



2022 AILA FUNDAMENTALS OF IMMIGRATION LAW CONFERENCE AND WEBCAST: BUILDING A SUCCESSFUL IMMIGRATION LAW PRACTICE

**DECEMBER 5–6, 2022
THE VENETIAN RESORT
LAS VEGAS, NV**

AILA's Fundamentals of Immigration Law Conference is designed to help attorneys new to the complex area of immigration law develop a strong foundation in the field, better advocate for clients, and build a successful and profitable practice. Sessions are led by nationally renowned legal experts who will introduce new practitioners to basic immigration law concepts, host workshops on preparing visa applications and petitions, and offer advice on best practices on a wide variety of topics. Attendees also will learn proven strategies for working with the government agencies and regulatory bodies that oversee, interpret, and enforce immigration laws, regulations, and policy. Come meet new colleagues in the immigration bar over two days of live sessions at The Venetian Resort Hotel Casino in Las Vegas; or attend remotely, from the comfort of your home or office, via webcast.

MONDAY, DECEMBER 5, 2022

7:15 am–5:00 pm **REGISTRATION AND EXHIBITS**

Day Coordinator JJ Area, AILA Education Program Manager, Washington, DC

7:50 am–8:00 am **WELCOME AND REMARKS**

*Anthony Drago Jr., Conference Program Co-Chair, Boston, MA
Audrea J. Golding, Conference Program Co-Chair, San Jose, CA*

8:00 am–9:00 am **NONIMMIGRANT VISA CONCEPTS, BASICS, AND ALPHABET SOUP: DON'T GAMBLE WITH YOUR NIVs, KEEP THE FUNDAMENTALS IN YOUR HAND**

- 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

(DL) = Discussion Leader

** = Invited Speakers, Not Confirmed*

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

- Overview of Nonimmigrant Visa (NIV) Categories
- Student Visas: F (Including Optional Practical Training (OPT)), M, and J
- Important Employment-Based Options: H, L, O, E, and TN
- Brief Overview of VAWA, U, V, H-4 and L-2 Employment Authorization Documents
- Q&A

Faculty:

Michelle Suzanne Canero (DL), Miami, FL

Farshad Onji, AILA President-Elect, San Francisco, CA

Rashmi K. Shah, Raleigh, NC

9:00 am–9:30 am

NETWORKING BREAK

9:30 am–10:30 am

H-1B NONIMMIGRANT VISA WORKSHOP: HOW TO HIT THE JACKPOT

- Eligibility for H-1B
 - Cap-Subject vs. Cap-Exempt Employment
- Determining Specialty Occupation
 - Working with Clients on Job Descriptions and Requirements
 - Demonstrating Specialty Occupation Using O*Net, Occupational Outlook Handbook (OOH), and Other Sources
- Preparing the Public Access File
 - The Offered, Prevailing, and Actual Wage for H-1Bs
 - Using Occupational Employment Statistics (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:

Sharadha Kodem (DL), Conference Program Committee, Dallas, TX

Patricia C. Flanagan, Plantation, FL

Nicole C. Dillard, Washington, DC

10:30 am–11:00 am

NETWORKING BREAK

11:00 am–12:00 pm

EMPLOYMENT-BASED IMMIGRANT VISAS: THE FULL DECK OF CARDS

- Overview of Preference Categories
 - EB-1
 - Outstanding Researchers and Professors
 - Individuals with Extraordinary Ability
 - Multinational Managers and Executives

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- EB-2: Advanced Degree Professionals and Individuals with Exceptional Ability
- EB-2: National Interest Waivers
- EB-3: Bachelor's Degree or Skilled Workers
- EB-4: Religious Workers and Other Special Immigrants
- EB-5: Immigrant Investors
- AILA Resources and Practice Tools
- Q&A

Faculty:

Louanni G. Ribeiro, (DL), Conference Program Committee, Miami, FL

Ellen Freeman, AILA Business Section Steering Committee, Pittsburgh, PA

Taylor Tremont, Washington, DC

12:00 pm–1:00 pm **LUNCH (INCLUDED WITH IN-PERSON REGISTRATION)**

12:15 pm–12:45 pm **SPECIAL LUNCH SESSION: AILALINK TRAINING SEE AILALINK IN ACTION!**

Developed and maintained by AILA, AILALink is a cost effective, online research library of fully searchable resources necessary for the successful practice of immigration law, including a full suite of AILA publications, statutes, regulations, case law, agency correspondence, government manuals, reports, and much more! See what AILALink can do for your practice during this special training.

1:00 pm–2:00 pm **PERM BASICS: HOW TO PLAY YOUR CARDS RIGHT**

- What Is PERM? EB-2/EB-3/Skilled Worker: Definitions and Classifications: Why Does It Matter?
- Roles of the Various Stakeholders—*e.g.*, Immigration Lawyer, Company Contact, Foreign National's Manager, and Foreign National
- Minimum Requirements and Crafting the Job Description/Duties
- Specific Vocational Preparation and "Business Necessity": How to Determine and Document When They Exceed Normal
- What Is the Prevailing Wage?
- Telecommuting and the New COVID Employment Landscape: Recruitment Steps

Faculty:

Vincent W. Lau (DL), AILA DOL Liaison Committee Chair, Boston, MA

Stephen D. Parker, Richardson, TX

Yvonne A. Toy, San Francisco, CA

2:00 pm–2:30 pm **NETWORKING BREAK**

2:30 pm–3:30 pm **PERM WORKSHOP: PUTTING THE ODDS IN YOUR CLIENT'S FAVOR**

- Drafting the Job Description for the Past, Present, and Future; Identifying Primary/Alternate Requirements
 - Perks Such as Telecommuting, Travel, and Relocation
- Qualification for Role: Degree, Verification of Employment Letters

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- Request for Prevailing Wage Determination
 - Alternative Wage Surveys
- Recruitment Types and Required Content
- Drafting the Form ETA 9089
 - H-4: Watch Out for Alternative Requirements
- Preparing the Recruitment Report and Audit File
- Filing Window
- Post-Filing Issues, Including Supervised Recruitment and Audit Notifications
- Q&A

Faculty:

Bob White (DL), AILA DOL Liaison Committee Vice Chair, Schaumburg, IL

Ann O. Chau, Conference Program Committee, San Jose, CA

Matthew D. Stump, AILA H-1B Conference Committee Chair, Oklahoma City, OK

3:30 pm–4:00 pm

NETWORKING BREAK

4:00 pm–5:00 pm

THE ROAD TO NATURALIZATION AND : LONG-TERM STRATEGY OR BEGINNER'S LUCK?

- Assessing When to Apply for Naturalization
- Eligibility Criteria: Residency, Presence, and Related Issues (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
- Q&A

Faculty:

Michele Contreras (DL), Conference Program Committee, Cherry Hill, NJ

Edward W. Neufville III, Silver Spring, MD

Peter L. Ashman, Las Vegas, NV

5:15 pm – 6:30 pm

NETWORKING RECEPTION

TUESDAY, DECEMBER 6, 2022

7:45 am–5:00 pm

REGISTRATION AND EXHIBITS

Day Coordinator

JJ Area, AILA Education Program Manager, Washington, DC

8:00 am–9:00 am

FAMILY-BASED IMMIGRATION: GOING ALL IN (FOR THE GREEN CARD)

- Overview of Family-Based Preferences
- Establishing the Bona Fides of the Relationship

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- Changes in Family Situation/Relationships: Death, Divorce, Marriage, Age Out, etc.
- Joint Petitions for Removal of Conditions (Joint and Waiver-Based)
- The Child Status Protection Act (CSPA)
- Adjustment of Status Eligibility and Ineligibility
 - Adam Walsh Act
 - Waivers for Grounds of Inadmissibility
- Immigrant Visa Consular Processing: Know Your Consulate, Know Your Case
- Q&A

Faculty:

Alexander George Dablin Carl (DL), Los Angeles, CA

Hardeep Sull, AILA Board of Governors, Las Vegas, NV

Matthew G. Steel, Houston, TX

9:00 am–9:30 am

NETWORKING BREAK

9:30 am–10:30 am

ADJUSTMENT OF STATUS AND CONSULAR PROCESSING IN FAMILY-BASED IMMIGRANT VISA CASES WORKSHOP: DON'T ROLL THE DICE, MANAGE CASE

- Drafting the Visa Petitions
 - The I-130 Petition Package (Marriage-Based and Other)
 - I-129F Petition and Subsequent Adjustment of Status
 - Preparing Supporting Documentation and Petitions for Filing
 - Ethical Considerations
- Preparing an I-485 Application Package
 - Completing the I-864 Affidavit of Support
- Preparing the Immigrant Visa Package
 - Consular Electronic Application Center
 - DS-260
 - Dealing with the National Visa Center
- Preparing Clients for the Interview
 - Adjustment of Status
 - Consular Interview
 - Ethics and Dual Representation
- Q&A

Faculty:

Lauren Anselowitz (DL), Conference Program Committee, Newark, NJ

Annalisa Padilla, AILA Past President/Family Section Steering Committee,

La Habra, CA

Mary Lynn Anna Tedesco, Charlotte, NC

10:30 am–11:00 am

NETWORKING BREAK

11:00 am–12:00 pm

REMOVAL AND RELIEF BEFORE THE IMMIGRATION COURT: HOW TO AVOID PLAYING ROULETTE

- Notices to Appear (NTAs) and Immigration Court Hearings

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

Faculty:

Sui Chung (DL), AILA Board of Governors/EOIR Liaison Committee/ICE Liaison Committee, Miami, FL

Kelli Jo Stump, AILA First Vice President, Oklahoma City, OK

Andrew Nietor, AILA Board of Governors/EOIR Liaison Committee/ICE Liaison Committee/Membership Committee, San Diego, CA

Michelle Saenz-Rodriguez, AILA Board of Governors/Removal Defense Section Steering Committee, Dallas, TX

12:00 pm–1:00 pm

LUNCH (INCLUDED WITH IN-PERSON REGISTRATION)

1:00 pm–2:00 pm

ASYLUM AND RELATED CLAIMS OF RELIEF: IT'S A GAMBLE!

- Asylum Overview
- Legal Grounds for Asylum, Withholding of Removal, and Relief Under the U.N. Convention Against Torture (CAT)
 - Legal Bars and Other Obstacles to Asylum
 - At the Border
 - Credible Fear and Reasonable Fear Determinations
 - Affirmative Asylum
 - Defensive Asylum
- Documenting the Claim
- Use of Experts and Forensic Evidence
- Q&A

Faculty:

Karla Lammers (DL), AILA Board of Governors/Conference Program Committee, Miami, FL

Jeanette Kain, AILA USCIS Field Operations Liaison Committee, Boston, MA

Erica Jacobson Reilly, Washington, DC

2:00 pm–2:30 pm

NETWORKING BREAK

2:30 pm–3:30 pm

HUMANITARIAN RELIEF: THE EVER-CHANGING RULES OF THE GAME (BEATING THE HOUSE FOR THE WIN)

- Where Does Temporary Protected Status (TPS) Come From?
- Violence Against Women Act (VAWA)
 - Who Qualifies? Comparing Other Options (U or T Visas)
 - Requirements for VAWA

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- 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
- Deferred Action Updates
- Q&A

Faculty:

Randolph McGrorty (DL), Miami, FL

Angela Bortel, Minneapolis, MN

Dejilia Diaz, Cincinnati, OH

3:30 pm–4:00 pm

NETWORKING BREAK

4:00 pm–5:00 pm

HOT TOPICS: WHERE TO PLACE YOUR BETS

- Preparing for the Fiscal Year 2024 H-1B Lottery
- Priority Date Retrogression: What to Expect for the Remainder of Fiscal Year 2023
- Current Status of Deferred Action for Childhood Arrivals (DACA) Legislation
- TPS: Who Is Protected, for How Long?
- Removal Practice: Tracking EOIR Trends and Dealing with Case Backlogs
- Border Issues
- Q&A

Faculty:

Anthony Drago Jr. (DL), Conference Program Co-Chair, Boston, MA

Kathleen Campbell Walker, AILA Past President/Publications

Committee/Verification & Documentation Liaison Committee, El Paso, TX

Fuji Whittenburg, AILA DOS Liaison Committee Chair, Calabasas, CA

CONFERENCE PROGRAM COMMITTEE

Anthony Drago Jr., Conference Program Co-Chair, Boston, MA

Audrea J. Golding, Conference Program Co-Chair, San Jose, CA

Karla Lammers, AILA South Florida Chapter Chair, Miami, FL

Lauren Anselowitz, Newark, NJ

Abha Bhandari, Westmont, IL

Miguel Bocanegra, Seattle, WA

Ally Bolour, Los Angeles, CA

Ann O. Chau, San Jose, CA

Michele Contreras, Cherry Hill, NJ

Louanni Galvani Ribeiro, Miami, FL

Sharadha Kodem, Dallas, TX

W. Michael Sharma-Crawford, Kansas City, MO

Jeff Joseph, AILA Second Vice President, Denver, CO

JJ Area, AILA Education Program Manager, Washington, DC