



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

37th Annual AILA California Chapters Conference and Webcast

The AILA Santa Clara Valley Chapter invites you to sharpen your expertise and get up to date on current issues affecting immigration practice, all while taking in the beautiful coastal views of Monterey! This three-day event begins the evening of Thursday, November 7, and runs through the morning of Saturday, November 9. A happy hour will be held Friday, November 8, after the completion of that day's sessions. During the conference, our expert panelists will cover hot topics in all substantive areas of immigration law. The program also features opportunities for specialized credit in implicit bias, technology, competency, and civility. We hope to see you all in Monterey in November!

Note: *Digital recordings of each session will be provided to all conference registrants. This will give attendees the ability to watch (or rewatch) any panels presented during the live conference.*

November 7–9, 2024
Intercontinental The Clement Monterey
Monterey, CA

Times listed on the program are Pacific Time (PT). All times are subject to change without notice.

Thursday, November 7, 2024

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|-------------------|--|
| 5:00 pm – 7:40 pm | Registration and Exhibits |
| 6:00 pm – 7:00 pm | Strategies to Interrupt Bias in the U.S. Immigration System (Implicit Bias)
Panelists will discuss how unconscious attitudes or stereotypes related to race, sex, gender, age, and/or national origin affect legal representation, particularly in the context of immigration law. <ul style="list-style-type: none">• Recognizing bias in laws and systems<ul style="list-style-type: none">◦ Advocating for clients in light of systemic bias• Recognizing your own biases and how to remedy them• Building resilience and allyship in daily life and community• Strategies to reduce the effects of bias on your client's case |
| 7:00 pm – 7:20 pm | Networking Break |
| 7:20 pm – 8:20 pm | Hot Topics and Post-Election Analysis
Whatever the national election results, AILA members will remain steadfast in their solidarity and dedication to advocating zealously for our clients. Hear from seasoned AILA leaders on policy updates, key developments at agencies, and federal litigation. |

- Expected changes in:
 - Employment-based practice
 - Family-based practice
 - Removal practice
 - Humanitarian practice
- Potential avenues for future litigation

Friday, November 8, 2024

Removal/Family Track

8:00 am – 9:00 am

Hot Topics for Family-Based Cases

Panelists will address the latest developments in family immigration and how to prepare for potential changes. They will focus on practical ideas, tips, and strategies to navigate the current climate.

- Processing delays and relationship changes due to delays
- Interview waiver policy
- I-864s: using income sources other than traditional wages and assets
- New filing fees and deciding whether to file optional forms
- Carrying the burden of proof on “admission”
 - *Quilantan* entries
 - Other challenges with lack of entry documentation

9:00 am – 9:25 am

Networking Break

9:25 am – 10:25 am

Undocumented: Cutting Edge Topics on Representing Stateless Individuals

Over 200,000 people in the United States are considered stateless. Join us for a discussion in this cutting-edge area of the law that can help expand immigration relief and flexibilities available to clients. Learn how the latest USCIS guidance on statelessness can benefit your clients in family, employment, asylum, humanitarian, and even removal matters.

- Overview of USCIS’s statelessness guidance memo, published on August 1, 2023
- How to screen clients for statelessness claims
- Options to address evidentiary concerns while representing stateless clients in:
 - Asylum
 - Humanitarian cases
 - Family and employment petitions
 - Removal
- Current protections and vulnerabilities faced by stateless clients, including indigenous populations

10:25 am – 10:50 am

Networking Break

10:50 am – 11:50 am

Navigating the U Visa Journey

From start to approval, the U visa journey may be filled with road bumps along the way, especially as the wait for a final approval lengthens. Panelists will discuss updates to qualifying criminal activities, the Bona Fide Determination and waitlist processes, and potential challenges.

- Locals and procedures for certifying the Supplement B
- Employment authorization and travel outside the United States
- Scheduling appointments abroad

- Changes in family situations after filing
- Adjustment of status under INA §245(a) and 245(m)

11:50 am – 1:20 pm **Lunch Break (included with registration)**

12:05 pm – 1:05 pm **Lunch Session**

Can I Vote? Ramifications of False Claims to Citizenship and Emerging Initiatives for Noncitizen Voting in California

Panelists on this cutting-edge session will discuss legal issues surrounding noncitizen voting initiatives in California. They also will highlight the efforts being made statewide to advance immigrant voting rights for local and state elections. Other topics to be discussed will include:

- California initiatives allowing for noncitizen voting in local elections
- The impact of voting on citizenship applications and new questions on the N-400
- Educating clients and USCIS on noncitizen voting
- Screening for options for false claims to citizenship

1:20 pm – 2:20 pm **Words Matter: Drafting Compelling Declarations for Your Cases**

Panelists will review critical elements for powerful client and witness declarations to support your case for relief. They also will discuss how to craft compelling declarations for your asylum, VAWA, U visa, waiver, and humanitarian parole cases.

- Documenting your client’s narrative
- Trauma sensitive approaches
- Declaration dos and don’ts
- Creative ways to use declarations in humanitarian cases

2:20 pm – 2:45 pm **Networking Break**

2:45 pm – 3:45 pm **The Border and Beyond: Asylum, Border, and Other Policy Updates**

What is going on at the border now for those seeking asylum? Panelists will detail the newest border rule, compare it to prior rules, and discuss the current climate for representing asylum seekers at the border and new arrivals.

- Details of the “Securing the Border” proclamation and final interim rule and how it affects asylum seekers
- Litigation updates
- Latest updates on how asylum cases are proceeding at local offices
- How to handle delays
 - Preparing clients, cases, and ourselves

3:45 pm – 4:10 pm **Networking Break**

4:10 pm – 5:10 pm **T Visas: What Are They? How Can We Screen Candidates?**

Panelists will provide an overview of T-visas, including what practitioners should screen for. They also will explain how to advocate for victims of severe labor and sex trafficking.

- What is a T visa?
- Screening for T visa candidacy
- Domestic violence and involuntary servitude in domestic partnership
- Religious T visas
- New T visa regulations

5:10 pm – 6:30 pm

Conference Happy Hour

Join us for networking and drinks following the conference. This event is co-sponsored by the AILA Santa Clara Valley Chapter.



Business Track

8:00 am – 9:00 am

How Are We Doing with the “NEW” PERM Process Under FLAG?

The PERM-based green card process historically has been the path of least resistance. It still may be! Learn practice tips and the latest and greatest on the state of play with DOL PERM adjudications and timeframes from seasoned experts. Topics will include:

- Achieving optionality with beneficiary employee’s career trajectory and managing expectations throughout
- Triaging up front for a potential National Interest Waiver alternative given U.S. STEM policies
- Conquering PERM recruitment paradigms
- Solving for high prevailing wages in many parts of the United States

9:00 am – 9:25 am

Networking Break

9:25 am – 10:25 am

Standing on Business! Advanced Strategies for Entrepreneurs, Investors, and Key Employees

Finding options for entrepreneurs and corporate leaders can be complex. Panelists will provide strategic planning pearls to get your top talent over the finish line for temporary employment.

- L visas versus E visas: Which can work better?
 - L-1A executive and/or manager visa: What is the distinction between the two?
 - Use of business plans
- Are O visas or H-1Bs visas ever an option?
- USCIS climate for blanket or individual L visas versus consular climate for blanket L visas
- Temporary versus pathway to Green Card
- International Entrepreneur Parole for founder owners of startups: anecdotes

10:25 am – 10:50 am

Networking Break

10:50 am – 11:50 am

The O-1: Unlocking Opportunities for Those With Unique Talents

Experts in O-1B visa preparation will provide key takeaways in representing artists, entertainers, and performers in unusual or niche industries with uncommon talents, such as social media influencers, models, ghost hunters, and feng shui experts.

- Preparing exhibits for USCIS review: what to include and what to leave out
- Utilizing social media and other nontraditional forms of evidence
- Preparing clients for visa interviews abroad

11:50 pm – 1:20 pm

Lunch Break (included with registration)

12:05 pm – 1:05 pm

Lunch Session

Ethical Considerations and Practice Tips for Using AI (Technology)

Overwhelmed with all the chatter on AI options and tales of woe slamming your inbox? Struggling with implementing new case management systems promising to incorporate AI into your practice? Or just wondering whether you should continue to keep your head in the sand on this topic? If any of the above applies, this panel is for you! Come learn best practices and ethical obligations in this area while getting updated on key offerings to maintain sanity in your practice.

- ABA Model Rules 1.1 and 1.6, competence and client confidentiality
- Empowering responsible use of AI: addressing racism and bias
- Best practices in incorporating a new system into your practice
- Using AI in litigation and immigrant advocacy
- Using AI in employment-based cases

1:20 pm – 2:20 pm

It's Everywhere You Want to Be: Insights into Consular Processing for Employment-Based Visas

Increasing delays and inconsistent decisions at consulates abroad can be difficult to navigate. Our experts will discuss the current landscape of consular review, strategies for advising clients, and where to seek assistance.

- Preparing nonimmigrant and immigrant visa applications: what to include, and how to present information succinctly
- Preparing clients from countries that experience disproportionate delays and denials
- Can past criminal history be overcome?
- Latest experiences at consular posts
- Where to find help in the event of delay or denial

2:20 pm – 2:45 pm

Networking Break

2:45 pm – 3:45 pm

New Year, New Opportunities: Hot Topics in EB-5

Whether you're new to EB-5 or a seasoned practitioner, join us for an insightful panel discussion. Panelists will delve into the complexities and opportunities of the EB-5 visa program, including:

- Understanding the fundamentals and eligibility requirements
- Minimum investment thresholds, targeted employment areas (TEAs), and navigating project selection
- Analyzing job creation metrics and economic impact
- Regional Center vs. Direct Investment: benefits and considerations of each approach
- Best practices for investors in assessing projects and regional centers
- Evaluating financial implications and risk management strategies

3:45 pm – 4:10 pm

Networking Break

4:10 pm – 5:10 pm

National Interest Waivers: A New Hope?

Recent policy updates and White House initiatives have made National Interest Waivers (NIWs) appear more desirable and easier to get among foreign nationals. But is it really the case that NIW's are a slam dunk? Panelists will discuss recent changes and strategies for success.

- The legal landscape since *Matter of Dhanasar*
- Policy Manual updates: How can they work for your client?

- Can only PhDs benefit, or do master's holders also have a chance?
- Using the CHIPs Act and similar tech initiatives to boost your case
- Dealing with client misconceptions and managing client expectations

5:10 pm – 6:30 pm

Conference Happy Hour

Join us for networking and drinks following the conference. This event is co-sponsored by the AILA Santa Clara Valley Chapter.



Saturday, November 9, 2024

Removal/Family Track

8:00 am – 9:00 am

Emergency! How to Handle Client Emergencies in Family, Business, and Humanitarian-Based Cases

When your client's loved one is in an accident, becomes seriously ill, suffers an unexpected emergency, or passes away, deciphering the USCIS and border expedite procedures takes time that you may not have. Panelists will provide tips for whom to contact at the local field offices, and they will discuss how to handle various emergencies, including:

- Emergency advance parole for adjustment applicants, DACA holders, TPS, U visa applicants, and U visa holders
- Parole for U visa derivatives outside the United States
- Seriously ill or disabled relatives, or relatives escaping violence outside the United States
- An accident or illness in the United States
- Missing a biometrics appointment

9:00 am – 9:30 am

Networking Break

9:30 am – 10:30 am

Hot Topics in Removal

Panelists on this session will discuss the U.S. Supreme Court's *Campos-Chaves* decision and where the case law stands at this moment with respect to defective Notices to Appear (NTAs).

- What is new with defective NTAs?
- What will happen with prosecutorial discretion?
- Strategies for motions to terminate or suppress

10:30 am – 11:00 am

Networking Break

11:00 am – 12:00 pm

Special Immigrant Juvenile (SIJ) Hot Topics and Tips

Our experts will detail trends and strategize ways to handle predicate orders. Panelists will also discuss the most cutting-edge issues in SIJ practice.

- Regulatory changes

- *Guardian Ad Litem* issues
- Joinder challenges and tips
 - *Bianka M*: Child as petitioner and custodial parent as respondent
- Orders dispensing notice
- USCIS social media searches of applicants and those approved
 - Examples of notice of revocation due to photos with noncustodial parents

12:00 pm

Conference Concludes

Business Track

8:00 am – 9:00 am

The Ripple Effect: Analyzing *Loper Bright Enterprises v. Raimondo* and Its Impact on Litigation

The U.S. Supreme Court's decision in *Loper Bright Enterprises v. Raimondo* has reshaped the regulatory landscape. Experts will explore the case's impact on administrative authority, litigation strategies, and future regulatory practices. What are the advantages and disadvantages of litigation in the immigration context post *Loper Bright*?

- Case summary
- The case's effects on agency power and regulatory enforcement
 - How to use this to change regulations and policies
- Litigation strategies
- Broader implications of this case on related legal and policy areas

9:00 am – 9:30 am

Networking Break

9:30 am – 10:30 am

Be More Civil! Growing Skills for Effective Advocacy (Civility)

Civility is a fundamental value in our relationships with attorneys, clients, and communities. Panelists will discuss the importance of civility in the legal profession and offer strategies on maintaining civility when faced with incivility.

- History: why context matters
- Using inclusive and civil language to build a healthy environment
- Compassion:
 - Cultural humility
 - Cross cultural communication
 - Building a culture of civility in your practice
- Overview and background of AILA's Civility Code

10:30 am – 11:00 am

Networking Break

11:00 am – 12:00 pm

Stability Through the Storm: Personal and Practice Management Tools and Tips (Competency)

Practicing immigration law can be overwhelming. Panelists will discuss how to take care of ourselves so we can maintain successful careers and personal lives. They also will share practical tips to stay steady when you feel surrounded by chaos.

- Communication: setting expectations with clients
- Management of staff: effective leadership and making difficult decisions
- Billing: knowing and owning your value
- How to structure your workday to optimize your time and protect your mental wellbeing

12:00 pm

Conference Concludes

Conference Program Committee

Medya Ansari, AILA Santa Clara Chapter Chair/Conference Planning Committee Co-Chair, San Jose, CA

Shannon Reed, Conference Planning Committee Co-Chair, San Jose, CA

Ban Al-Wardi, AILA Client Resources Committee, Rolling Hills, CA

Amanda S. Alvarado-Ford, San Mateo, CA

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Spojmie Ahmady Nasiri, Pleasanton, CA

Edith Nazarian, Woodland Hills, CA

Elisabeth Ann Pellegrin, Berkeley, CA

Jennifer Rozdzielski, Torrance, CA

Emily Wilson, San Francisco, CA

Susan Prchal Worm, San Diego, CA

Alison Yew, San Jose, CA

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