



2020 AILA Virtual Asylum Conference

Searching for Protection Amongst the Ruins of the U.S. Asylum System

The past year has brought even more sweeping policy changes to the U.S. asylum system and even higher hurdles for asylum seekers and their advocates, all while litigation and advocacy efforts to combat the administration's prior changes have continued. Given the sheer number of new policies, regulations, and legal challenges alone, it has become difficult to keep up with the changes, let alone understand and determine the best practices and strategies for addressing them. In this environment, it has never been more important to keep fighting for asylum seekers in this country (and supporting each other in those efforts!). The faculty in this intermediate- to advanced-level conference will discuss the administration's ongoing attacks on the asylum system and provide a firm grasp on where these new policies, regulations, and legal interpretations stand and how they impact asylum seekers. Panelists will offer expert guidance on new strategies to employ at the border and in the immigration courts, and will provide other essential tools for practitioners to use as they continue to navigate the ruins of the U.S. asylum system while advocating for the critical protections their clients need and deserve.

All registrants will receive the conference recording. All times listed are Eastern Time.



*The need for fearless legal counsel in removal proceedings has never been greater. This program is presented as part of AILA's **Fearless Lawyering** series, which empowers the removal defense bar with the latest tactics, tools, and strategies.*

TUESDAY, SEPTEMBER 29, 2020

1:00 pm–2:00 pm

DISCUSSION WITH AILA AUTHOR DREE COLLOPY

Dree Collopy is the author of AILA's Asylum Primer: A Practical Guide to U.S. Asylum Law and Procedure, 8th Ed., and chair of the 2020 AILA Virtual Asylum Conference Committee. In this session, Dree will answer questions from participants regarding the latest updates to asylum law. Attendees may [pre-submit questions at this link](#), or ask their questions live during the discussion. This session is held the day before the virtual conference as a bonus feature for registrants.

(DL) = Discussion Leader

* = invited, not confirmed

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

- New Regulations and Proposed Regulations, Impacting Asylum Eligibility and Asylum Seekers' Eligibility to Apply for Work Authorization
- COVID-19's Impact on Asylum Seekers: Border Closure and Exclusions, Asylum Office and Immigration Court Processing
- Current State of Border Processing: Remain in Mexico/MPP Program, Asylum Cooperative Agreements, and PACR/HARP
- Updates on the "Asylum Bans," Including the Third-Country Transit Ban

Discussion Leaders:

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

Danielle Polen, AILA Director of Publications and Online Resources, Washington, DC

WEDNESDAY, SEPTEMBER 30, 2020

9:55 am–10:00 am

WELCOME AND GREETINGS

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

10:00 am–11:00 am

HOT TOPICS AND CURRENT EVENTS: WHAT'S NEW AND WHAT'S HAPPENING?

Our nation's asylum system is under siege, with the current administration moving on multiple fronts to bar asylum-seekers from accessing the asylum processes. Our panel of experts will give a broad overview of the current state of play across the country, from the borders to the detention centers to the courts. Panelists will focus particularly on the government's broad-based efforts to curtail asylum eligibility, the effects playing out across the country, and litigation and advocacy efforts to fight back.

- Admissions, Entries, and Paroles: Is Anyone Getting into the Country?
- Update on Policy Changes, Executive Orders, and Rules (Proposed and Final)
- Update on Case Law (Including BIA and Attorney General Certifications)
- Litigation Updates: Where Do All the Lawsuits Stand?

Faculty:

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*Ilana Etkin Greenstein (DL), Conference Program Committee, Senior
Technical Assistance Attorney, Immigration Justice Campaign,
Brookline, MA*

Sirine Shebaya, Washington, DC

Shoba Sivaprasad Wadhia, University Park, PA

*Patricia Stottlemyer, Litigation Staff Attorney, Human Rights First,
Washington, DC*

11:00 am–11:20 am

VIRTUAL COFFEE BREAK

11:20 am–12:20 pm

CURTAILING OF ASYLUM AT THE BORDER

Since January 2019, over 60,000 asylum seekers from Central America, Cuba, Venezuela, and Brazil have been returned to Mexico under the Migrant Protection Protocols (MPP). MPP practice can be very different from what most asylum practitioners have experienced in the past. With courts in San Diego, El Paso, Harlingen, Brownsville, and Laredo, procedures vary depending on the jurisdiction. In addition to MPP, the current administration has implemented other border programs to deter asylum-seekers and deny due process to anyone attempting to enter the United States and pursue protection. Panelists will discuss the particularities of MPP in each jurisdiction, including the Asylum Cooperative Agreements (ACAs), border closures, metering, parole and non-refoulement, and fast-track deportation programs like the Prompt Asylum Claim Review (PACR) and the Humanitarian Asylum Review Process (HARP).

- Updates on Access at the Border: Metering, Center for Disease Control (CDC) Border Closures, and More
- MPP: Logistics and Answers to Frequently Asked Questions
- What Are PACR and HARP? And How Do I Help Individuals Subject to Them?
- What Are the ACAs? Is There Any Way to Help People Subject to These Agreements?

Faculty:

*Constance R. Wannamaker (DL), Conference Program Committee,
El Paso, TX*

Bashir Ghazialam, San Diego, CA

*Nicole E. Ramos, Refugee Program Director, Al Otro Lado, Tijuana,
Mexico*

Kim Hunter, St. Paul, MN

12:20 pm–12:50 pm

VIRTUAL LUNCH / COFFEE BREAK

12:50 pm–1:50 pm

FIRST LINE OF DEFENSE: THE DISMANTLING OF CREDIBLE AND REASONABLE FEAR DETERMINATIONS

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Secrecy, denial of due process, and failure to follow the federal rule-making process are hallmarks of the Trump administration. Sadly, the federal courts have provided cover for the administration's actions, including its blatant attacks on immigrants. The U.S. Court of Appeals for the DC Circuit (DDC), for instance, upheld the Trump administration's expansion of expedited removal to include undocumented immigrants found anywhere in the United States within two years of crossing the border. In addition, the U.S. Supreme Court recently held that federal law limits habeas review obtainable by a noncitizen detained for expedited removal. Finally, Freedom of Information Act (FOIA) litigation is currently pending before the DDC, seeking to uncover information about the government's practice of replacing trained asylum officers with U.S. Customs and Border Protection officers to conduct Credible Fear Interviews (CFIs). The panelists will explore recent and anticipated developments with CFIs and Reasonable Fear Interviews (RFIs).

- Changes to CFI Eligibility Standards
- Expansion of Expedited Removal
- Judicial Review: *DHS v. Thuraissigiam*
- Practice Pointers for Dealing with Affirmative vs. Defensive Jurisdiction Issues

Faculty:

*Sheila T. Starkey Hahn (DL), Conference Program Committee,
Dunkirk, NY*

Bridget Cambria, Reading, PA

Dorien Ediger-Seto, San Diego, CA

Shalyn "Shay" Fluharty, Director, Proyecto Dilley, San Antonio, TX

1:50 pm–2:20 pm

VIRTUAL LUNCH / COFFEE BREAK

2:20 pm–3:20 pm

MAKING YOUR RECORD: THE KEY TO SUCCESS

Across the country, seeking asylum has become an uphill battle in which attorneys face increasingly restrictive case law and regulations, adversarial opposing counsel and adjudicators, and constantly changing policies and procedures. Panelists will provide expert guidance on how to overcome these challenges and develop a strong record in order to place clients in the best position before the immigration judge, the BIA, and federal courts.

- How to Develop Affidavits, Identify Corroborating Evidence, and Preserve Arguments in Anticipation of Appeal
- Determining Whether and How to Seek Release for Detained Asylum Seekers
- Preparing Asylum Seekers for Merits Hearings
- Strategic Decision-Making When a Merits Hearing Is Not the Best Option

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Faculty:

Ashley Huebner (DL), AILA EOIR-ICE Joint Committee, Conference Program Vice Chair, Chicago, IL

Jeremy L. McKinney, AILA 1st Vice President, Greensboro, NC

Alexandra Miller, Tucson, AZ

Tatiana Obando, Program Director, RAICES Qualified Representative Program, Houston, TX

3:20 pm–3:40 pm

VIRTUAL COFFEE BREAK

3:40 pm–4:40 pm

“WHEN ALL ELSE FAILS”: RELIEF UNDER THE CONVENTION AGAINST TORTURE

With the current administration’s onslaught on our asylum system, it is incumbent upon practitioners to consider the Convention Against Torture (CAT) as an alternative, and perhaps the only, form of relief available to clients. The panelists first will present a brief overview of CAT, then address changes wrought by recent case law and strategies for how to deal with them. Panelists will conclude with a discussion of recently proposed regulations.

- A Brief Overview of CAT Fundamentals: Withholding of Removal vs. Deferral of Removal
- Recent Case Law: *Matter of O–F–A–S–*, *Matter of R–A–F–*, *Nasrallah v. Barr*
- Non-State Actors, Rogue Officials, and Government Acquiescence
- Proposed Regulatory Changes and Implications for CAT

Faculty:

R. Mark Frey (DL), Conference Program Committee, St. Paul, MN

C. Shane Ellison, Durham, NC

Valeria Gomez, Hartford, CT

**Christine Louise Lin, San Francisco, CA*

4:40 pm–5:00 pm

VIRTUAL COFFEE BREAK

5:00 pm–6:00 pm

BUILDING RESILIENCE FOR ASYLUM ATTORNEYS

With attorneys facing an onslaught of attacks and attempts to dismantle the asylum system, practicing in this area of law has become more challenging than ever. The panelists will share the results of the National Asylum Attorney Burnout, Stress, and Trauma Survey, conducted earlier in 2020. Panelists also will focus on understanding how to recognize, manage, and prevent burnout and the effects of vicarious trauma. Finally, they will address the connection between trauma stewardship and an attorney’s ethical obligations, and share expert strategies for enhancing individual self-care.

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- Results of the 2020 National Asylum Attorney Burnout, Trauma, and Stress Survey
- Prevention and Management of Vicarious Trauma and Burnout
- The Ethical Imperative for Trauma Stewardship
- Tools for Individual and Institutional Self-Care

Faculty:

Lindsay Muir Harris (DL), AILA Asylum and Refugee Committee Vice Chair, Conference Program Committee, Washington DC

Hannah C. Cartwright, Indianapolis, IN

Ronald E. Walker, Detroit, MI

Dr. Sheetal Patel, Licensed Psychologist, Washington, DC

6:00 pm–6:05 pm

CLOSING REMARKS

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

6:05 pm–6:30 pm

VIRTUAL NETWORKING WITH FACULTY

6:30 pm

CONFERENCE CONCLUDES

Bonus Seminar Recordings

Participants will also receive the following CLE-eligible, seminar recordings.

Recording Date: Thursday, May 28, 2020

Title: Stuck in the Affirmative Asylum Backlog: What Are My Options?

With backlogs increasing at Asylum Offices across the nation and fewer applicants being selected for interviews under Priority 1 scheduling, more clients (and potential clients) are looking for options to secure permanent residence or other status earlier. Our panel of experts will discuss options, strategies, and challenges for these applicants.

Featured Topics

- What Are Important Considerations, Challenges, and Advantages for Maintaining Your Client's Nonimmigrant Status
- Your Client Is a Beneficiary of an Approved I-140, I-130 Petition, or the Diversity Visa Lottery: Can Your Client Adjust Status?
- Is Travel on Advance Parole an Option While the I-589 Application Is Pending?
- Pursuing Ways to Circumvent the Backlog, Including Expedited Processing Requests or Derivative Applications
- Options for Your Client's Family Members to Come to the United States: Humanitarian Parole, a Nonimmigrant Visa, etc.

Faculty:

Dree K. Collopy (DL), 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

Amy Maldonado, East Lansing, MI

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Karin Tolgu, Seattle, WA

Recording Date: Thursday, August 27, 2020

Title: Crafting a Winning Particular Social Group for an Asylum Case

After recent interpretations by the attorney general and the BIA narrowing the scope of “particular social groups” (PSGs), practitioners have been left wondering how to craft a social group definition that will pass scrutiny. What is working, what is not working, and what are the alternatives? Our panel of experts will address practical tips regarding crafting PSGs. They also will examine the current state of the law after some federal courts have started pushing back.

Featured Topics

- How Should I Frame the PSG? How Many PSGs Should I Present for My Client?
- How to Show “Social Distinction”
- How to Craft Non-Family PSGs
- Recent PSG Decisions in Federal Court
- How to Distinguish Your Case and Use Legal Authority to Create a Successful PSG
- The Impact of COVID-19 on PSG Cases

Faculty:

Tammy Lin (DL), San Diego, CA

Jason Dzubow, Washington, DC

Michael J. Tisocco, Seattle, WA

CONFERENCE PROGRAM COMMITTEE

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

Ashley Huebner, AILA EOIR-ICE Joint Committee, Conference Program Vice Chair, Chicago, IL

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R. Mark Frey, St. Paul, MN

Sheila T. Starkey Hahn, Dunkirk, NY

Constance R. Wannamaker, El Paso, TX

Ilana Greenstein, AILA Senior Technical Assistance Attorney, Brookline, MA

JJ Area, AILA Education Programs Manager, Washington, DC

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