



19TH ANNUAL AILA NEW YORK CHAPTER IMMIGRATION LAW SYMPOSIUM

This country currently is facing a period of great uncertainty amid profound upheaval to the laws and regulations governing immigration. Less than a year into office, the Trump administration already has proposed a series of significant policy changes that has left immigration practitioners reeling, and negatively impacted countless individuals and businesses. Now, even more draconian measures appear imminent. As practitioners get increasingly bogged down dealing with the deleterious effects of these changing policies, it is evident that 'clean' immigration cases without major hurdles for their clients to overcome will soon be a thing of the past. New game plans are thus urgently needed. To this end, this conference has been designed with an eye toward helping every level of practitioner find successful paths forward in what has become a very fluid and tumultuous landscape. Some of our country's foremost immigration experts will assess the damage inflicted by the administration's changes thus far, and impart to practitioners authoritative guidance on crafting bold, innovative legal tactics and strategies to best assist clients now and into the future.

December 15, 2017
New York Marriott Marquis
1535 Broadway
New York, NY

Thursday, December 14, 2017

AILA GMS CONSULATE TOURS

The AILA Global Migration Section is sponsoring tours of foreign consulates in New York City on Thursday December 14, with one tour to be scheduled in the morning and one tour to be scheduled in the afternoon. More information and specific details will be posted closer to the conference.

Friday, December 15, 2017

Day Coordinator: Benjamin L. Simpson, New York, NY

8:00 am–5:00 pm **REGISTRATION, INFORMATION, AND EXHIBITS**

7:55 am–8:00 am **WELCOME AND GREETINGS**

*Gayle Oshrin, AILA Board of Governors/Conference Program Co-Chair,
and Cory Forman, Conference Program Co-Chair, New York, NY*

8:00 am–8:30 am **KEYNOTE ADDRESS**

*Jeremy Robbins, Executive Director of New American Economy, New York, NY and
Anastasia Tonello, AILA President-Elect, New York, NY*

MORNING: TRACK I

Government Sessions

Knowing the law is one thing; understanding how to navigate the complexities of the immigration system is quite another. The morning sessions will bring together AILA experts and local government representatives to provide an overview of the current state of affairs and examine changes to policies, processes, and procedures. Current adjudication trends and processing times also will be addressed. Speakers will then identify the most efficient and effective ways to communicate with the government, including who to contact there, to resolve problem issues. Finally, panelists will strategize on how best to handle any new policies that may be on the horizon.

8:30 am–9:30 am

IMMIGRATION COURT AND ASYLUM OFFICE UPDATES

This panel brings AILA experts together with representatives from the immigration courts, the ICE Office of Chief Counsel (OCC), and the asylum offices to discuss current policies, trends in adjudications, and what the decision makers are looking for.

- Update on Implementation of Current Administration Policies
- Prosecutorial Discretion: Is It Still an Option?
- Communication with OCC and EOIR
- Respondents with Pending USCIS Petitions
- Unaccompanied Minors at the Asylum Office and in Court

Faculty

Jennifer Durkin (DL), AILA NY Chapter Chair, New York, NY

Victoria Neilson, New York, NY

Jennifer Kim, Section Chief, New York Asylum Office, USCIS, New York, NY

Wen-Ting Cheng, Chief Counsel, ICE, New York, NY

9:35 am–10:35 am

USCIS UPDATES

Our panel of experts will address the present situation at the local district office, including current policies, processing times, changes in personnel, and best practices. Panelists also will discuss recent changes at the Vermont Service Center, including case processing relocations and officer training, and will identify best practices in light of current trends.

- Update on Implementation of Current Administration Policies
- Updates/Questions Regarding Adjustment of Status and Naturalization Issues in New York
- Best Practices for the Local District Office
- Update on VSC Trends and Practice Tips from AILA's Chair to the VSC Liaison Committee

Faculty

Myriam Sanchez-Hildenbrand (DL), New York, NY

Nicole Simon, Philadelphia, PA

Thomas Cioppa, Director, New York District Office, USCIS, New York, NY

*Timothy Houghton, Deputy Director, New York City Field Office, USCIS,
New York, NY*

John E. Carrington, Chief of Staff, New York District Office, USCIS, New York, NY

Barbara K. Felska, Acting Field Office Director, New York City Field Office, USCIS,

New York, NY
Gina Pastore, Field Office Director, New York City Field Office, USCIS,
New York, NY
Brian Meir, Field Office Director, New York City Field Office, USCIS,
New York, NY

10:35 am–10:45 am

NETWORKING BREAK

10:45 am–11:45 am

CBP AND ARO UPDATES

Panelists will provide updates from CBP and ARO, including information on current policies, trends, and best practices.

- Update on Implementation of Current Administration Policies
- Current CBP and ARO Policies and Procedures
- Resolving Issues in Admission
- Right to Counsel and Other Issues
- Electronics and the First Amendment
- Updates on Detention Priorities

Faculty

Alexis S. Axelrad (DL), AILA Board of Governors, New York, NY
Frank Russo, Port Director, CBP JFK Airport, Jamaica, NY
Greg Eddy, Chief Passenger Operations, CBP JFK Airport, Jamaica, NY
Daniel S. Rothman, Integrity Officer, New York Field Office Border Security Unit
U.S. Customs and Border Protection, New York, NY

11:50 am–12:50 pm

THE ETHICS AND HEADACHES OF REPRESENTING FAMILIES

Issues involving family dynamics can complicate already challenging immigration cases. Our panel of experts will utilize a mock format to discuss recurring ethical issues immigration attorneys encounter in family-based matters, and will identify when an attorney becomes obligated to withdraw from representation. Panelists also will explore how an attorney should disclose his or her office's errors, and how to mitigate damage to the case if errors occur.

- What Are the Attorney's Obligations When Married Clients in Family-Based Applications Are Divorcing, or if a Spouse, Parent or Child Becomes Abusive?
- What Are the Ethical Considerations Involved in Representing Minors?
- How to Handle a Matter When You Suspect Fraud, and What to Do When You Know It Is Fraud
- What to Do if You or Your Office Makes a Mistake, and What Are the Required Ameliorative Measures?

Faculty

Maurice H. Goldman (DL), Tucson, AZ
Ally Bolour, AILA Board of Governors, Los Angeles, CA
Lindsay A. Curcio, Brooklyn, NY
Melissa Chavin, London, UK

12:50 pm–1:40 pm

LUNCH (INCLUDED WITH REGISTRATION)

1:00 pm–1:40 pm

American Immigration Council: A Conversation About the Ever-Changing Immigration Political Landscape (Lunch Panel)

MORNING: TRACK II

Day Coordinator:

Lorilei A. Williams, Staten Island, NY

8:30 am–9:30 am

PERM 101

With its stringent requirements, fixed deadlines, and a system unforgiving of errors, DOL's PERM process can seem overwhelming and intimidating to newer practitioners. The speakers on this panel will attempt to demystify the process by discussing the basic concepts and steps associated with PERM, and by identifying best practices for preparing and filing applications for labor certification.

- Purpose of the Labor Certification Process: Employer and Government Perspectives
- Tips for Identifying and Drafting the Job Requirements
- Prevailing Wage Determination: What Is It, and When to Obtain It
- Recruitment: Overview of Mandatory Recruitment Steps and Timeline
- Online Filing: Overview of the Online Registration Process and ETA 9089 Drafting

Faculty:

Cora-Ann Victoria Pestaina (DL), New York, NY

Deborah J. Notkin, AILA Past President, New York, NY

Michael Mandel, New York, NY

9:35am–10:35 am

Immigration Court 101

Appearing in immigration court can seem daunting to those new to the practice. The seasoned experts on this introductory, skills-based panel will attempt to ease any such hesitation and anxiety by providing a thorough overview of what new practitioners can expect the first time they walk into a courtroom. They also will discuss what occurs at master calendar and individual hearings, who the parties are, how the process works, what practitioners and their clients are expected to say, and the documents that practitioners must file and bring to court. Panelists also will provide a general timeline of the entire process, identify the important deadlines and documentation involved, and provide tips regarding evidence submission.

- What Rules Cover Procedure at Immigration Court?
- What Happens at a Master Calendar Hearing?
- What Happens at an Individual Hearing?
- Documentation: Overview of Documents (Briefs, Motions, Letters, Forms) Involved in an Immigration Court Case
- Evidence: Tips on What to Submit and When to Submit It

Faculty:

David Isaacson (DL), New York, NY

Heather Drabek Prendergast, AILA Board of Governors, Cleveland, OH

Thomas Vanasse, New York, NY

10:35 am–10:45 am

NETWORKING BREAK

10:45 am–11:45 am

ETHICS, BUSINESS DEVELOPMENT, AND PRACTICE MANAGEMENT IN A DIGITAL AGE

Immigration attorneys have more technology at their disposal than ever before to help promote, develop, and manage their practices. However, the sheer array of technological options—and concomitant ethical implications—can be dizzying. Panelists will offer guidance on the practical and ethical factors practitioners should take into account when choosing and using new technology to market and run their businesses. In addition, best practices for compliance with the Model Rules of Professional Responsibility and recent ABA and state-level guidance will be discussed.

- Overview of Digital and Online Tools to Successfully Market and Grow Your Business
- Ethics and Technology Tools: Social Media, Customer Relationship Management, Practice Management, Cloud Storage, Time Tracking, Billing, and Accounting
- More Is Not Necessarily Better: Practical Guidance for Choosing Fewer, More Practical Tools You Will Actually Use

Faculty:

Gregory H. Siskind (DL), AILA Board of Governors, Memphis, TN

Cyrus D. Mehta, New York, NY

Reid F. Trautz, AILA Director of Practice and Professionalism, Washington, DC

11:50 am–12:50 pm

Fearless Lawyering: Motions Practice in Immigration Court

Other than motions to reopen, few attorneys make creative use of motions in immigration court. But motions are an essential part of a fearless and vigorous litigation strategy that maximizes your client's chance for success. Learn about a wide range of underutilized motions and how you can deploy them to your client's advantage. Panelists will discuss a wide range of strategic motions, including:

- Motions to Suppress
- Motions to Terminate
- Motions to Administratively Close Over DHS Objection
- Motions to Compel Production of Documents, Witnesses, or Testimony
- And many more... Be creative!

Cheryl David (DL), New York, NY

Matthew L. Guadagno, New York, NY

David K.S. Kim, Flushing, NY

12:50 pm–1:40 pm

LUNCH WITH THE AMERICAN IMMIGRATION COUNCIL (INCLUDED WITH REGISTRATION)

AFTERNOON: TRACK I

Day Coordinator:

Benjamin L Simpson, New York, NY

1:45 pm–2:40 pm

RUNNING FROM HELL: THE PATH TO A SAFE HAVEN

The worldwide refugee crisis has many individuals fleeing persecution knocking on our doors. In the current political climate, however, people seeking asylum face increased opposition and skepticism about their claims, as well as legal and procedural obstacles to making their cases. Panelists will provide guidance to attorneys on how best to assist asylum-seekers, whether they are at the border, at the asylum office, or in immigration court.

- Making the Case for a Particular Social Group
- Strategies for Overcoming the One-Year Filing Deadline: What Is Extraordinary
- Internal Relocation Issues
- Tips for Updating Evidence for Long Pending Cases
- Anticipated TPS Changes and the Impact on Asylum

Faculty

Randall A. Chamberlain (DL), New York, NY

Victoria Neilson, New York, NY

Paul O'Dwyer, New York, NY

2:45 pm–3:45 pm

CRIMMIGRATION: NAVIGATING THE INTERSECTION OF CRIMINAL AND IMMIGRATION LAW

The Trump administration's executive orders have made the removal of noncitizens who engage in criminal conduct in the United States a priority. As a result, a thorough understanding of the criminal justice system has become essential, as the best strategies for defending noncitizens subject to removal often are derived from this area of law. This panel therefore includes both criminal and immigration law experts, who together will provide real world tactics, strategies, and solutions on how practitioners from these two fields can work in concert to protect vulnerable clients from removal.

- How to Read, and What to Look for in, a RAP Sheet
- Looking Beyond the Removal Proceeding: Working with Criminal Lawyers to Craft Immigration-Focused Criminal Litigation Strategies from Arrest through Resolution
- When It Appears to Be Too Late: Working with Criminal Lawyers to Craft Effective Post-Conviction Relief Motions

Faculty

Cory Forman (DL), New York, NY

Mary E. Kramer, AILA Author, Immigration Consequences of Criminal Activity, 7th Ed., Miami, FL

Wayne Sachs, Philadelphia, PA

3:45 pm–3:55 pm

NETWORKING BREAK

4:00 pm–5:00 pm

SUBMITTING EFFECTIVE I-601 OR I-601A WAIVERS

Panelists will review the similarities and differences between I-601 and I-601A waivers. In addition, they will offer practical advice on how best to prepare an effective waiver, and will review current trends in adjudication.

- Successful Strategies for Defining Extreme Hardship
- If, When, and Where to File a Waiver

- Proving the Standard of Extreme Hardship Effectively: Use of Supporting Documents, Expert Opinions, Social Media and Indirect Extreme Hardship, and Children
- Strategies for Submitting and Advocating at the Local Office
- When Is an I-212 Necessary?

Faculty

Steven D. Heller (DL), Lewes, UK

Jeremy L. McKinney, AILA Secretary, Greensboro, NC

Cheryl David, New York, NY

AFTERNOON: TRACK II

Day Coordinator: Lorilei A. Williams, Staten Island, NY

1:45 pm–2:40 pm

NON-TRADITIONAL ENTREPRENEURS

All too often, entrepreneurs with brilliant ideas, motivations, and opportunities to develop a business find that common immigration options are essentially closed to them. Issues of control, small business size, lack of personal funds, and quotas present formidable hurdles to overcome along the regular avenues of business immigration, whether temporary or permanent. Alas, solutions may still be available. Panelists will identify these possible solutions, and discuss additional tools that may be employed to help.

- O-1A/O-1B for Successful and Creative Entrepreneurs
- H-1B Ownership and Control Problems, and Working with Incubators Affiliated with Universities
- Traditional Investment Options: E-1, E-2, L-1
- Setting Clients Up for the Green Card, Pivoting from NIV Status, or Starting the Green Card Straight Away

Faculty

Rachel Baskin (DL), Oceanside, NY

Anastasia Tonello, AILA President-Elect, New York, NY

Lauren DeBellis Aviv, New York, NY

Shavit Yarden, New York, NY

2:45 pm–3:45 pm

MAKE IT WORK! EMERGING RFE TRENDS AND HOW TO DEAL WITH THEM

RFEs have become commonplace in all types of cases, so much so that they no longer seem the exception but the rule! While there are many problems associated with receiving an RFE, it is also far from the end of the world. In fact, it might represent an opportunity to further strengthen your case. The speakers on this panel will discuss emerging RFE trends in nonimmigrant and immigrant contexts. They also will discuss practical tips and strategies for successfully responding to RFEs, and what USCIS is REALLY asking for when they request specific evidence.

- Emerging RFE Trends in Nonimmigrant and Immigrant Petitions
- Strategies for Responding to Nonimmigrant RFEs
- Strategies for Responding to Immigrant RFEs
- Tips and Strategies to Review for Initial Petitions in Order to Reduce the Risk of an RFE

Faculty

Sylvia Ayass (DL), New York, NY

Dagmar Butte, AILA Board of Governors, Portland, OR

*Neena Dutta, AILA Board of Governors/TSC Liaison Committee Chair,
New York, NY*

Khorzad Adi Mehta, Owings Mills, MD

3:45 pm–3:55 pm

NETWORKING BREAK

4:00 pm–5:00 pm

LCA AND PAF COMPLIANCE: BEST PRACTICES

Labor condition applications (LCAs) fell under the spotlight like never before recently, targeted by a slew of USCIS RFEs. As a result, because immigration attorneys are responsible for critical aspects of the LCA—e.g., ensuring accuracy, making the call on the prevailing wage, and advising clients on correctly completing and maintaining public access files (PAFs) in anticipation of audits and FDNS visits—preparation, together with a thorough knowledge of requirements and best practices, is essential. Join our panel of experts as they discuss what attorneys need to know concerning LCAs, PAFs, compliance, and emerging government concerns in order to provide proper guidance to clients.

- LCA Wage Levels and Job Codes: the Attorney’s Role, Impact Beyond Certification
- Content, Format, and Retention of Documents: Best Practices
- Keeping Track of Changes (E.g., Wages, Dependency)
- Short-Term Placements and Other Exceptions: Advising After *Simeio*
- PAF Audits and Advising When You Discover Noncompliance
- Surviving a DOL Audit or FDNS Visit

Faculty

Amy Fallon (DL), New York, NY

Allen Orr, AILA Treasurer, Washington, DC

Amy L. Peck, AILA Board of Governors, Omaha, NE

5:00 pm

CONFERENCE CONCLUDES

Conference Program Committee

Gayle Oshrin, AILA Board of Governors/Conference Program Co-Chair, New York, NY

Cory Forman, Conference Program Co-Chair, New York, NY

Allen E. Kaye, AILA Past President, New York, NY

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

Rachel Baskin, AILA New York Chapter Vice Chair, Oceanside, NY

Sylvia Ayass, AILA New York Chapter Treasurer, New York, NY

Randall A. Chamberlain, AILA New York Chapter Secretary, New York, NY

Nicole R. Abruzzo Hemrick, New York, NY

Lenni Beth Benson, New York, NY

Amy Fallon, New York, NY

Steven D. Heller, New York, NY

Noemi E. Masliah, New York, NY
Nandini P. Nair, Iselin, NJ
Cora-Ann Victoria Pestaina, New York, NY
Shavit Yarden, New York, NY

Grace Akers Woods, AILA Senior Director of Education, Washington, DC