraud Indicators Present in Most Nontraditional Marriages
- Distinguishing a Nontraditional Marriage from a Fraudulent One: How to Recognize Biases and Advocate for Clients

- Creative Evidence for Demonstrating a Bona Fide Marriage
- Preparing for and Representing Your Clients in Interviews, Investigations, and Home Visits

9:00 am–9:30 am

### Networking Break

9:30 am–10:30 am

### Identifying and Ethically Handling Fraud in Marriage Cases (Ethics)

*As advocates, do we blindly believe our clients, or do we also investigate their relationships to ensure their bona fides? What are our ethical obligations as attorneys and as representatives of the court? What do you do if your client admits to marriage fraud or is not in a bona fide marriage? Panelists on this intermediate-level session have the answers!*

- Reviewing the Standard for Marriage Fraud, Distinguishing from Lack of Bona Fides
- When to Research Your Clients' Relationships: Identifying Potential Red Flags and Knowing How Far to Go
- Knowing When Not to Take the Case, Listening to Your Gut, Knowing When and How to Withdraw Ethically
- How to Respond to Last Minute Surprises
- Avoiding and Overcoming a §204(c) Finding

10:30 am–11:00 am

### Networking Break

11:00 am–12:00 pm

### Saving Your Client from the Pitfalls of an Invalid Divorce or Marriage

*Immigration processes, even those that may seem simple at first glance, can become quite complicated when a foreign divorce is involved. Panelists on this advanced session will discuss common issues affecting the validity of foreign divorces and subsequent marriages, as well as some pre- and post-filing strategies to address them.*

- Determining Whether the Divorce Will Be Recognized by USCIS
- Going Beyond the Reciprocity Table: Documenting the Divorce
- What to Do If the Client Is Already Married When You Discover that the Prior Divorce Is Invalid

- Impact of These Issues on Time-Sensitive Applications
  - Widow(er) and VAWA Petitions

12:00 pm–1:00 pm

### Networking Break

1:00 pm–2:00 pm

### Death of the Petitioner or Principal Beneficiary

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

- INA §204(I): History, Eligibility, and Corollary Application Benefits
- Procedures: Where, How, and What to File; What to Expect from USCIS
- Humanitarian Reinstatement: Eligibility, Procedures, and How It Differs from INA §204(I)
- Best Practices for Working with Affected Survivor(s)

2:00 pm–2:30 pm

### Networking Break

2:30 pm–3:30 pm

### Complex I-130 and I-129Fs: When the Petitioner Is the Problem

*We often focus on the beneficiary when it comes to potential problems that may hinder approvals, but sometimes it's the I-130 and I-129F petitioner that has a "colorful" history. The experts on this intermediate panel will examine potential red flags and how to address them.*

- Prior I-130 Filings, Recent Naturalization
- Outstanding Criminal Issues: Warrants, Restraining Orders
- Adam Walsh Act: What It Is, How to Avoid, How to Challenge
- Responding to NOIDs and RFEs

3:30 pm–4:00 pm

### Networking Break

4:00 pm–5:00 pm

### Complex I-751 Petitions to Remove Conditions on Residency (Ethics)

*Removing the conditional basis of permanent residence can be complicated, depending on the conditions of the marital relationship. In this intermediate to advanced panel, panelists will discuss common scenarios and ethical considerations that make an I-751 filing complex. They also will advise on best practices and strategies for ensuring success.*

- Separated but Technically Married: How to Proceed
- Unusual and Unconventional Marital Circumstances: Proving the Good Faith Marriage Relationship
- Securing Waivers
  - When to Seek, When There are Multiple Grounds Available, and Abuse Issues
- Ethical Considerations in Dual Representation

## LITIGATION & REMOVAL PROCEEDINGS

8:00 am–9:00 am

### Litigating Cases Involving Clients with U Visa Eligibility

*So, your client was the victim of a U visa-eligible crime and is in removal proceedings: what do you do now? Panelists on this advanced session will discuss tips and tactics to preserve the time needed to secure a U visa while your client is in removal. They also will advise on what to do after the U visa is approved, or worse, denied.*

- *Matter of Sanchez-Sosa*: Still Good Law, So Why Don't Judges Follow It?
- How to Proceed After Your Continuance Is Denied
- Prosecutorial Discretion and Administrative Closure: How They Can Help with a U Visa-Eligible Client
- The Immigration Judge Cannot Adjudicate the U Visa, but They Can Decide the I-192 Waiver: How to Use This to Your Client's Advantage
- U Visa Adjustment Denied: Seeking Review in Immigration Court and Beyond

9:00 am–9:30 am  
**Networking Break**

9:30 am–10:30 am  
**Trial Skills in Immigration Court: Effective Advocacy**

*The Rules of Civil Procedure and Evidence do not apply in immigration court, but litigation skills are still extremely valuable. Removal defense is more complex than ever, so it is imperative that practitioners be fully prepared to advocate effectively for their clients in court. The experts on this intermediate panel will address trial practice skills in immigration court, including practical tips on how best to present your case to an immigration judge.*

- Using FOIA Requests for Discovery, Preparing Your Client for Testimony
- Pre-Trial Motion Practice: Available Motions, How They Can Help Your Case
- Rehabilitating Your Client After a Devastating Cross-Examination; Cross-Examining Government Witnesses, Including Experts
- How to Formulate Effective Closing Arguments
- Dealing with Difficult and Adversarial Judges

10:30 am–11:00 am  
**Networking Break**

11:00 am–12:00 pm  
**Motion Practice in Immigration Court: Winning Your Case Before the Individual Hearing**

*Winning the individual hearing on relief is not the only way to successfully handle an immigration court case. The experts on this advanced panel will discuss how to effectively utilize motions in immigration court to advocate for your clients and win your case prior to the individual hearing.*

- Attacking the NTA and the Evidence by Filing a Motion to Dismiss/Terminate
- Motions to Change Venue
- Motions to Continue, Motions to Administratively Close
- Motions to Reopen or Reconsider
- Other Common Motions and When They Can Be Used

12:00 pm–1:00 pm  
**Networking Break**

1:00 pm–2:00 pm  
**Immigration Policy in the Biden Era: Promises Kept, Promises Broken, and What Comes Next?**

*The immigration whirlwind has continued in the second year of the Biden administration. Join the American Immigration Council panelists 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 immigration policy and on legislative reforms at the federal, state, and local level.*

2:00 pm–2:30 pm  
**Networking Break**

2:30 pm–3:30 pm  
**Hot Topics in Asylum Law**

*Asylum law has changed significantly since 2020. The experts on this intermediate panel will discuss recent developments and hot topics in asylum law, including recent decisions from the BIA, attorney general, and circuit courts over the past year. They also will address prospective regulatory changes.*

- Recent Asylum Decisions from the BIA, Attorney General, and Circuit Courts
- Impact Litigation and Important Pending Cases at the BIA and Circuit Level
- Potential Regulatory Changes, Including New Asylum Process for Granting Asylum Based upon a Credible Fear Interview
- Formulating a Cognizable Particular Social Group Under Current Law
- Asylum Regulations on Particular Social Groups, What to Expect from the Rulemaking Process

3:30 pm–4:00 pm  
**Networking Break**

4:00 pm–5:00 pm  
**The Art of Crafting Viable Particular Social Groups**

*Panelists on this intermediate session will give constructive tips on how to craft viable particular social groups (PSGs) and provide examples of how not to formulate a PSG. They also will address how to avoid circular definitions that define the group by the harm suffered and how to show that membership is the proximate cause of the persecution. Finally, panelists will provide examples of winning PSGs and useful case law on the subject.*

- The Importance of Articulating All Available PSGs at the Beginning of the Case
- Using *Matter of Acosta* as a Starting Point, Other Tips to Navigate the Developing PSG Case Law
- Examples of Immutability and Arguments for Social Distinction
- Utilizing Country Conditions to Support Gender and Sexual Preference Groups
- Tips for Converting a Nonviable Social Group into a Legally Cognizable Group; Avoiding Common Mistakes When Formulating, Arguing, and Proving PSGs

## GOVERNMENT & LIAISON COMMITTEE OPEN FORUMS

8:00 am–9:00 am  
**U.S. Citizenship and Immigration Services (USCIS) Open Forum**

9:00 am–9:30 am  
**Networking Break**

9:30 am–10:30 am  
**U.S. Department of Labor (DOL) Open Forum**

10:30 am–11:00 am  
**Networking Break**

11:00 am–12:00 pm  
**U.S. Immigration and Customs Enforcement (ICE) Open Forum**

12:00 pm–1:00 pm  
**Networking Break**

1:00 pm–2:00 pm

### **Executive Office for Immigration Review (EOIR) Open Forum**

2:00 pm–2:30 pm

### **Networking Break**

2:30 pm–3:30 pm

### **CIS Ombudsman Open Forum**

## **Friday Special Events**

7:30 pm–10:30 pm

### **American Immigration Council's 2022 American Heritage Awards**

## **Saturday, June 18, 2022**

## **FUNDAMENTALS**

8:00 am–9:00 am

### **Anatomy of a Removal Proceeding Part I**

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

- Commencement of Proceedings: Breaking Down the Notice to Appear
- INA §212 vs. §237 Proceedings: Is My Client Deportable or Inadmissible?
- Who Bears the Burden?
- Available Forms of Relief

9:00 am–9:30 am

### **Networking Break**

9:30 am–10:30 am

### **Anatomy of a Removal Proceeding Part II**

*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, Pleading to the NTA
- Filings with the Immigration Court: Motions, Applications, and Evidence
- The Importance of a Prehearing Brief
- Procedure of the Individual Hearings: What Happens? How Do You Prepare?

10:30 am–11:00 am

### **Networking Break**

11:00 am–12:00 pm

### **The Distinction Between Inadmissibility and Deportability**

*Panelists in this fundamentals session will introduce the grounds of inadmissibility and deportability, when they apply, and the differences between them.*

- Inadmissibility vs. Deportability: INA §212(a) and §237(a)
- Common Grounds of Inadmissibility
- Common Grounds of Deportability

12:00 pm–12:30 pm

### **Networking Break**

12:30 pm–1:30 pm

### **Waivers of Inadmissibility**

*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 important topic.*

- The Nearly Limitless Nonimmigrant Visa Waiver
  - The I-192
  - When and Where to File
  - The Adjudication Process
- The More Limited Immigrant Visa Waiver
  - Form I-601 (and Sometimes I-601A)
  - Prerequisite Qualifying Relative, Documenting Hardship

1:30 pm–2:00 pm

### **Networking Break**

2:00 pm–3:00 pm

### **Criminal: Immigration Consequences of Criminal Activity**

*Our clients sometimes get into serious trouble. Speakers in this session will provide a primer on the common grounds of removability that arise from criminal activity. They will also identify and discuss available options for relief.*

- The Most Common Criminal Grounds of Removability
- What Qualifies as a Conviction?

- What Forms of Relief from Removal are Available?

3:00 pm–3:30 pm

### **Networking Break**

3:30 pm–4:30 pm

### **Introduction to Detention**

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

- Difficulty with Access to and Contact with Clients
- Release, Parole, and Bond by ICE
- When Detention Is Mandatory by Statute
- Bond Requests and Hearings

## **BUSINESS**

8:00 am–9:00 am

### **Exchanging Workers: Issues Unique to the J Visa Exchange Program**

*The U.S. Department of State's J-1 exchange visitor program is multifaceted, allowing individuals in a variety of areas to do many things in the United States, including teach, study, participate in internships, and perform on-the-job training. The experts on this intermediate panel will help practitioners navigate the issues involved in representing individuals and companies in these international exchange programs.*

- Employing J Visa Visitors: Who Can Be One, and in What Positions?
- Change of Status from the J Visa: Home Residency
- Hardship and Other Waivers for Nonphysicians
- Spouses and Dependents
- Tax Issues, Ethical Issues in Advising Employers in Using the J-1 as an Alternative to Other Visa Classifications

9:00 am–9:30 am

### **Networking Break**

9:30 am–10:30 am

### **The Idiosyncrasies of Physician Immigration**

*The experts on this advanced panel will provide prescriptions for complex issues specific to physician immigration. Panelists will identify and examine trends and provide tips for those who work with physicians, medical practices, and academic institutions. They also will cover the specific nonimmigrant and immigrant strategies applicable to those representing individuals and institutions in the context of physician immigration.*

- NIV Options for Training and Employment
- H-1Bs and Cap Strategies
- “Conrad 30” and Other Physician Waivers of INA §212(e)
- Permanent Residence Options: PERM or Physician National Interest PERM Waivers
- Balancing Ethics, Economics, and Patient Care in Physician Immigration

10:30 am–11:00 am

### **Networking Break**

11:00 am–12:00 pm

### **Employer Compliance Issues: Beyond the Form I-9**

*The experts on this intermediate panel will provide an overview of compliance and enforcement issues employers face beyond the I-9 audit, including social security and ACA mismatches, DOL investigations, and FDNS investigations.*

- H-1B Compliance Issues: Public Access Files, Worksite Visits, Material Changes Post-*Simeio*
- PERM Compliance, Including Audit File and Retention Issues
- DOL Audits and Investigations, Including H-2s
- Fraud Detection and National Security Audits on H-1B, R-1, and L-1 Employers
- Kentucky Consular Center NIV Investigations

12:00 pm–12:30 pm

### **Networking Break**

12:30 pm–1:30 pm

### **Current Issues in Worksite Enforcement**

*Immigration attorneys are seeing a shift in focus in the area of worksite enforcement, from individuals to employers. The experts on this advanced session will examine the latest trends and policies in worksite enforcement and verification.*

- October 2021 Memorandum on Worksite Enforcement
- Restart of Investigations that Were Launched in February 2020
- Increased E-Verify Monitoring
- DOJ Investigations
- Recent Changes and Hot Topics

1:30 pm–2:00 pm

### **Networking Break**

2:00 pm–3:00 pm

### **Preparing for Problems at the Consulates: Latest Trends**

*The experts on this intermediate panel will discuss what to expect should you finally get an appointment at a consulate.*

- Common H-1B Challenges at Consulates: Staffing Companies and Worksites
- Blanket L Issues: Specialized Knowledge Professional Interpretations at Various Consulates, Issues with Visas, I-129S and I-94 Approval Dates
- E Application Complexities in the Pandemic World
- Dealing with Business Downturns Due to COVID
- New Reality of Mobile Global Workforce: Is There an Office? Where Are the Employees?
- I Thought I Was Approved? Readjudication at Posts of Approved Petition, New Adjudications of E Visas at Consulates

3:00 pm–3:30 pm

### **Networking Break**

3:30 pm–4:30 pm

### **L Visas: Border, Blanket, and Other Consular Issues**

*There is always a sense of relief when a client can apply for a blanket or border L and limit their interaction with USCIS. Panelists on this intermediate session will discuss current trends in L-1 adjudications at the border and at consulates. They also will address other issues specific to L-1 blanket petitions.*

- Current Trends at the Consulates and Border Posts
- The Effect of Agency Memoranda and Guidance
- Changes to the Blanket: Visa Annotations
- Documenting Executive, Manager, or Specialized Knowledge: Consulate vs. USCIS
- When Is an Individual Petition Preferred Over a Blanket?

## **FAMILY**

8:00 am–9:00 am

### **Hardship Waivers: Proving Extreme Hardship to a Qualifying Relative**

*Extreme hardship to a qualifying relative is a requirement for waiving several grounds of inadmissibility. Panelists on this intermediate session will discuss how to put together a strong application to prove extreme hardship with the best evidence available.*

- Which Inadmissibility Grounds Require Extreme Hardship Waivers? Who Constitutes a Qualifying Relative?
- Using Country Conditions to Prove Hardship to a Qualifying Relative
- Using Medical and Psychological Documentation to Prove Hardship, How the Waiver Applicant Helps Alleviate These Conditions
- Other Factors to Consider When Demonstrating Extreme Hardship
- Working with Clients to Draft a Compelling Hardship Statement

9:00 am–9:30 am

### **Networking Break**

9:30 am–10:30 am

### **Update on I-601A Waivers**

*Unlawful presence waivers are critical when facing the IIRAIRA three- and ten-year bars. Panelists will address the current state of adjudication of I-601A waivers.*

- Adjudication Trends and Timing
- Proving “Hardship” and “Extreme Hardship”
  - Psychiatric Evaluations, Medical Records
  - Country Conditions
  - Other Supporting Documents
- Working with Clients in Removal Proceedings or with Administratively Closed Proceedings

10:30 am–11:00 am

### **Networking Break**

11:00 am–12:00 pm

### **Non-Hardship Waivers: Applications**

*Many waiver applications require a showing of extreme hardship to a qualifying relative, but some do not. The experts on this advanced panel will discuss preparing waiver applications that do not require proof of hardship.*

- Old CIMT Convictions and Prostitution-Related Crimes: Counting 15 Years Since the Last Conviction and Proving Rehabilitation
- Communist Party Affiliation: Proving Humanitarian Purposes, Assuring Family Unity, Public Interest, and No Threat to National Security
- I-602 Waivers for Asylees
- I-192 Waivers for U and T Applicants

12:00 pm–12:30 pm

### **Networking Break**

12:30 pm–1:30 pm

### **Lengthy Absences and the Struggle of Maintaining Residence**

*Have your clients been stuck abroad due to COVID issues, border closures, or health complications? Panelists on this intermediate session will provide an overview of the legal and procedural issues that permanent residents who may not be residing permanently in the United States should be prepared to face.*

- Pre-Emigration Planning: Advising Clients Before They Leave, Including When to Apply for a Reentry Permit, Applying to Preserve Residency
- SB-1 Visas for Returning Residents
- Complications with Reentry After Lengthy Absence Due to COVID/Border Closures
- When and Where to Abandon LPR Status: Filing the I-407
- Naturalization: Specific Concerns, Including Taxes, §316(b), Intent Issues

1:30 pm–2:00 pm

### **Networking Break**

2:00 pm–3:00 pm

### **Naturalization: To File or Not to File—Transgressions that Make Naturalization Risky**

*A transgression outside of the statutory period may not affect your client's eligibility for citizenship, but still may make your client removable. Panelists on this intermediate session will discuss the strategic considerations necessary when determining whether to file for naturalization when there is a risk of removal. They also will explore the recent case law regarding N-400 eligibility in removal proceedings.*

- Conduct Outside of the Statutory Period that Can Make Your Client Removable
- Potential Challenges to Acquisition of (Un)Lawful Permanent Status
- Potential Backup Plans
- Jurisdiction over N-400 Once an NTA Is Issued
- Know Your Local Office and Other Practice Tips

3:00 pm–3:30 pm

### **Networking Break**

3:30 pm–4:30 pm

### **Humanitarian Parole: The Last Resort**

*Humanitarian parole can be a useful means to effect entry into the United States for a foreign national in a desperate situation and with no other available eligibility or means. Panelists on this intermediate session will explore when humanitarian parole may be invoked, how it works, timing, and effectiveness. They also will discuss best practices and lessons learned from the crisis in Afghanistan.*

- Legal Authority, Eligibility
- Procedures
- Timing Considerations
- Documentation and Proof Necessary
- Is Humanitarian Parole Realistic?

4:30 pm–5:00 pm

### **Networking Break**

5:00 pm–6:00 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 family-based immigration law. 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 an expert! Learn about the latest issues in family-immigration in this fun and interactive session.*

## LITIGATION & REMOVAL PROCEEDINGS

8:00 am–9:00 am

### Best Practices for Litigating Waivers in Immigration Court

*The experts on this advanced panel will review the multiple waivers available in immigration court to help your client obtain or keep their status and avoid removal. The statutory requirements for the different waivers are not the same, so knowing the nuances of each waiver may mean the difference between permanent exile for your client or returning home to their loved ones in the United States.*

- INA §212(h) Crime Waivers of Inadmissibility: How and When to Use Them
- Crime Waivers: Differing Standards and Burdens Depending on Your Client's Criminal History, Tips for Navigating the Differences
- INA §237(a)(1)(H) Fraud Waivers for Certain Grounds of Removability: When to Use Them and How
- INA §212(i) Waivers for Fraud Are Great, but Qualifying Relatives Are More Limited
- Other Odd and Seldom-Used Waivers in Court: Form I-212s, Unlawful Presence Waivers, §212(d)(3) Nonimmigrant Waivers

9:00 am–9:30 am

### Networking Break

9:30 am–10:30 am

### Analyzing Criminal Convictions for Their Immigration Consequences

*Every crimmigration practitioner needs to know the categorical and modified categorical approaches. To be a truly effective advocate for your client, however, you also must arm yourself with knowledge of the circumstance-specific approach and the reasonable probability test. The experts on this advanced panel will review the various methods used to analyze the immigration consequences of criminal convictions and give you tools to fight against overuse by DHS of the circumstance-specific approach and reasonable probability arguments.*

- Categorical and Modified Categorical Approaches: Brief Overview, When to Use Them, When to Fight Against Them
- When Is the Government Allowed to Use the Circumstance-Specific Approach?
- What is the Reasonable Probability Test? How Is It Used? When Can We Block Its Use?
- Winning Arguments to Save Your Clients with Criminal Histories from Removal, How to Prove Their Eligibility for Relief
- Preserving the Record in Administrative Proceedings in Anticipation of Federal Court Review

10:30 am–11:00 am

### Networking Break

11:00 am–12:00 pm

### How to Properly Advise Foreign Nationals and Their Criminal Defense Attorneys During Criminal Cases

*Properly advising noncitizen defendants while a criminal case is pending is often the key to avoiding removal from the United States. The experts on this intermediate panel will discuss how to effectively advise noncitizen defendants and their attorneys regarding the immigration consequences of their case.*

- Gathering Necessary Immigration and Criminal History from a Foreign National Defendant
- Analyzing the Immigration Consequences of the Charges for Detention, Removability, and Relief Purposes
- Setting Proper Expectations and Goals for Your Noncitizen Client Defendant
- Working with the Prosecutor, the Defense Attorney, and the Client to Achieve the Best Outcome for Everyone
- Postconviction Relief, When the Client Comes to You Too Late, How to (Possibly) Fix the Mess

12:00 pm–12:30 pm

### Networking Break

12:30 pm–1:30 pm

### Wicked: Crimes Involving Moral Turpitude—What Does It Mean to Be Inherently Vile, Base, and Depraved?

*"Moral turpitude" is not defined by the INA, so we have spent decades instead litigating what "crimes involving moral turpitude" (CIMTs) actually entail. The experts on this advanced panel will discuss the origins and development of CIMT jurisprudence over time, and they will advise on developing arguments against CIMT grounds of removability for removal practitioners.*

- Persuasive Arguments to Overcome a CIMT Ground of Removability in Immigration Court
- Void for Vagueness: Can This Argument Really Work? How to Establish and Effectively Preserve the Record
- What Is Morally Depraved? Using Extrinsic Evidence to Demonstrate Community Standards
- How to Use State-Specific Case Law to Find the Minimum Conduct Punishable by the Statute
- Differing Mens Rea Requirements for CIMTs: Is Criminal Negligence Enough? What About Recklessness?

1:30 pm–2:00 pm

### Networking Break

2:00 pm–3:00 pm

### **CATS! Relief Under the Convention Against Torture: Not Just a Box to Check**

*Most attorneys will check the box at the top of the I-589, the one that asks if you “also want to apply for withholding of removal under the Convention Against Torture.” Few attorneys, however, will submit separate legal arguments or evidence for CAT protection. While the burden of proof may be higher, most of the bars to applying for other forms of relief do not apply to CAT. The experts on this advanced panel will explore the differences between CAT and other forms of fear-based relief. They also will discuss how to establish that your client qualifies for CAT protection.*

- Why Apply for CAT Protection? Who Qualifies and Who Doesn't?
- Differences Between CAT and Asylum, Withholding, and Other Protection-Related Forms of Relief
- What Do You Need to Prove and How Do You Do It?
- Your Client Just Secured CAT Protection: What Do You Do Now?

3:00 pm–3:30 pm

### **Networking Break**

3:30 pm–4:30 pm

### **Successfully Litigating Cases at the BIA: Removability, Relief, and Bond**

*The Board of Immigration Appeals (BIA) handles more than just appeals from the immigration court. In this intermediate session, panelists will discuss tips and strategies for preparing a winning BIA brief on appeal. Also discussed will be bond appeals, interlocutory appeals, and motions for stays of removal.*

- Tips and Strategies for Drafting an Effective Brief on Appeal Before the BIA
- How to Preserve the Record and Litigate Your Removal Case with an Eye Toward Appeal
- The Immigration Judge Denied Your Motion to Dismiss, Change Venue, or Suppress: Can You and Should You File an Interlocutory Appeal?
- Your Client Is Detained and Bond Was Denied: Appealing the Bond Denial, How and When to Do It

- Filing Appeals of Denied Motions to Reopen, Filing for Administrative Stays of Removal

4:30 pm–5:00 pm

### **Networking Break**

5:00 pm–6:00 pm

### **Motions to Reopen and Remand at the BIA and Immigration Court**

*It's not over until your client wins. There are many reasons to file motions to reopen at the BIA and in the immigration court. The experts on this intermediate panel will discuss the various grounds for filing motions to reopen with the courts and the BIA, potential bars, and best practices for improving your chances at success.*

- Statutory Motions to Reopen: What Are the Requirements? Why Are These Motions So Important?
- Sua Sponte Motions to Reopen: When to Use Them and Why
- Potential Bars to Filing a Motion to Reopen: Time, Number, Removal, and Others
- Can You Appeal Your Denied Motion to the Board and Federal Court? When and Why?

## **LAW PRACTICE MANAGEMENT/ SPECIAL SESSIONS**

8:00 am–9:00 am

### **Inclusive Employee Retention and Progression in a Diverse Workplace**

*The last few years have changed the workplace forever. Work from home became a requirement, rather than a benefit. Social justice issues were taken much more seriously, and in a different way, than they had been in the past, impacting both employers and workers alike. Employees left the workforce in droves, for both family and personal considerations. In light of these profound changes, employers now must give serious consideration to employee retention and career progression, to ensure that their businesses are prepared for surviving and thriving in this postpandemic world. Panelists will discuss these issues in the context of our increasingly diverse business landscape.*

- Developing an Inclusive and Equitable Work Culture
- Mentors and Sponsors
- Effective and Consistent Communication and Feedback
- Recognition and Promotion
- Retention, COVID-19, and Remote Options

9:00 am–9:30 am

### **Networking Break**

9:30 am–10:30 am

### **Remote Management Is the Future: Ethically and Effectively Managing Freelance and Remote Employees (Ethics)**

*Immigration lawyers have had to adjust the way they manage staff given the rise in remote work and the influxes of cases due to changes in government policies. A dispersed workforce and freelance staffing are two ways to resource talent that may not have been considered prepandemic. They also come with unique benefits. Freelance staff, for example, can assist with heavy waves of work, but without the consistent overhead. Panelists will review best practices and the ethical issues that need to be considered when managing a remote workforce.*

- Identifying Work that Can Be Ethically Delegated, Developing an Effective Delegation System, Ensuring Quality Control, Communication of Goals, Tasks, and Timelines
- Barriers to Effective Delegation: What Is Holding You Back from Delegating? Can a Solo Practitioner with No Staff Delegate?
- Ethics Considerations: Supervision, Communication, Confidentiality
- How to Effectively Manage People from Afar, Set Expectations, and Ensure Accountability
- Payroll, Tax, and State Requirements; Technology Considerations

10:30 am–11:00 am

### **Networking Break**

11:00 am–12:00 pm

### **Why Aren't You Delegating?**

*Few of us are naturally good at delegating tasks. Delegation can be complicated and difficult from a technical standpoint. In addition, human barriers, including fear of loss of control and failure, lack of trust, and hoarding work for hours can get in the way. Join our panelists as they share tips and ideas to improve your delegation skills that will increase your productivity and improve employee performance and satisfaction.*

- Identifying Work that Can Be Delegated
- Effective Establishment and Communication of Goals, Tasks, and Timelines
- Tips for Developing an Effective Delegation System and Ensuring Quality Control
- Can a Solo Practitioner with No Staff Delegate?
- Human Barriers to Effective Delegation: What Is Holding You Back from Delegating?

12:00 pm–12:30 pm

### **Networking Break**

12:30 pm–1:30 pm

### **The Overture and the Final Act: Hiring and Firing**

*Whether you work as a nonprofit attorney, a solo practitioner, or at a large firm, hiring can be challenging, especially in this job market. And while we never want to have to let employees go, it is important to be prepared to make those hard decisions in a compassionate way. Panelists will offer tips and strategies to guide you through the hiring and firing process.*

- How to Know When It's the Right Time to Hire, How to Recruit Qualified and Diverse Candidates
- How to Conduct an Interview that Gives You Real Information About Candidates
- How to Make an Appealing and Realistic Offer
- When an Employee Is Not Working Out Well: How to Evaluate Them, Implement an Improvement Plan, and Know When to Let Them Go
- How to Let Someone Go with Compassion but Firmness

1:30 pm–2:00 pm

### **Networking Break**

2:00 pm–3:00 pm

### **Well-Being Practices for Your Entire Office**

*Immigration attorneys aren't the only ones feeling the effects of practicing in a stressful environment. Your staff members are on the front lines, too. Panelists will help you identify work-life balance issues your team members may be facing, and they will suggest practices to help staff deal with stress and trauma and avoid burnout. Promoting well-being throughout your office will help your staff be more productive and improve employee retention. In the long run, it will benefit you, your colleagues, employees, their families, and your clients.*

- Recognizing and Addressing a Hostile Work Environment
- How a Stressful Office Affects Productivity
- Creating an Office Atmosphere that Supports Staff at All Levels
- Addressing Trauma and Burnout with Compassion and Directness
- Your Ethical Obligation to Ensure Your Staff Is Well

3:00 pm–3:30 pm

### **Networking Break**

3:30 pm–4:30 pm

### **It's Rewarding for Business: Operating a Law Firm that Is Socially Aware**

*These days, successful businesses of all sizes are expected to operate as good corporate citizens, and law firms are no exception. Our clients, employees, and colleagues are increasingly interested in knowing how we engage the broader world, not just through excellent legal services and being a fair employer, but also through our actions in pro bono efforts, community engagement, corporate giving, and diversity, equity, and inclusion. Come to this session to learn practical tips and considerations for law firms of all sizes when building and managing a strong and consistent corporate social responsibility program.*

- Building and Sustaining a Long-Term Pro Bono Program
- Community Engagement Through Service on Boards and Committees
- Considerations in Corporate Giving
- Promoting and Communicating Diversity, Equity, and Inclusion with Your Team
- Diversity and Inclusion in Your Business Dealings

4:30 pm–5:00 pm

### **Networking Break**

5:00 pm–6:00 pm

### **Flat and Hybrid Fees: Ethically Managing Uncertainty in the Engagement Agreement (Ethics)**

*We see a lot of "flat fees" that, because of their many exclusions and scope definitions, are potentially mislabeled and might be more accurately deemed "hybrid fees" or "advance fee deposits." This mislabeling can affect how the fees are handled and get lawyers in trouble. It also can create fee disputes if clients don't understand the fee arrangement. Panelists will discuss the various types of fees and how to disclose them with clarity. Panelists for this advanced ethics session will discuss Rules of Professional Conduct 1.3 Diligence, 1.4 Communication, 1.5 Fees, and 1.15 Safeguarding Client Property.*

- Developing a Sharper Awareness of Flat and Hybrid Fee Structures
- Managing Advance Fee Deposits
- Drafting, Explaining, and Documenting the Fee Agreement to Clients
- Managing Automatic Credit Card or Bank Draft Payments from Clients
- Updating Agreements When Complications Arise or Circumstances Change

## SPECIAL SESSIONS

8:00 am–9:00 am

### Corporate Reorganizations: Avoiding Disruptive Immigration Consequences

*You don't know what you don't know about corporate reorganizations until you do know, and then it might be post closing. Or, you may have a phased reorganization where the entities implement terms and conditions of the reorganization on a staggered timeline, and immigration compliance steps need to be timed accordingly. What ethical obligations does the immigration attorney have regarding notice to foreign national employees? Panelists on this intermediate session will discuss best practices in due diligence on these and other related issues.*

- I-9 Compliance: Whether to Absorb I-9 Forms or Complete New Ones
- Does the Qualifying Relationship Still Exist? Is Amending a Corporate Blanket Sufficient for L-1 Visa Holders?
- H-1B Compliance: Public Access Notes, LCA Postings, H-1B Amendments, Change of Employer Petition
- E Visa Alternatives When Nationality of Corporation Changes
- PERM, I-140, and Green Card Issues: Successor in Interest?

9:00 am–9:30 am

### Networking Break

9:30 am–10:30 am

### The Intersection of Union Organizing and Immigration Law

*The experts on this all-levels panel will delve into employee rights issues as they converge with immigration. Union and employment-immigration lawyers will debate topics at the intersection of union organizing, employment eligibility verification, and ICE actions.*

- Can Undocumented Employees Organize? What Happens If They Are Fired?
- If There Is a Collective Bargaining Agreement (CBA), What Immigration Issues May Be the Subject?
- Worksite Raids and How to Prevent Arrests
- ICE Actions Against Union Activists
- Employee Options When There Is an I-9 Investigation

## TECHNOLOGY MINI TRACK

11:00 am–12:00 pm

### Overview of Online Accounts of Immigration Agencies

*Immigration agencies have slowly incorporated electronic filings into their operations. Panelists on this intermediate session will introduce the electronic resources and requirements of USCIS, ICE, EOIR, DOL, and DOS. They also will review the options available; highlight what can, cannot, and must be filed electronically; and identify solutions for common problems.*

- USCIS
- ICE
- EOIR
- DOL
- DOS

12:00 pm–12:30 pm

### Networking Break

12:30 pm–1:30 pm

### 60 Tech Tips in 60 Minutes

*We've got gadgets, tools, and tricks that will make your lives smoother and enhanced! This fast-paced, quick-moving program has a little something for everyone. Give your brain a break and take an hour to find out what's new and hot, what's tried and true, and what you can't live without!*

- Gadgets
- Tools
- Tricks

1:30 pm–2:00 pm

### Networking Break

2:00 pm–3:00 pm

### Buried in Piles of Paper? Let's Get Digital!

*Digitizing files and starting to e-file may seem daunting to you, but know that it has been for USCIS as well! EOIR and USCIS are continuing their efforts to move toward e-filing, so prepare yourself now. Digitizing files will ensure that you are prepared for remote work and are ready to improve collaboration and communication.*

- Basics of E-Filing with DOL, USCIS, and EOIR

- Getting Started with Digitizing New Files
- How to Handle Heaps of Paper Files from Existing Cases
- Digital Storage, Document Management Systems, and Their Costs

## BUSINESS LITIGATION MINI TRACK

3:30 pm–4:30 pm

### When All Else Fails, Sue: Filing Mandamus for Employment-Based Cases

*How long is too long? When USCIS adjudications just aren't moving, federal court can be the answer. The experts on this intermediate panel will discuss when mandamus is an option, and whether to proceed.*

- When Is a Mandamus Appropriate?
- How Do You Decide Where to File?
- Delays, Delays, and More Delays (L-1, AOS, EADs)
- Winning the Mandamus but Losing the Case

4:30 pm–5:00 pm

### Networking Break

5:00 pm–6:00 pm

### Litigation Options When USCIS Won't Listen

*Taking USCIS to court may be the only way to overcome an erroneous denial. Panelists on this intermediate session will address factors to consider before filing suit, drafting complaints, and pursuing available remedies.*

- Preparing Petitions with Federal Court in Mind
- What, When, Where, and How to File
- USCIS's Response to Litigation: Perfecting the Denial?
- Recent Successes in Federal Court
- When Litigation Isn't the Answer

## Saturday Special Events

TBD

### Board of Governors Meeting

8:00 pm–11:00 pm

### AILA 75th Anniversary Celebration