



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

2025 AILA Midwinter Conference and Webcast

Cross the border and join us for the 2025 AILA Midwinter Conference and Webcast in sunny Puerto Vallarta, Mexico! Sharpen your skills while warming up on the beach or by the pool. This year's conference features an advanced level Business Track and an advanced level Removal/Family Track. Each track showcases a lunch panel dedicated to the outcome of the 2024 Election and how the results might affect immigration practitioners. Highlights of the Business Track include panels on case planning for client success; PERM processing under the Flag system; and visa solutions for early career professionals. The Removal/Family Track features sessions on trial skills and a special 90-minute panel on advanced humanitarian relief. As always, your registration includes recordings of both tracks. Come network and learn with your colleagues as we enjoy everything Puerto Vallarta has to offer!

January 17, 2025
Sheraton Buganvillas Resort in
Puerto Vallarta, Mexico

Times listed on the program are Central Standard Time (GMT -6)
Note: All sessions and events are subject to change without notice.

FRIDAY, JANUARY 17, 2025

REMOVAL/FAMILY TRACK

7:30 am – 4:45 pm **Registration and Exhibits**

8:00 am – 8:10 am **Opening Remarks**
Michael S. Vastine, Conference Program Committee Chair, Gulfport, FL

8:10 am – 9:10 am **Parole Programs**
With so many types of humanitarian parole and related programs available, it can be difficult to know which might apply to your client and how to best utilize them. Panelists will discuss key ways to use parole and related programs to obtain residence or other status for your clients.

- Can one use TPS or DACA-based advanced parole for immediate relative adjustments?
- Can the Cuban Adjustment Act be used without proof of parole at the border?
- Which country's nationals can use family reunification paroles?
- New parole programs for Nicaragua, Cuba, Venezuela, and Haiti: What will happen with these in the future?
- How the presidential election might affect parole

Faculty:

Rebekah Wolf (DL), American Immigration Council, Washington, D.C.

James Lance Conklin, Perry Hall, MD

Anthony Dominguez, Miami, FL

9:10 am – 9:30 am **Networking Break**

9:30 am – 10:30 am **Advanced Asylum and Detention**

Asylum, an important piece of our immigration puzzle, remains politically volatile and legally complex, thus compounding the practical and legal challenges for client advocacy. Panelists will analyze recent executive actions, major court decisions, and impact litigation (class action and otherwise) that affect asylum seekers. They also will address possible changes of this volatile practice area following the presidential election.

- Advanced Asylum
 - The cutting edge of social group theories, circa 2025
 - Overcoming the “Lawful Pathways Rule” and border-related obstacles to asylum
- The intersection of detention and asylum-related claims
 - *Matter of M–S–*
 - Contesting reinstatement and expedited removal; case development and litigation alternatives

Faculty:

John Gihon (DL), AILA ICE Liaison Committee Chair, Altamonte Springs, FL

Jacqueline L. Watson, AILA Second Vice President, Austin, TX

Michelle Saenz-Rodriguez, AILA Secretary, Dallas, TX

Jessica Arena, San Francisco, CA

10:30 am – 10:50 am **Networking Break**

10:50 am – 11:50 am **Complex Family-Based Cases**

Family-based cases are often the most reliable relief available, except when there are complications. Practitioners must recognize these complications and craft possible solutions. Panelists will discuss options available when there are criminal issues lurking and the beneficiary is in removal proceedings.

- Otherwise-eligible individuals with underlying removal orders
- Criminal issues
- Red flag visa petition and adjustment of status cases:
 - Alcohol and controlled substance issues; panel physicians, civil surgeons, and heightened scrutiny; best practices and ethical issues
 - Applications tainted by suspicions and/or prior findings of marriage fraud
 - Confronting suspicions of inadmissibility, post-*Munoz*

Faculty:

Carlina Tapia-Ruano (DL), AILA Past President/Family Section Steering Committee Chair, Chicago, IL

Amanda Bethea Keaveny, AILA Board of Governors/Conference Program Committee,

Charleston, SC
*Courtney Butler, Denver, CO

11:50 am – 12:50 pm **Lunch (Provided)**

12:05 pm – 12:35 pm **Lunch Panel. The 2024 Presidential Election: What Can We Expect Moving Forward?**

Immigration was a central issue in the most recent election. What can practitioners expect from the incoming administration? Are there any steps that can be taken now to prepare?

- Anticipated changes to:
 - Removal practice
 - Family-based practice
 - Humanitarian practice
- How practitioners can prepare for what is coming

Faculty:

Gregory Chen (DL), AILA Senior Director of Government Relations, Washington, D.C.

*Cory Forman, AILA Board of Governors/Standing Committee on Political Engagement (SCOPE)
Co-Chair, New York, NY*

12:50 pm – 2:20 pm **Last Resort: Advanced Applicability of Humanitarian Topics**

Don't let your clients miss out on eligibility based on narrow interpretations of the law! Panelists will advise on identifying solutions for the most vulnerable when other avenues for relief are closed, focusing on creative strategies and more comprehensive screening. They also will help you screen and prepare for borderline Special Immigrant Juvenile Status (SIJS), T and U visas, and potential attacks on eligibility.

- Is a prospective client SIJS eligible?
- How do we ensure predicate orders are durable at the USCIS stage and in the shifting landscape of immigration law?
- Recent trends in U visa adjudications, how to craft a durable U cert that avoids challenges to eligibility
- Finding T visa eligibility when you are screening for other victim-based relief
- Structuring your scope of representation for long pending cases and unexpected shifts in adjudication

Faculty:

Anita Mukherji (DL), Conference Program Committee, Oakland, CA

Kathleen Elizabeth Irish, Family Section Steering Committee Vice Chair, Kansas City, MO

Emily Robinson, Conference Program Committee, Los Angeles, CA

**Nicole Marcelle Avila, AILA Diversity, Equity, and Inclusion Committee, Orlando, FL*

2:20 pm – 2:40 pm **Networking Break**

2:40 pm – 3:40 pm **Advanced Trial Skills**

Knowing that some immigration judges have over 98% denial rates may leave you feeling hopeless. Skilled advocacy is still crucial in those courtrooms as well, however, because you

* = invited, not confirmed

DL = Discussion Leader

can't appeal a bad trial record! Effective writing, timely objections, and being prepared are never more important than in difficult circumstances. Let our panel of experts help you get ready for that tough hearing!

- Storytelling in your pre-trial briefs and affidavits: get and keep the adjudicator's attention and set the stage for appeal
- Dealing with the government before trial: objecting to DHS evidence, stipulations, and prosecutorial discretion
- *Nunquam non paratus*: biometrics, witness selection and prep, and evidence organization
- Trial day: rules that do and don't apply in immigration court, other "objections," and getting non-verbal actions into the record

Faculty:

Jonathan Willmoth (DL), Conference Program Committee, Kansas City, MO

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

Andrew K. Nietor, AILA Board of Governors/Conference Program Committee, San Diego, CA

3:40 pm – 4:00 pm

Networking Break

4:00 pm – 5:00 pm

Not a Frozen Concoction: Hot Litigation Topics

From the U.S. Supreme Court to the Executive Office for Immigration Review, the churn of decisions in impactful litigation continues relentlessly. To "help [you] hang on," experts will provide both a roundup and preview of cases affecting immigration, including:

- Reading statutes and agency deference, circa 2024: applying decisions from the *Chevron* and *Brand X* era through the lens of *Loper Bright* and *Relentless*
- Highlights of October Term 2023: review of mixed questions of law and fact, the sufficiency of charging documents, and the authority of immigration related adjudicators
- Preview of cases from the 2024 term pending argument and/or decision
- Select recent decisions and emerging topics related to crimmigration and due process, from the circuits and the BIA

Faculty:

Michael S. Vastine (DL), Conference Program Committee Chair, Gulfport, FL

Rekha Sharma-Crawford, AILA Treasurer/Finance Committee Chair, Kansas City, MO

*Kate Melloy Goettel, AILA Federal Court Litigation Section Steering Committee Vice Chair,
Iowa City, IA*

** Ben Winograd, Alexandria, VA*

5:00 pm

Conference Concludes

BUSINESS TRACK

8:00 am – 8:10 am

Opening Remarks

Gayle Oshrin, Conference Program Committee Chair, New York, NY

8:10 am – 9:10 am

Early Career Professionals: Strategizing NIV Solutions and Long-Term Green Card Goals

For new graduates, the lack of work authorization options has made it essential to start strategizing nonimmigrant visa (NIV) next steps, as well as the end goal of a green card. Panelists will discuss the pitfalls to avoid and positive choices a soon-to-be graduate can make to help build an NIV case and maximize chances for obtaining a green card.

- Potential pitfalls in F-1 status: maintaining status, day 1 curricular practical training, and visa revocation
- Starting your own business: self-employment on the employment authorization document and E-2 investors
- Laying the foundation for an O-1, EB-1, EB-2, and National Interest Waiver (NIW)
- Going for the green card
 - Long processing times
 - Lack of experience straight out of school
 - Promotion vs. changing employers

Faculty:

Michael P. Nowlan (DL), Detroit, MI

MyungJin Lee, Conference Program Committee, Boston, MA

Robin D. O'Donoghue, Cambridge, MA

Fuji Whittenburg, Calabasas, CA

9:10 am – 9:30 am

Networking Break

9:30 am – 10:30 am

The Effects of Changes to Employment Conditions on Nonimmigrant and Immigrant Visa Situations

Practitioners are often surprised to learn of changes to the employee–employer situation after the fact, when employers/beneficiaries have failed to timely notify them of changes. Panelists will discuss how these changes affect NIV and IV cases. Can they be fixed? If so, how? And, importantly, how can these surprises be anticipated, and even prevented, before they arise?

- Impact of a promotion, demotion, and changes in compensation
- Significant changes in job descriptions and duties with or without a title change
- Changes in work location including addition of hybrid work: returning to the office or adding a remote worksite
- Corporate changes that affect the employer: ownership changes, reorganizations, office moves, etc.
- Best practices for preventing surprise changes in employment conditions

Faculty:

David W. Cook (DL), Conference Program Committee, Columbus, OH

Jeff Joseph, AILA President Elect, Denver, CO

Alexis S. Axelrad, AILA First Vice President, New York, NY

Dustin J. O'Quinn, Seattle, WA

10:30 am – 10:50 am **Networking Break**

10:50 am – 11:50 am **The Road Between Ordinary and Extraordinary is Paved with National Interest and Exceptional Ability**

What if your client is more than ordinary but not yet at the top of their field? NIW or Schedule A, Group II may be the solution! Panelists on this advanced-level session will offer a robust discussion of the NIW and Schedule A, Group II immigrant visa classifications, including best practices for case preparation, strategies for unique or unusual occupations, and tools for positioning your cases for success.

- What is trending in NIW and Schedule A?
- *Dhanasar* nine years later: what we've learned to do and not to do, and what is "national interest"
- Schedule A, Group II regulations and reality: how to define "performing arts"
- Counseling our clients: top tips for avoiding requests for evidence

Faculty:

Rita Sostrin (DL), Conference Program Committee, Woodland Hills, CA

Laya R. Kushner, Charlotte, NC

Ian David Wagreich, Chicago, IL

11:50 am – 12:50 pm **Lunch (Provided)**

12:05 pm – 12:35 pm **Lunch Panel. The 2024 Presidential Election: What can We Expect Moving Forward?**

Immigration was a central issue in the most recent election. What can employment based practitioners expect from the incoming administration? Are there any steps that can be taken now to prepare?

- Anticipated changes to employment-based practice
- How can you prepare for what is coming?

Faculty:

**Sharvari Dalal-Dheini (DL), AILA Senior Director of Government Relations, Washington, D.C.*

William A. Stock, AILA Past President/EB-4 Task Force Co-Chair, Philadelphia, PA

12:50 pm – 1:50 pm **Traversing the Complexities of the Adjustment of Status and Immigrant Visa Landscapes**

To adjust or not to adjust, that is the question. The adjustment of status and immigrant visa processes each come with their own restrictions, complications, and lengthy processing times. Experts will explore the benefits and risks of each one, identify potential complications, and provide tips on addressing them.

- Pros and cons of adjustment of status and immigrant visa processing
- Family relationships: changes, additions, and developing strategies for family members in different countries
- Traveling issues: renewing NIVs and advance parole issues
- Best strategies for moving a case through National Visa Center: scheduling interviews at embassies
- Status violations and criminal issues

Faculty:

**Anastasia Tonello (DL), AILA Past President/Standing Committee on Political Engagement
Co-Chair, New York, NY*

Claire S. Pratt, AILA DOS Liaison Committee Vice Chair, San Francisco, CA

Amanda S. Brill, London, UK

Nicole Simon, Philadelphia, PA

1:50 pm – 2:20 pm

Networking Break

2:20 pm – 3:20 pm

Case Planning for Client Success While Complying with Ethical Standards (Ethics Credit)

Long PERM processing times coupled with retrogression in the worldwide EB-2 and EB-3 categories has changed the approach attorneys must take to case planning and ethically representing their clients. Given this changing landscape, clients will need careful case planning to ensure success. Panelists will discuss how to communicate with clients about developments that affect green card strategy, and they will cover how immigrant and nonimmigrant options can help strengthen cases for ultimate success.

- What is the current state of the Visa Bulletin and where is it heading?
- Short-term and long-term planning for nonimmigrant status and green card options
- Communicating with clients about changing plans
 - Business changes
 - Family changes
- Best practices for establishing case strategies with clients and the ethics of dual representation

Faculty:

Elissa J. Taub (DL), Conference Program Committee, Memphis, TN

Maggie M. Murphy, AILA Board of Governors, Austin, TX

Farah Al-khersan, AILA Ethics Committee Vice Chair, Ann Arbor, MI

3:20 pm – 3:50 pm

Networking Break

3:50 pm – 4:50 pm

Navigating the Ever-Evolving PERM Landscape: Challenges, Changes, and Lessons Learned

In this advanced session, panelists will delve into some of the pain points of the PERM process and review the lessons learned since the introduction of the new ETA Form 9089.

- ETA 9089: lessons learned
- Addressing travel, telecommuting, multiple locations of employment and any other special job requirements on the ETA 9141 and within the four corners of the ETA 9089
- Handling the Specific Vocational Preparation (SVP) analysis, business necessity explanation, and *Kellogg* language
- Recruitment best practices
 - Newspapers
 - Wage transparency
- Requests for information and audit trends

Faculty:

Sarah K. Peterson (DL), Minneapolis, MN

*Bob White, AILA DOL Liaison Committee Chair, Schaumburg, IL
Cora-Ann Pestaina, Conference Program Committee, Paramus, NJ*

4:50 pm

Conference Concludes

Conference Program Committee

Removal/Family Track

*Michael S. Vastine, Conference Program Committee Chair, Gulfport, FL
Assma Ali, Conference Program Committee, Ridgeland, MS
Amanda Bethea Keaveny, AILA Board of Governors, Charleston, SC
Anita Mukherji, Conference Program Committee, Oakland, CA
Andrew K. Nietor, AILA Board of Governors, San Diego, CA
Emily Robinson, Los Angeles, CA
Jonathan Willmoth, Kansas City, MO*

Business Track

*Gayle Oshrin, Conference Program Committee Chair, New York, NY
David W. Cook, Columbus, OH
MyungJin Lee, Boston, MA
Cora-Ann Pestaina, Paramus, NJ
LaVerne A. Ramsay, San Francisco, CA
Rita Sostrin, Woodland Hills, CA
Elissa J. Taub, Memphis, TN*

Michael Orlando, AILA Associate Director of Professional Development, Washington, D.C.