



AMERICAN  
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ASSOCIATION



# Immigration and Naturalization for Military Attorneys

*Live ((••)) Online Course*

## Course Outline

Explore the fundamentals of immigration and naturalization law in this free live online course designed specifically for lawyers dealing with individuals serving in the military and their families. All sessions are led by nationally recognized American Immigration Lawyers Association attorneys with significant experience and expertise in handling military cases. This webinar series was made possible by funding provided by the American College of Trial Lawyers with the goal of expanding military service members' access to immigration assistance.

The course consists of six sessions, presented over two weeks. Each week will cover three sessions. Week 1 sessions introduce the nuts and bolts of immigration and naturalization, addressing how the immigration system works, terms frequently used in practice, and common pitfalls. Week 2 sessions examine the immigration laws and practices specific to military members and their families, including consular processing issues, marriage-based adjustment, and parole in place. In addition, our expert faculty will provide practical training on how to handle frequently used forms and advise on best practices for recognizing and resolving red-flag issues. Each session concludes with an opportunity to ask our experts any questions you may have to further your understanding of what's been covered.

### Course Includes:

- Six 90-minute webinars
- Access to recordings of webinars
- AILA Course Discussion Board
  - Ask questions on military-specific immigration issues
  - Connect with speakers and colleagues

## Week 1: Nuts and Bolts of Immigration and Naturalization

### Session 1

#### How the U.S. Immigration System Works

**Tuesday, October 3, at 1:00 pm (ET)**

Military service members across the country and abroad must navigate the U.S. immigration system for their own path to citizenship or for the immigration of their close family members. Our panel of experts will discuss immigration law terminology, government agencies and their roles in immigration cases, and the most common immigration issues faced by service members and their dependents.

- Terminology used in family-based immigration
- Immediate relatives vs. preference categories: who can come and when?
- Government agencies and their roles: USCIS, DOS (NVC, embassies, consulates), ICE
- Common service member immigration case requests

*Faculty:*

*David J. Wilks, AILA Board of Governors, Rochester, NY*

*Richard M. Green, AILA Amicus Committee, Irvine, CA*

*Makoto Messersmith, AILA Military Committee, Honolulu, HI*

## **Session 2**

### **Naturalization of Service Members: Essential Terminology and Understanding the Process Wednesday, October 4, at 1:00 pm (ET)**

Congress has provided special provisions for the naturalization of service members. The experts for this session first will outline the civilian naturalization process and then will compare and discuss the specific procedures for military personnel.

- Eligibility for naturalization: peacetime vs. a time of military conflict
- Filling out the naturalization application
- Common issues and red flags
- Practicum: Form N-400
- Options for spouses: immigration, overseas naturalization, expedited naturalization

*Faculty:*

*Kathrin S. Mautino (DL), AILA Military Committee, San Diego, CA*

*Jacqueline L. Watson, AILA Treasurer, Austin, TX*

*Margaret D. Stock, AILA Author, Immigration Law & the Military, 3rd Ed., Anchorage, AK*

## **Session 3**

### **Screening Immigration Cases: General Overview of Common Pitfalls Thursday, October 5, at 1:00 pm (ET)**

There are some common inadmissibility issues that applicants for immigrant visas or adjustment of status may face. Our panel of experts will discuss best practices in screening applicants for these issues, and they will advise on best practices for how to resolve them when applicants apply for immigrant visas or adjustment of status to permanent residence.

- Brief overview of inadmissibility grounds
- The three-year, ten-year, and permanent bars
- Fraud and misrepresentation, including false claims to U.S. citizenship

- Brief introduction to criminal bars and the petty offense exception

*Faculty:*

*Stella Shimamoto (DL), AILA Military Committee Chair, Honolulu, HI*

*Marino Alomias Branes, Jr., AILA Military Committee, Norco, CA*

*Luke Scott Bowman, Brighton, MI*

## **Week 2: Special Considerations for Military Families**

### **Session 4**

#### **Immigration from Abroad: Consular Processing for Military Service Members and Their Families Tuesday, October 10, at 1:00 pm (ET)**

Many military members are stationed overseas, while others reside in the United States but have family members overseas that they would like to bring to live with them in this country. Panelists on this session will discuss the two-step process for bringing certain family members (spouse, parent, children, or siblings) to the United States. They also will discuss how military service members living overseas can expedite the process for bringing family members to the United States by filing Step 1 at the consulate abroad.

- Overview of the process
- Step 1 (petition): filing overseas at the embassy or consulate vs. filing in the United States with USCIS
- Filling out the I-130 petition and I-130A
- Step 2: completing the DS-260, uploading documents to the Consular Electronic Application Center (CEAC)
- Preparing for the consular interview and post-interview issues
- Common issues and red flags
- Practicum: Forms I-130, I-130A, and DS-260; using the CEAC

*Faculty:*

*Catherine Lafferty Magennis (DL), AILA Military Committee Vice Chair, Charlotte, NC*

*Vanessa Ann Gonzalez, Wilmington, NC*

*Lynn Marie Lee, Clifton, VA*

### **Session 5**

#### **Marriage-Based Adjustment**

#### **Wednesday, October 11, at 1:00 pm (ET)**

When a military member is married to a foreign national who resides in the United States, in order for the spouse to get a green card, they must file a petition with USCIS to have the marriage recognized as a bona fide marriage. If approved, the spouse is then eligible to file an application to *adjust status* and become a *lawful permanent resident* (green card holder). Together with the military member's petition,

the foreign-national spouse must file an application for a green card, as well as other forms for travel and work authorization. Panelists will provide an overview of this process, and they will discuss several special considerations for military members and their spouses going through this process.

- Overview of the process of getting a military spouse a green card
- Is the spouse eligible to adjust status?
- Military member's I-130
- Foreign-national spouse's I-485
- Other documents that must be included: affidavit of support, advance parole travel authorization, work authorization
- Common issues and red flags
- Checklists of what to include with each form

*Faculty:*

*Beth Boyer (DL), AILA Military Committee, White Plains, NY*

*Jeremy L. McKinney, AILA Immediate Past President, Greensboro, NC*

*Stanley P. Walker, Fort Walton Beach, FL*

## **Session 6**

### **Parole in Place and Other Discretionary Options**

**Thursday, October 12, at 1:00 pm (ET)**

Parole in place is a special discretionary benefit for family members of qualifying service members that may makes it possible for them to adjust their status to a permanent resident in the United States without leaving the United States. Our panel of experts will discuss what the parole in place program does, how to apply for the benefit, and common red-flag issues to look out for when screening for program eligibility.

- Parole in Place: eligibility, putting together an application
- Deferred action
- Common issues and red flags
- Practicum: Form I-131

*Faculty:*

*Stella Shimamoto (DL), AILA Military Committee Chair, Honolulu, HI*

*William Russell Hummel, AILA Global Migration Section Steering Committee Chair, Charlotte, NC*

*Nora E. Milner, San Diego, CA*

### **Online Course Program Committee**

*Stella Shimamoto, AILA Military Committee Chair, Honolulu, HI*

*Catherine Lafferty Magennis, AILA Military Committee Vice Chair, Charlotte, NC*

*Beth Boyer, AILA Military Committee, White Plains, NY*

*Kathrin S. Mautino, AILA Military Committee, San Diego, CA*

*Russell H. Putnam, Jr., AILA Military Committee, Fort Stewart, GA*

*Sarah Kra, AILA eLearning Programs Associate, Washington, D.C.*

*Erin Lynam, Senior Pro Bono Associate, Washington, D.C.*

*Emmie R. Smith, AILA Director, Professional Development, Washington, D.C.*