



IMMIGRATION
JUSTICE
CAMPAIGN



n a t i o n a l
IMMIGRATION
p r o j e c t
of the National Lawyers Guild

2018 REMOVAL DEFENSE CONFERENCE AND WEBCAST

Fierce and Fearless Lawyering: Taking It to the Next Level

A joint venture between the American Immigration Lawyers Association (AILA), the AILA/Council Immigration Justice Campaign, and the National Immigration Project

The past year has presented unprecedented challenges for immigration lawyers and advocates who seek to defend the rights of noncitizens before the courts and administrative agencies. This intermediate- to advanced-level conference offers practitioners aggressive and effective strategies to employ in immigration court as a means of fighting back against the increasingly hostile treatment of respondents in removal proceedings. Speakers will provide both substantive case law and practical advice for fearlessly advocating on behalf of clients and laying the groundwork for success.

Viewing Options: *On Thursday, April 12, 2018, faculty members will present a full day of live sessions. These sessions can be attended in-person at the Washington Court Hotel on Capitol Hill (space is limited), or via webcast from the convenience of home or the office. Either way, the program is live and interactive! All participants will be given a link to the conference recording, so any sessions missed (particularly helpful for our West Coast participants given the time difference) or in need of review can be revisited back at the office.*

APRIL 12, 2018
WASHINGTON COURT HOTEL ON CAPITOL HILL
525 NEW JERSEY AVENUE NW
WASHINGTON, DC 20001

Thursday, April 12, 2018

Day Coordinator: TBD

9:30 am–6:00 pm **REGISTRATION, INFORMATION, AND EXHIBITS**

10:00 am–10:05 am **WELCOME AND GREETINGS**
Jeff Joseph, Conference Program Chair, Denver, CO

10:05 am–11:05 am **BOND**
Panelists will discuss the intricacies of getting clients out on bond: understanding the consequences of criminal convictions, who has the burden of proof, if clients are subject to mandatory detention, and

(DL) = Discussion Leader

* = invited, not confirmed

Note: All sessions and events are subject to change without notice.

the keys to getting clients out of custody. They also will discuss case law on long-term detention, mandatory detention, and the most recent update on Jennings v. Rodriguez.

- Criminal Convictions/Flight Risk: Know If Your Client Is Bondable
- Burden of Proof in INA §236(a), INA §236(c), and *Matter of Joseph* Hearings
- Quick Bond Tips
- Your Client Was Transferred Out of Jurisdiction: What Do You Do?
- Bond vs. Parole for “Arriving Aliens”
- Long-Term Detention Post-Rodriguez

Faculty:

Ruben Luis Reyes (DL), AILA Board of Governors, Conference Program Committee, Phoenix, AZ

Sarah Weston Hayes Owings, AILA Board of Governors, Atlanta, GA

**Justin Burton, Chicago, IL*

11:10 am–12:10 pm

KEEP YOUR EYE ON THE BALL: SHIFTING BURDENS OF PROOF IN REMOVAL PROCEEDINGS

Our panel of experts will discuss the standards for burdens of proof and persuasion at different stages in removal proceedings, best practices for contesting removability, requiring DHS to meet its burden of proof, and seeking termination of removal proceedings when DHS fails to meet its burden. The strategies provided by the speakers will help you fearlessly litigate removability and create an exceptional record for appeal.

- Using the Burden of Proof to Your Advantage in Successful Motions to Dismiss and Terminate: Deportable vs. Inadmissible, “Arriving Aliens,” and *Matter of Rivens*
- The Burden of Proof in Custody Proceedings, Including Motions to Reopen Bond
- The Relief Stage and *Matter of Almanza*
- When to Deny Charges and What to Deny
- Creating and Building a Record for Appeal: Making Objections, and Tactics and Strategies for Dealing with a Difficult Court

Faculty:

**Mary E. Kramer (DL), AILA Author, Immigration Consequences of Criminal Activity, 7th Ed., Conference Program Committee, Miami, FL*

**Laura Lichter, AILA Past President, Denver, CO*

Karen T. Grisez, Conference Program Committee, Washington, DC

12:10 pm—12:30 pm

LUNCH (INCLUDED WITH IN-PERSON REGISTRATION)

12:30 pm—1:30 pm

LUNCH PANEL: NEW TRENDS IN IMMIGRATION COURT AND ENFORCEMENT PRACTICES UNDER THE TRUMP ADMINISTRATION

Our panel of experts will discuss emerging trends and policies impacting the immigration court system and ICE enforcement under the Trump administration, and best strategies for fearless lawyering in light of these significant changes.

- ICE Prosecutorial Discretion Practices, Including Requests for Prosecution Discretion, Motions for Administrative Closure, and Motions to Recalendar
- New DOJ Policies Governing Immigration Judge Case Management, Unaccompanied Minors, and Emerging “Rocket Docket” Proceedings
- Expected Trends Before the Immigration Courts and the Board of Immigration Appeals, and the Attorney General’s Referral of *Matter of Castro-Tum* on Administrative Closure

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Faculty:

Julie Mao (DL), Staff Attorney, National Immigration Project of the National Lawyers Guild,
Washington, DC

Annaluisa Padilla, AILA President, La Habra, CA

*Melissa Crow, Litigation Director, American Immigration Council, Washington, DC

1:35 pm–2:35 pm

WINNING AGAINST CRIMINAL CHARGES

Would you have given up when you discovered a client had a conviction for distributing a controlled substance, possession of child pornography, or kidnapping? Learn why DHS lost in each of those situations, and how you can use the same successful techniques to avoid deportability.

- Identifying “Minimal Conduct” Under Statute
- Keeping DHS from Introducing Record Evidence
- Establishing a “Realistic Probability” of Conviction

Faculty:

John Gibon (DL), Altamonte Springs, FL

Dan Kesselbrenner, Executive Director, National Immigration Project of the National Lawyers Guild, Boston, MA

Sejal Zota, AILA Federal Court Litigation Section Steering Committee/Legal Director,
National Immigration Project of the National Lawyers Guild, Durham, NC

2:40 pm–3:40 pm

WINNING ON PAPER PART I: PROCEDURAL MOTIONS AND EVIDENTIARY RULES PRACTICE IN IMMIGRATION COURT

Our panel of experts will discuss the best use of motions to resolve procedural issues, set out the burdens of proof and persuasion, gather evidence, and set the parameters for a full and fair hearing.

- Using the Federal Rules of Civil Procedure and Evidence to Argue Your Case in Immigration Court
- Motions for Subpoenas to Compel the Presence of Witnesses and the Production of Documents
- Motions to Quash and Suppress Evidence: Can Suppression Lead to Termination?
- Logistical Motions: Motions for Settlement Conferences, Offers of Proof, Telephonic Hearings, Etc.
- Jencks Motions
- Motions to Continue for Adjudication of Benefits: *Matter of Velarde*

Faculty:

Jeff Joseph (DL), Conference Program Chair, Denver, CO

Sui Chung, AILA South Florida Chapter Chair, AILA Co-Author, Winning on Paper:
AILA’s Guide to Written Advocacy (*coming soon*), Miami, FL

Geoffrey Heeren, Madison, WI

3:40 pm–3:55 pm

NETWORKING BREAK

3:55 pm–4:55 pm

WINNING ON PAPER PART II: SUBSTANTIVE MOTIONS PRACTICE IN IMMIGRATION COURT

Panelists will discuss how to use motions to fearlessly litigate your case. They also will provide guidance on how to navigate the Immigration Court Practice Manual, regulations, and statutes, in order to help you advocate more effectively on behalf of your clients.

- Motions to Administratively Close: Do They Still Work?
- Motions to Terminate for Procedural Irregularity, Regulatory Violations, or Legal Error

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- Motions to Terminate Based on Petition Approval
- Motions to Rescind, Recalendar, or Reopen: What Is the Difference?

Faculty:

John Patrick Pratt (DL), AILA Board of Governors, Miami, FL

**David W. Leopold, AILA Past President, Cleveland, OH*

Michael S. Vastine, AILA Co-Author, Winning on Paper: AILA's Guide to Written Advocacy (coming soon), Miami Gardens, FL

5:00 pm–6:00 pm

REMOVAL DEFENSE IN COLLATERAL PROCEEDINGS

Our panel of experts will discuss how to defend against collateral removal proceedings that occur outside the traditional immigration court setting.

- Defending Against the Expansion of Expedited Removal to the Interior
- Fearless Challenges to Reinstatement of Removal
- Fighting Removal Under INA §238(b), (c)
- Credible Fear and Reasonable Fear Interviews
- Getting a Client Back After a Successful Motion to Reopen or Circuit Court Review

Faculty:

**Thomas K. Ragland (DL), Washington DC*

Charles H. Kuck, AILA Past President, Atlanta, GA

Maria T. Baldini-Potermin, AILA Federal Court Litigation Section Steering Committee Chair, Chicago, IL

6:00 pm

CONFERENCE CONCLUDES

CONFERENCE PROGRAM COMMITTEE

Jeff Joseph, Conference Program Chair, Denver, CO

Ruben Luis Reyes, AILA Board of Governors, Phoenix, AZ

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

Karen T. Grisez, Washington, DC

Dan Kesselbrenner, Executive Director, National Immigration Project of the National Lawyers Guild, Boston, MA

Julie Mao, Staff Attorney, National Immigration Project of the National Lawyers Guild, Washington, DC

Jennie Guilfoyle, Immigration Justice Campaign Education and Training Attorney, Washington, DC

JJ Area, AILA Education Programs Manager, Washington, DC

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

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