



## **2019 AILA ASYLUM CONFERENCE AND WEBCAST** *Asylum Under Attack: Seeking Refuge in the Trump Era*

*As of June 2019, the U.N. High Commissioner for Refugees reports that we are witnessing the highest levels of human displacement on record, with an unprecedented 70.8 million people around the world who have been forced from their homes. Among them are nearly 25.9 million refugees, millions of stateless people, and 3.5 million asylum seekers. In a time where nearly one person every two seconds is forced to flee as a result of conflict or persecution, it has never been more important for countries like the United States to offer humanitarian protection.*

*Unfortunately, however, the Trump administration has turned a blind eye to this need. Instead, it has implemented sweeping policy changes to the U.S. asylum program and made new legal interpretations intended to nearly eliminate the protections offered to asylum seekers. This is the true “humanitarian crisis” at our borders. As a result, it is imperative that advocates fight harder than ever for the rights of asylum seekers in this country. To help in this cause, the faculty in this intermediate– to advanced-level conference will discuss the administration’s recent attacks on the asylum system, offer expert guidance on new strategies to employ in immigration court, and provide other essential tools for practitioners to use as they continue to advocate for the critical protections their clients need and deserve.*

**Viewing Options:** On Friday, October 18, 2019, faculty members will present a full day of live sessions. These sessions can be attended either in-person at the AILA National Office in Washington, D.C. (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 at your convenience.

**OCTOBER 18, 2019**  
**AILA NATIONAL OFFICE AND WEBCAST**  
**1331 G St NW**  
**WASHINGTON, DC 20005**

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**[FRIDAY, OCTOBER 18, 2019](#)**

*Morning Event*

**TASTE OF DC (BREAKFAST – SIGN-UP REQUIRED)**

*Join AILA leaders, mentors, and staff for a networking breakfast to expand your immigration knowledge and get to know your colleagues. A variety*

\* = invited, not confirmed

*of topics and dining options will be available, and a schedule of tables will be provided to conference attendees. Registration is free, though each participant is responsible for purchasing their own meal. Space is limited for these events, so register early. Look for registration information via email, and contact Anna Rappoport ( [arappoport@aila.org](mailto:arappoport@aila.org) ) with any questions or concerns.*

Day Coordinator:

\*TBD

10:00 am–10:05 am

**WELCOME AND GREETINGS**

*Dree K. Collopy, Conference Program Chair, AILA Asylum and Refugee Committee Chair, AILA Author, AILA's Asylum Primer: A Practical Guide to U.S. Asylum Law and Procedure, 8th Ed., Washington, DC*

10:05 am–11:05 am

**HOT TOPICS: CURRENT POLICY DEVELOPMENTS IMPACTING ASYLUM SEEKERS**

*It seems that every day there is some sort of policy announcement from the Trump administration addressing immigrants and asylum seekers, making it difficult to keep up with all of the changes. The panelists will discuss the latest state of affairs relating to the Trump administration's implementation of major asylum policy changes, including CBP turn-backs, metering, criminal prosecution of asylum seekers, family separation/reunification, the "asylum ban," the Migrant Protection Protocols (MPP), and the border wall. They also will discuss potential new asylum rules and current AILA policy advocacy to address current and future developments, and provide suggestions for asylum practice management in this ever-changing world.*

- Overview of Current Events
- Anticipated Changes to Asylum Law and Policy
- AILA Policy Advocacy and Goals
- Tips for Managing Your Asylum Practice in the Midst of the Chaos

*Faculty:*

*Lindsay Harris (DL), AILA Asylum and Refugee Committee Vice Chair, Washington, DC*

*Katharine M. Gordon, Saint Paul, MN*

*Shoba S. Wadhia, University Park, PA*

*Leidy Perez-Davis, AILA Policy Counsel, Washington, DC*

11:10 am–12:10 pm

**ASYLUM ADVOCACY IN A POST-MATTER OF A–B– WORLD**

*On June 11, 2018, the attorney general issued his decision in Matter of A–B–, which contained sweeping generalizations attempting to change the legal landscape for asylum seekers fleeing domestic and gang violence, as well as other persecution by non-state actors. Despite this decision, however, the legal standards for asylum remain unchanged, so all hope is not lost for asylum seekers. The panelists will address how to present winning cases post-A–B–, how to push back against adjudicators' and opposing counsels' interpretation of A–B– in the various procedural postures, and how to build the best record for appeal.*

- Proving Persecution

\* = invited, not confirmed

- Nexus: Where the Rubber Meets the Road
- Demanding the Correct Legal Standard for Non-State Actors
- Discretion: Your Client Deserves Asylum
- Insisting on an Individualized, Case-by-Case Analysis for Particular Social Groups (PSGs)

*Faculty:*

*Lindsay G. Gray (DL), Conference Program Committee, Austin, TX*

*Christina Brown, Denver, CO*

*Kate Jastram, San Francisco, CA*

12:10 pm–12:25 pm

**LUNCH (INCLUDED WITH REGISTRATION)**

12:25 pm–1:25 pm

**DISCERNING, CRAFTING, AND DEFENDING PARTICULAR SOCIAL GROUPS**

*The era of textbook political asylum cases has largely diminished as most asylum seekers arriving now present claims based on membership in a particular social group (PSG). As the current administration seeks to narrow the long-standing and internationally recognized legal understandings of PSGs, the panelists will provide expert guidance for developing groups that will withstand the current attacks on asylum and best position your clients to prevail on appeal.*

- How to Defend Survivors of Gender-Based Violence After *Matter of A–B–* (Hint: *Matter of A–R–C–G–* Is Not Dead!)
- Formulating PSGs to Avoid Circularity and Other PSG Pitfalls
- Establishing Viable Gang-, Family-, and Witness-Based PSGs
- Practice Pointers Based on Recent Federal Courts of Appeals Decisions

*Faculty:*

*Lisa Koop (DL), Conference Program Committee, Goshen, IN*

*Sabrineh Ardalan, Cambridge, MA*

*Bradley Jenkins, Silver Spring, MD*

*Tamara L. Jezic, Wheaton, MD*

1:30 pm–2:30 pm

**CHILD ASYLUM SEEKERS AND THE TRUMP ADMINISTRATION’S TARGETING OF THE MOST VULNERABLE**

*The number of children fleeing to the United States has increased exponentially over the past several years, in large part due to the unfettered domestic and gang violence that has consumed the Northern Triangle of Central America. Although the U.N. Convention on the Rights of the Child provides that the “best interests of the child” should be the primary consideration in all actions involving children, the Trump administration has sought to characterize children seeking protection at the border as gang members or others taking advantage of “loopholes” in the U.S. asylum system. In that vein, the administration has made several policy changes and proposals to limit the special protections afforded to children. The panelists will discuss the administration’s actions to chip away at the rights of child asylum seekers, and address the efforts to challenge those policy changes.*

- Family Separation and Reunification
- Detention Conditions and the *Flores* Settlement Agreement
- Targeting of Sponsors

\* = invited, not confirmed

- Redetermination of Unaccompanied Child Status and Jurisdiction
- Procedural Changes Before the Asylum Offices and Immigration Courts
- Practice Pointers for Representing Children

*Faculty:*

*Dree K. Collopy (DL), Conference Program Chair, AILA Asylum and Refugee Committee Chair, AILA Author, AILA's Asylum Primer: A Practical Guide to U.S. Asylum Law and Procedure, 8th Ed., Washington, DC*

*Sheila T. Starkey Hahn, AILA Pro Bono Committee Chair, Memphis, TN*

*Desiree Hernandez, New York, NY*

*Wendy Wylegala, New York, NY*

2:30 pm–2:45 pm

### **NETWORKING BREAK**

2:45 pm–3:45 pm

### **DETAINED ASYLUM SEEKERS**

*People claiming asylum during expedited or reinstatement of removal proceedings are subject to unique procedures that severely limit the ability to present their claims; they also may be denied access to a bond hearing. The panelists will provide an in-depth look at these procedures and the statutory and regulatory provisions that govern them. They also will address recent Board of Immigration Appeals and federal court decisions regarding access to bond hearings.*

- Expedited Removal, Credible Fear Procedures, and Asylum-Only Proceedings
- Reinstatement of Removal, Reasonable Fear Procedures, and Withholding-Only Proceedings
- Challenges to Reinstatement
- Detention and Bond: *Matter of M–S–* and Detention-Related Litigation (*Padilla v. ICE; Damus v. Nielsen*)

*Faculty:*

*Paul O'Dwyer (DL), Conference Program Committee, New York, NY*

*Manoj Govindaiah, San Antonio, TX*

*Liana E. Montecinos, Washington, DC*

*Jennifer Guilfoyle, Senior Training Attorney, Justice Campaign American Immigration Council, Washington, DC*

3:50 pm–4:50 pm

### **BARS TO ASYLUM AND STRATEGIES FOR FIGHTING BACK**

*With the current sustained assault on asylum protection, the need to fight back is as great as it has ever been. Defending against the application of the asylum bars is no exception. The panelists will discuss recent victories and setbacks with an eye towards developing cutting-edge strategies for resisting application of several important and wide-reaching asylum bars.*

- Update on Third-Country Transit Rule
- One-Year Filing Deadline and the *Mendez Rojas* Class Litigation
- The Persecutor Bar and *Matter of Negusie*
- Terrorist Related Inadmissibility Grounds (TRIG), Material Support, and *Matter of A–C–M–*

\* = invited, not confirmed

- The Particularly Serious Crime Bar and Relief Under the Convention Against Torture (CAT): Reflecting on Lessons Learned from the *Hamama* Litigation

*Faculty:*

*C. Shane Ellison (DL), Conference Program Committee, Omaha, NE  
Russell Abrutyn, AILA Amicus Committee Chair, Berkley, MI  
Caroline Walters, Staff Attorney, American Immigration Council,  
Washington, DC*

4:50 pm–5:00 pm

**NETWORKING BREAK**

5:00 pm–6:00 pm

**REPRESENTING ASYLUM SEEKERS IN IMMIGRATION COURT**

*The current climate for defensive asylum seekers is hostile and constantly changing. The panelists will review the impact of recent procedural changes for asylum seekers in removal proceedings before the immigration courts. They also will suggest creative ways to protect clients' due process rights and build a strong record for appeal.*

- Can Your Client Still Get Continuances, Administrative Closure, or Scheduled on the Status Docket? *Matter of Castro-Tum* and *Matter of L-A-B-R-*
- Can an Immigration Judge Terminate Proceedings? *Matter of S-O-G- & F-D-B-*; *Pereira v. Sessions*; *Matter of Bermudez-Cota*; *Matter of Miranda-Cordiero*; and *Matter of Pena-Mejia*
- Can an Asylum Application Be Pretermitted Without Testimony? *Matter of E-F-H-L-*
- How Can You Ensure That All of Your PSGs Are on the Record? *Matter of W-Y-C- & H-O-B-*
- Other Procedural Curveballs: The Family Unit (FAMU) Docket, Video Teleconferencing, EOIR “Adjudication Centers,” the “No Dark Courtrooms” Policy, and “Visiting Judges”

*Faculty:*

*Jeffrey S. Chase (DL), New York, NY  
Matthew J. Archambeault, Philadelphia, PA  
Ben Winograd, Alexandria, VA*

6:00 pm

**CONFERENCE CONCLUDES**

**CONFERENCE PROGRAM COMMITTEE**

*Dree K. Collopy, Conference Program Chair, AILA Asylum and Refugee Committee Chair, AILA Author, AILA's Asylum Primer: A Practical Guide to U.S. Asylum Law and Procedure, 8th Ed., Washington, DC*

*Lily S. Axelrod, Memphis, TN*

*Vikram K. Badrinath, Tucson, AZ*

*C. Shane Ellison, Omaha, NE*

*Lindsay G. Gray, Austin, TX*

*Lisa Koop, Goshen, IN*

*Paul O'Dwyer, New York, NY*

*JJ Area, AILA Education Programs Manager, Washington, DC*

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