



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

## 23rd Annual AILA New York Chapter Immigration Law Symposium

The immigration process can sometimes feel like a never-ending journey, filled with delays and unanticipated detours. The expert faculty for this one-day conference will address the many possible routes a case can take on this voyage (including those that seem unclear) and provide practical tips and suggestions to help attorneys navigate the immigration process. Speakers will address current challenges faced by practitioners in the areas of employment-based immigration, removal, and family-based immigration. They also will incorporate issues unique to New York, the nation's most dynamic cultural mosaic. In addition, attendees will hear the latest news and practical information directly from AILA liaison committee members. Finally, there will be opportunities for attendees to network with colleagues.

December 16, 2024  
New York Marriott Marquis  
New York, NY

*Times listed on the Program are Eastern Time (ET)*  
*Note: All sessions and events are subject to change without notice.*

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Monday, December 16, 2024

8:15 am – 5:00 pm    Registration and Exhibits

### **Plenary Track**

8:45 am – 8:50 am    Conference Kickoff  
*\*Carolyn S. Alvarez, AILA Board of Governors, New York, NY*  
*\*Rachel Baskin, Conference Program Co-Chair, Garden City, NY*  
*\*Lindsey Gauzza, Conference Program Co-Chair, New York, NY*

8:55 am – 9:55 am    The State of U.S. Immigration: Hot Topics  
The 2024 elections have concluded and attorneys are now facing an immigration landscape subject to the winds of change. Panelists will discuss the latest statutory, judicial, and policy updates and what to expect from the incoming administration. How do immigration lawyers best advocate for their clients? Can the immigration bar push for

(DL) = Discussion Leader

\* = invited, not confirmed

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reforms? What should attorneys expect on January 20, 2025, and beyond?

- Parole in place: results thus far, strategies, and/or reasons to continue pursuing an I-601(A) waiver
- The death of *Chevron* deference in *Loper Bright Enterprises v. Raimondo*, and how to effectively advocate for clients in federal court
- INA §212(d)(3) waivers: trends and best practices at U.S. consular posts abroad
- Litigation updates, including discussions of the following 2024 U.S. Supreme Court cases: *Campos-Chaves v. Garland*; *DOS v. Muñoz*; *FBI v. Fikre*; *Wilkinson v. Garland*

*Faculty:*

*\*Nora M. Anderson (DL), New York, NY*

*\*Kelli J. Stump, AILA President, Oklahoma City, OK*

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

*\*Suchita Mathur, Senior Litigation Attorney, American Immigration Council, Washington, D.C.*

10:05 am – 11:35 am Latest Updates from Government Agencies  
Come hear the latest updates from your local government officials, including U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and the Executive Office for Immigration Review (EOIR).

*Faculty:*

*\*Rachel Baskin, Conference Program Co-Chair, Garden City, NY*

*\*Lindsey Gauzza, Conference Program Co-Chair, New York, NY*

*\*USCIS Representative*

*\*ICE Representative*

*\*CBP Representative*

*\*EOIR Representative*

11:35 am – 11:45 am Networking Break

11:45 am – 12:45 pm Digital Transformation in Immigration Law: Using Technology to Streamline Representation and Protect Client Data (**Cybersecurity**)  
In an era when technology is rapidly evolving, immigration law practitioners are adapting to increase efficiency and efficacy across systems and security in their communication platforms. Panelists will explore digital tools and strategies for streamlining client representation, improving workflow, reducing costs, and enhancing client communication. They also will discuss best practices for protecting sensitive client data in compliance with ethical standards.

- Digital marketing and social media as communication tools
  - Act nationally and think locally: how to effectively leverage digital partnerships across the United States
- Artificial intelligence (AI)-powered client relationship management

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- Exploring how AI can assist in streamlining case management, drafting forms, and client communication with greater accuracy and speed
- Navigating the ethical implications of using AI in legal practice, including issues of bias, transparency, and accountability
- Understanding the evolving regulatory landscape surrounding AI technologies and how it impacts legal practice

*Faculty:*

*\*Afia Yunus (DL), Melville, NY*

*\*Michele N. Carney, AILA Innovation & Technology Committee Chair, Seattle, WA*

*\*K. Craig Dobson, AILA Well-Being Committee Chair, New York, NY*

*\*Samantha Hamidan, New York, NY*

12:45 pm – 1:35 pm Lunch Break

Business Track

1:35 pm – 2:35 pm Best Practices for Advising Clients Before, During, and After Corporate Changes  
 For companies undergoing a merger or acquisition, the past couple of years have been a trying time for personnel managers and corporate counsel struggling to identify which employees can be saved from the impact of a transaction that changes the employing entity. Moreover, what legal standards apply to that employer's ability to retain its foreign workers? Our panel of experts will offer best practices for advising corporate clients at different stages of the process.

- Were you informed before or after the deal closed?
- Memorandum to Public Access File (PAF): H-1B, H-1B1, and E-3 workers
- Saving Es and Ls: treaty ownership, overseas entities, ties to qualifying employment
- Successor-in-interest: When does it take effect?
  - PERMs, I-140s, travel memoranda
- Inherit the I-9s: assume vs. reverify

*Faculty:*

*\*Karin Wolman (DL), New York, NY*

*\*Shavit Yarden, AILA CBP Liaison Committee, New York, NY*

*\*Drilona Brecani, New York, NY*

*\*Stacey A. Simon, Newark, NJ*

2:35 pm – 2:45 pm Networking Break

2:45 pm – 3:45 pm Got STEM? A Foot in the Door to Immigration Benefits Through a STEM Degree  
 On January 21, 2022, DHS and DOS announced new initiatives relating to STEM degree-based work authorization, including J-1 researchers, National Interest Waiver (NIW) recipients, and O-1 extraordinary ability workers based on the Biden-Harris Administration's efforts to attract

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and retain STEM talent in the United States. Since then, USCIS and DOS have updated policy guidance and published materials on their websites to highlight immigration pathways for STEM professionals. Panelists will examine the steps USCIS and DOS have taken in furtherance of these STEM initiatives. They also will provide resources and offer best practices for putting together a strong STEM degree-based filing.

- Most common immigration pathways facilitated by a STEM degree (in particular, an advanced degree)
- Arguing and evidencing stronger eligibility for an immigration benefit based on a STEM degree
- Related executive orders and other sources to cite or quote in immigration filings
- Current adjudication reality for nonimmigrant and permanent residence applicants

*Faculty:*

*\*Susanne C. Heubel (DL), New York, NY*

*\*Lucy G. Cheung, AILA USCIS High Impact Adjudications Assistance Committee Chair, New York, NY*

*\*Cora-Ann V. Pestaina, AILA DOL Liaison Committee, Livingston, NJ*

*\*American Immigration Council Speaker (TBD)*

3:45 pm – 4:00 pm    Networking Break

4:00 pm – 5:00 pm    The Immigrant Entrepreneur: What Options Are Available?  
Many experts argue that entrepreneurs are the true engines of economic growth. Our panel of experts will explore myriad opportunities available to immigrant entrepreneurs, delving into the strategies for structuring and nurturing successful cases for startup founders. Panelists also will discuss the pathways that can turn the American dream into a reality.

- How does a foreign national establish a corporation, and what activities are permissible prior to procuring a visa?
  - Choosing the right business structure: LLC vs. corporation
- Business, birth, domicile and nationality: How does the entrepreneur's nationality and residence affect their options?
- Star student: how to be an entrepreneur on an F-1
- Nontraditional entrepreneur employment

*Faculty:*

*\*Sonal Sharma (DL), AILA Board of Governors/DOL Liaison Committee, New York, NY*

*\*Daniel J. Parisi, AILA Board of Governors/Client Resources Committee, Madrid, Spain*

*\*Neena Dutta, New York, NY*

*\*Scott Gorski, New York, NY*

Removal Track

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1:35 pm – 2:35 pm “There’s a *Parole* Lot Going On”: Navigating Humanitarian Programs and Benefits

Several crises around the world — Ukraine, Afghanistan, Haiti, Chad, Cameroon, Sudan, South Sudan, Venezuela, Honduras, and El Salvador — have resulted in an influx of migrants to New York State. New humanitarian programs and policies were announced by the Biden Administration to address this massive displacement of people. Panelists will explore the newest Temporary Protected Status (TPS) country designations, Deferred Enforced Departure, and various parole programs (including the formal expansion of parole in place). They also will discuss complex technical issues that surface in the adjudication of these cases and the future of humanitarian relief.

- Current forms of available parole: understanding the differences
- Options post-parole: extension, change of status, or adjustment?
- Expanding TPS designations and identifying technical issues with redesignations
- Federal and state benefits for asylees and humanitarian beneficiaries: What is (and is not) available?

*Faculty:*

*\*Ernie Collette (DL), New York, NY*

*\*Tina Genovese-Munoz, Rockville Centre, NY*

*\*Nelson A. Madrid, New York, NY*

2:35 pm – 2:45 pm Networking Break

2:45 pm – 3:45 pm Federal Court Litigation: Preventing Justice Delayed from Becoming Justice Denied

Currently, filing a straightforward immigration application is often just the beginning of a years-long process. Resorting to federal litigation is — increasingly — the only way to move cases forward. For applications that are adjudicated, the decisions are often inconsistent with the applicable law. Moreover, appealing or seeking reconsideration at the Administrative Appeals Office (AAO) can also take years and prove unsuccessful. Panelists will address when and how to use the federal courts for denied or delayed immigration applications.

- Administrative Procedure Act vs. mandamus (or both!)
- Strategies for drafting the complaint
- Delayed asylum cases: when, who, and where to file suit
  - Anticipating the issues most often presented in a motion to dismiss
- Overcoming the black hole of administrative processing
- Visa denial and consular nonreviewability: Can you ever sue?
- Challenging USCIS denials: strategies for avoiding dismissal

*Faculty:*

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*\*Paul O'Dwyer (DL), AILA USCIS High Impact Adjudications Assistance Committee, New York, NY*

*\*Jesse M. Bless, AILA Federal Court Litigation Section Steering Committee/Benefits Litigation Committee Vice Chair, Georgetown, MA*

*\*David A. Isaacson, AILA Benefits Litigation Committee, New York, NY*

3:45 pm – 4:00 pm Networking Break

4:00 pm – 5:00 pm The End of Asylum? Understanding the Asylum Border Bans and How to Overcome Them  
The Biden Administration enacted two major bans to seeking asylum: The Circumvention of Lawful Pathways Final Rule (May 2023); and Securing the Border (June 2024). Panelists will discuss how these asylum bans are being enforced in practice, paying particular attention to cases being adjudicated at immigration courts away from the border (including in the New York region).

- Who is barred from seeking asylum, and what are the exceptions?
- Current state of litigation challenging the bans
- How are immigration judges in New York (and elsewhere) approaching these cases?
- Practical tips for practitioners away from the border

*Faculty:*

*\*Ginny Nunez (DL), New York, NY*

*\*Sarah Lachman, New York, NY*

*\*Heather Y. Axford, Director, Central American Legal Assistance, New York, NY*

5:00 pm Conference Concludes

## Program Committee

*Rachel Baskin, Conference Program Co-Chair, Garden City, NY*

*Lindsey Gauzza, Conference Program Co-Chair, New York, NY*

*Sonal Sharma, AILA Board of Governors/DOL Liaison Committee, New York, NY*

*Vishal Chander, AILA Global Migration Section Steering Committee, New York, NY*

*Randall A. Chamberlain, AILA Asylum and Refugee Committee, New York, NY*

*Lucy G. Cheung, AILA USCIS High Impact Adjudications Assistance Committee Chair, New York, NY*

*Paul O'Dwyer, AILA USCIS High Impact Adjudications Assistance Committee, New York, NY*

*Shavit Yarden, AILA CBP Liaison Committee, New York, NY*

*Nora M. Anderson, New York, NY*

*Liane M. Aronchick, New York, NY*

*Joss A. Bravo-Bonetti, Austin, TX*

*Drilona Brecani, New York, NY*

*Jan H. Brown, New York, NY*

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*Neena Dutta, New York, NY*  
*Joseph C. Fungsang, New York, NY*  
*Samantha Hamidan, New York, NY*  
*Susanne C. Heubel, New York, NY*  
*Cynthia G. Katz, New York, NY*  
*Eric Lorenzo, New York, NY*  
*Ginny Nunez, New York, NY*  
*Ana Marie N. Siscar, Fairfield, CT*  
*Jennifer Wexler, Merrick, NY*  
*Karin Wolman, New York, NY*  
*Afia Yunus, Melville, NY*

*Carolyn S. Alvarez, AILA New York Chapter Chair, New York, NY*  
*Scott Gorski, AILA New York Chapter First Vice Chair, New York, NY*  
*Sarah Lachman, AILA New York Chapter Second Vice Chair, New York, NY*  
*Cora-Ann V. Pestaina, AILA DOL Liaison Committee/New York Chapter Treasurer,*  
*Livingston, NJ*  
*Ernie Collette, AILA New York Chapter Secretary, New York, NY*

*JJ Area, AILA Education Program Manager, Washington, D.C.*

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