



2017 AILA Fundamentals of Immigration Law Conference

AUGUST 4–5, 2017
HYATT REGENCY DENVER
650 15TH STREET
DENVER, CO 80202

AILA's Fundamentals of Immigration Law Conference is designed for attorneys who are new to the complex area of immigration law. This unique conference features two distinct components:

1. **Pre-Recorded Training Sessions:** *Prior to the conference, participants will be given access to downloadable recordings covering the basics of substantive immigration law. We encourage you to register early to ensure you have adequate time to listen to each recorded session before the live sessions. Listening to these sessions in advance is a key learning component of the overall conference and will help set the foundation for the information provided during the live sessions. The recordings are included in the registration fee and will be added to your AILA Agora Digital Library after the cancellation deadline.¹*
2. **Live Sessions:** *On August 4–5, AILA will present two days of live sessions. Attend these sessions in-person at the Hyatt Regency Denver. Sessions are led by immigration law experts who will show you how to prepare visa applications and petition packages, and will offer tips based on years of experience, including how to identify and analyze “red flags.” You also will learn proven strategies for working with the many government agencies and regulatory bodies that oversee, interpret, and enforce immigration law, regulations, and policy.*

In addition, registrants will receive conference materials.²

¹ **Pre-Recorded Training Sessions** include: Overview of Essential Immigration Terms, Concepts, and Government Agencies; Family Immigration 101; Removal 101; Business Immigration 101; Waivers 101; Asylum 101: Protecting Refugees in the United States; The Basics of Adjustment of Status; Immigrant Visa Consular Processing; The End of the Road: Basics of Naturalization Applications; and Immigration Court 101. **Please note:** CLE credit is not being administered and is not available for the pre-recorded training sessions included with this conference.

² Each attendee also will receive the eBook, *Navigating the Fundamentals of Immigration Law* (2017–18 Ed.), which is included in the registration fee. In addition, attendees will receive digital versions of the PowerPoint slides and handouts before the conference.

(DL) = Discussion Leader

* = Invited Speakers, Not Confirmed

- All events, sessions, conference materials, and free recordings are subject to change -

FRIDAY, AUGUST 4, 2017

7:15 am–5:30 pm

REGISTRATION AND EXHIBITS

Day Coordinator:

Marcela A. Mendoza, Denver, CO

8:00 am–8:10 am

WELCOME AND REMARKS

*Merlyn N. Hernandez, Conference Program Chair/ AILA EOIR Liaison
Committee Vice Chair, Los Angeles, CA*

8:10 am–9:10 am

NONIMMIGRANT VISAS PART I: CONCEPTS AND BASICS

- Types of Individuals in the United States (Nonimmigrants, Immigrants, U.S. Citizens)
- Nonimmigrant, Immigrant, and Dual Intent
- General Adjudication Process (Petition/Application, Consular Processing, Border Entry)
- Burden of Proof
- Important Terms and Concepts for Business Immigration
- Q&A

Faculty:

*David J. Wilks (DL), Conference Program Committee/ AILA VSC Liaison
Committee Vice Chair, Ithaca, NY*

Teri A. Simmons, Atlanta, GA

Yvonne A. Toy, San Francisco, CA

9:10 am–10:10 am

NONIMMIGRANT VISAS PART II: ALPHABET SOUP

- Overview of Nonimmigrant Visa (NIV) Categories
- Student Visas: F (Including Optional Practical Training (OPT)), M, and J
- Important Employment-Based Options: L, O, E, and TN
- Preparing for Permanent Residence
- Q&A

Faculty:

*Matthew D. Stump (DL), AILA USCIS Service Center Operations Liaison
Committee Chair, Oklahoma City, OK*

Anna F. Angel, Denver, CO

Rosanne Mayer, Ithaca, NY

10:10 am–10:20 am

NETWORKING BREAK

10:20 am–11:50 am

NONIMMIGRANT VISA WORKSHOP: H-1B

- Determining Specialty Occupation
 - Working with Clients on Job Descriptions and Requirements
 - Demonstrating Specialty Occupation Using O*Net, OOH, and Other Sources

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- Preparing the Public Access File
 - The Offered, Prevailing, and Actual Wage for H-1Bs
 - Using OES Online Wage Data and Private Surveys
 - Preparing and Submitting a Labor Condition Application (LCA): Form ETA 9035
 - Attestations and LCA Compliance Obligations of H-1B Employers
- Preparing the Petition
 - Drafting Form I-129 and Related Forms for H-1B Petitions
 - Initial Evidence, Supporting Documents, and Tips for Filing H-1Bs with USCIS
 - Responsible Parties for Filing Fees

- Q&A

Faculty:

Brenda Oliver (DL), Conference Program Committee, Washington, DC

David J. Wilks, Conference Program Committee / AILA VSC Liaison Committee Vice Chair, Ithaca, NY

Matthew D. Stump, AILA USCIS Service Center Operations Liaison Committee Chair, Oklahoma City, OK

Yvonne A. Toy, San Francisco, CA

11:50 am–12:00 pm

LUNCH (INCLUDED WITH REGISTRATION)

12:00 pm–1:00 pm

HOT TOPICS

- Immigration Reform: Comprehensive or Incremental?
- Executive Orders on Travel Bans
- Draft Executive Order on Strengthening Foreign Worker Visa Programs (H-1B and L-1 Reforms)
- Deferred Action for Childhood Arrivals (DACA)
- Family Detention and Removals
- Border Issues
- Q&A

Faculty:

Daniel Shanfield (DL), San Jose, CA

Allen Orr, AILA Treasurer, Washington, DC

Jacqueline Watson, Austin, TX

1:00 pm–2:10 pm

EMPLOYMENT-BASED IMMIGRANT VISAS: PART I

- EB-1:
 - (1) Outstanding Researchers and Professors
 - (2) Individuals with Extraordinary Ability
 - (3) Multinational Managers and Executives
- EB-2: Advanced Degree Professionals and Individuals with Exceptional Ability
- EB-2: National Interest Waivers
- EB-3: Bachelor's Degree or Skilled Workers

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- EB-4: Religious Workers and Other Special Immigrants
- EB-5: Immigrant Investors
- Q&A

Faculty:

Ian David Wagreich (DL), Chicago, IL

*Sheila Mahadevan, AILA New Members Division Steering Committee Chair,
Washington, DC*

Kirsten Kelly, Vancouver, BC

2:10 pm–3:20 pm

EMPLOYMENT-BASED IMMIGRANT VISAS—PART II: OVERVIEW OF PREFERENCE CATEGORIES AND INTRODUCTION TO PERM

- PERM Overview and the Purpose/Role of the Attorney
- The PERM Process
 - Drafting the Job Description for the Past, Present, and Future, and Identifying Primary/Alternate Requirements
 - Request for Prevailing Wage Determination
 - Recruitment Types and Required Content
 - Preparing the Recruitment Report and Audit File
 - Drafting the Form ETA 9089
 - Post-Filing Issues, Including Audit Notifications

- Q&A

Faculty:

Marjorie Baltazar (DL), Conference Program Committee, Chicago, IL

Jeff Joseph, Denver, CO

Jennifer A. Salomon, Redmond, WA

3:20 pm–3:30 pm

NETWORKING BREAK

3:30 pm–4:30 pm

THE ROAD TO NATURALIZATION AND CITIZENSHIP

- Assessing When to Apply for Naturalization
- Eligibility Criteria: Statutory vs. Discretionary
- Procedures and Timing
- Interview Preparation
- Post-Denial Options
- Overview of Derivative Citizenship
- Review of Form N-400
- N-600s and N-600Ks
- U Visa Issues
- Q&A

Faculty:

Lisa H. York (DL), AILA NSC Liaison Committee Chair, Denver, CO

Beata Leja, Chicago, IL

Lourdes Santos Tancinco, San Francisco, CA

4:30 pm–5:45 pm

ETHICS AND MONEY

- Advertising and Marketing vs. Solicitation
- Initial Consultation Fees, Retainers, and Flat Fees

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- Fee Arrangements: Get It in Writing
- A Client's Rights to His or Her Files When He or She Doesn't Pay
- Fees for Viable Legal Services and Preparatory Work in the Face of Changing Laws and Executive Action Updates
- Doing Business with Problematic Clients
- Trust Accounts
- Q&A

Faculty:

Kenneth Craig Dobson (DL), AILA Ethics Committee Vice Chair, New York, NY

Lisa N. Ellis, AILA Board of Publications Chair, Seattle, WA

Catherine Shea, Assistant Regulation Counsel, Intake Division, Colorado Supreme Court Office of Attorney Regulation Counsel

5:45 pm – 6:45 pm

AMERICAN IMMIGRATION COUNCIL HAPPY HOUR (SPONSORED BY THE AILA COLORADO CHAPTER)

The American Immigration Council and the AILA Colorado Chapter invite you to mix and mingle with them and your fellow attendees! Join us for complimentary drinks and appetizers at a networking happy hour.

Evening Event:

TASTE OF DENVER

Part educational event, part networking, the Taste of Denver is an opportunity to get together with other new practitioners and AILA mentors for a delicious and informative evening at a great local restaurant. Space is limited. For more information or to sign up, please email Danny Navarro (dnavarro@aila.org).

SATURDAY, AUGUST 5, 2017

7:45 am–5:30 pm

REGISTRATION AND EXHIBITS

Day Coordinator:

Marcela A. Mendoza, Denver, CO

8:00 am–9:00 am

FAMILY-BASED IMMIGRANT VISAS

- Overview of Family-Based Preferences
- K and V Visas: Quasi-Immigrant Visas
- Form I-864 Affidavit of Support: Public Charge Issues, Joint Sponsor(s), Residency
- Marriage-Based Petitions
- Petitions for Removal of Conditions (Joint and Waiver-Based)
- Visas for Children, Step-Children, and Adopted Children
- The Child Status Protection Act (CSPA)
- Other Family-Based Petitions: Siblings, Parents etc.
- Q&A

Faculty:

Merlyn N. Hernandez (DL), Conference Program Chair/AILA EOIR Liaison Committee Vice Chair, Los Angeles, CA

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Eric M. Johnson, Lakewood, CO
Julianne Cassin Sharp, Southfield, MI

9:00 am–10:00 am

ADJUSTMENT OF STATUS AND CONSULAR PROCESSING

- Adjustment of Status Eligibility and Ineligibility
- Immediate Relatives vs. Preference-Based Categories
- One-Step Processes
- Travel While Adjustment Is Pending: Myths and Realities
- Maintaining NIV Status While Waiting for Adjustment of Status
- Immigrant Visa Consular Processing: Know Your Consulate, Know Your Case
- Q&A

Faculty:

Jennifer Durkin (DL), Conference Program Committee/ AILA New York Chapter Chair, New York, NY

Elaine M. Kumpula, AILA Global Migration Section Steering Committee, Minneapolis, MN

Hudaidah Farooq Bhimdi, Fairfax, VA

10:00 am–10:15 am

NETWORKING BREAK

10:15 am–11:25 pm

ADJUSTMENT OF STATUS AND CONSULAR PROCESSING IN FAMILY-BASED IMMIGRANT VISA CASES: WORKSHOP WITH THE EXPERTS

- Preparing an I-485 Application Package
- Completing the I-864 Affidavit of Support
- Drafting the I-130 Petition Package (Marriage-Based and Other)
- Handling a Consular Processing Case and Filing Online Forms
 - Expedited I-130s at Consular Posts
- I-129F Petition and Subsequent Adjustment of Status
- Preparing Supporting Documentation and Petitions for Filing
- Preparing Clients for the Interview
 - The Differences Between Prepping for Adjustment of Status vs. Consular Interview
- Q&A

Faculty:

Jennifer Durkin (DL), Conference Program Committee/ AILA New York Chapter Chair, New York, NY

Merlyn N. Hernandez, Conference Program Chair/ AILA EOIR Liaison Committee Vice Chair, Los Angeles, CA

Hudaidah Farooq Bhimdi, Fairfax, VA

Julianne Cassin Sharp, Southfield, MI

11:25 am–12:25 pm

REMOVAL AND RELIEF BEFORE THE IMMIGRATION COURT

- Grounds of Removal
- Notices to Appear (NTAs) and Immigration Court Hearings
- Detention Issues
- Shifting Burdens of Proof

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- Relief from Removal
 - Prosecutorial Discretion
 - Adjustment of Status
 - Cancellation of Removal/Asylum/Withholding
 - Waivers for Criminal and/or Other Violations
- Appeals and Judicial Review
- Motions to Reopen/Reconsider
- Q&A

Faculty:

Matthew G. Holt (DL), AILA Bylaws Committee Chair, San Diego, CA

Kerry E. Doyle, Boston, MA

Raed Gonzalez, Houston, TX

12:25 am–12:45 pm

LUNCH (INCLUDED WITH REGISTRATION)

12:45 pm–1:45 pm

BONDS

- Bond Hearing Basics
 - Testimonial Evidence
 - Documentary Evidence
 - Burdens and Standards of Proof
- Who Is Eligible for a Bond Hearing?
 - “Arriving Aliens”
 - Mandatory Detention
 - Post-Removal Order Detention
 - Withholding-Only Proceedings
- How Are Bonds Paid?

Faculty:

Matthew G. Holt (DL), AILA Bylaws Committee Chair, San Diego, CA

Kerry E. Doyle, Boston, MA

Raed Gonzalez, Houston, TX

1:45 pm–2:45 pm

HABEAS

- Habeas Corpus Basics
 - When and Where Do You File a Habeas Petition?
 - Remedies in Habeas
 - Exhaustion of Claims
- Jurisdictional Hurdles in Habeas
- Motions for Preliminary Injunction vs. Temporary Restraining Orders
- Federal Court Admission Practice
 - Applications to Appear *Pro Hac Vice*
 - Electronic Case File (ECF) Basics
 - Admission to Federal District Courts

Faculty:

Maria T. Baldini-Potermin (DL), AILA Federal Court Litigation Section

Steering Committee Chair, Chicago, IL

Bradley B. Baniyas, Charleston, SC

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Michael E. Piston, Troy, MI

2:45 pm–3:00 pm

NETWORKING BREAK

3:00 pm–4:00 pm

ASYLUM AND RELATED CLAIMS OF RELIEF

- Affirmative Asylum
- Defensive Asylum
- Credible Fear and Reasonable Fear Determinations
- Withholding of Removal
- Relief Under the U.N. Convention Against Torture (CAT)
- Documenting the Claim
- Use of Experts and Forensic Evidence
- Q&A

Faculty:

Lisa R. Green (DL), Boulder, CO

Sioban Albiol, Chicago, IL

Randall A. Chamberlain, New York, NY

4:00 pm–5:00 pm

HUMANITARIAN RELIEF

- Deferred Action Updates
- Violence Against Women Act (VAWA)
 - Who Qualifies? Comparing Other Options (U or T Visas)
 - Requirements for VAWA
 - Inadmissibility
- Special Immigrant Juvenile Status (SIJS)
 - Who Qualifies?
 - Process for State Orders
 - I-360 Petition and Request for Evidence (RFE) Trends
 - Children in Proceedings
 - Visa Backlogs and the Effects on Clients in Proceedings
- Q&A

Faculty:

Cynthia Lucas (DL), Los Angeles, CA

Lauren Eagan, Washington, DC

Carmen Maria Rey, Brooklyn, NY

CONFERENCE PROGRAM COMMITTEE

Merlyn N. Hernandez, Conference Program Chair/ AILA EOIR Liaison Committee Vice Chair, Los Angeles, CA

Jennifer Durkin, AILA New York Chapter Chair, New York, NY

David J. Wilks, AILA VSC Liaison Committee Vice Chair, Ithaca, NY

Cindy Azoulay, Ramat Gan, Israel

Marjorie Baltazar, Chicago, IL

Holly S. Cooper, Davis, CA

Brenda Oliver, Washington, DC

John M. Area IV, AILA Education Programs Manager, Washington, DC

Kate Molski, AILA Learning and Development Specialist, Washington, DC