AILA’s ACES conference is back, and we are taking a different approach this year! The conference will still cover all the advanced niche issues and strategies that you have come to love and expect from an ACES conference, but this time, we’re breaking it down by specific industries. Expert panelists will provide a deep dive into immigration tactics for orchestrating large-scale live performances, taking on challenges in film and television productions including budgeting and short timescales, working with unique and taboo occupations, representing wild west rodeos, and more. Please join us for another opportunity to learn the ACES nuggets that can only be taught by our colleagues who have already tried it and won.

September 29, 2023
The Westin Kierland Resort & Spa
Scottsdale, AZ

Times listed on the program are Mountain Standard Time (MST)
(Please note Scottsdale, AZ does not observe daylight savings and the local time will be equivalent to Pacific Time).

Friday, September 29, 2023

7:00 am – 5:55 pm  Registration and Exhibits

7:30 am – 7:40 am  Opening Remarks

7:40 am – 8:40 am  Hot Topics
Panelists will provide updates on the latest adjudication trends and guidance from the government agencies that are relevant to ACES practice. They will also look forward to what is on the horizon that might affect ACES cases.

- Updates to USCIS Policy Manual (O-1B chart in particular)
- Updates to relevant sections of FAM about travel/itinerary
- RFE trends
- Visa retrogression, backlogs, and delays (still)
- Industry trends and guild strikes and the impact on entertainment industries

Faculty:
Dan H. Berger (DL), Fall Conference Committee, Northampton, MA
Fuji Whittenburg, DOS Liaison Committee Chair, Calabasas, CA

* = invited, not confirmed
Amy Maldonado, AILA Board of Governors, East Lansing, MI  
Eileen F. Morrison, USCIS HQ (Benefits Policy) Liaison Committee, Newton, MA

8:40 am – 9:10 am  Networking Break

9:10 am – 10:10 am  Performing Arts on a Grand Scale
The performing arts (music, theatre, dance, and more) represent one of the largest blocks in entertainment immigration and encompass not only performers, but also the myriad jobs tied to live entertainment such as tour managers, sound engineers, talent managers, lighting directors, video jockeys, and more. Panelists will discuss the roles that make up this industry, the interplay of the O and P visas (and unique alternatives), and some of the biggest challenges facing performing-arts petitions.

- Who does what and why are there so many “managers”?
- Challenges for large parties (best classifications, AOs, tight timelines, consular issues, etc.)
- Choosing the best visa classification
- The “future work” dilemma

Faculty:
David Melik Telfer (DL), Fall Conference Committee, Los Angeles, CA  
Aja Kathleen Pardini, New York, NY  
Michael M. Felix, Santa Fe Springs, CA

10:10 am – 10:40 am  Networking Break

10:40 am – 11:40 am  Lights, Camera, ... Visa?
Film and television production is not all premier parties and award ceremonies, but also short deadlines and unexpected challenges, especially when working with an international cast and crew. Panelists will provide advanced-level insights into working with clients in the film and television industry. Topics will range from sponsorship and consultation issues to what constitutes a sufficient “deal memo.”

- Understanding the industry, including big budgets and tight deadlines, below-the-line occupations, and how “film and television” is defined
- Analyzing petitioner options: agency vs. employer sponsorship
- Advising regarding deal memos and making sense of itineraries, loan-outs, and “permission slips”
- Selecting the right entity to issue a consultation
- Setting up for approval: must-have and wish-list elements of a successful nonimmigrant and immigrant petition in film/television

Faculty:
Rita Sostrin (DL), Fall Conference Committee Vice Chair, Woodland Hills, CA  
Heidy Berger Trombi, Newport Beach, CA  
Howard D. Shapiro, Los Angeles, CA

11:40 am – 12:40 pm  Lunch (Provided)
12:40 pm–1:40 pm  In the Eye of the Beholder: Visual and Fine Arts

Representing clients in the visual and fine arts can pose numerous challenges. In addition to the artists themselves, curators, dealers, and other individuals who work with artists often require careful consideration to find the right classification. This panel will consider the available nonimmigrant and immigrant classifications for visual and fine artists and those workers in the industry who are adjacent to the artists themselves. The panel also will discuss artists whose work might be difficult to categorize as “visual,” “fine,” or “performance.”

- Understanding the O-1B evidentiary requirements
- What if O-1B doesn’t apply? Alternative nonimmigrant options
- Defining the work to be performed: artists coming to the United States to create
- Art curators, dealers, and others who are artist-adjacent and utilizing the E-2
- Blurring the lines: artists who do not fit into a neat category

Faculty:
Elissa J. Taub (DL), Fall Conference Committee, Memphis, TN
Elizabeth Chatham, Phoenix, AZ
Sharon J. Phillips, New York, NY

1:40 pm–2:05 pm  Networking Break

2:05 pm–3:05 pm  Welcome to the Wild Wild West: Rodeos, Circuses, and Jockeys

With an economic benefit of nearly $200 million for just the annual national finals rodeo events in Las Vegas, rodeos are big business. Rodeo sports include bareback riders, steer wrestlers, team ropers, saddle bronc riders, barrel racers, and bull riders—many of whom hail from outside of the traditional “western” cowboy culture of the west and southwest and require U.S. immigration advice—not to mention their animals and caretakers. With its foundation in Arizona and an unusual alliance with CBP, this panel will provide a deep dive into issues common to this exciting and growing field.

- Who are the players? From cutting horses to large animal vets, riders, and horse competitors, are these just your average sports teams?
- When are you safe to use a B visa and considerations for prize money?
- P-1 vs. O-1A vs. O-1B considerations: who is internationally recognized and who is extraordinary?
- Essential support personnel considerations

Faculty:
Amanda S. Brill (DL), Fall Conference Committee Chair, London, UK
Bonnie Smordon, Cudjoe Key, FL
Alexander Farquhar, Dallas, TX

3:05 pm–3:30 pm  Networking Break

3:30 pm–4:30 pm  “Taboo,” Uncommon, and Unusual Occupations: Guess What? That's Extraordinary Talent Too!

Wait? Is this an O-1 or a P-1? Approaching and strategizing unusual occupations that USCIS officers may not know or understand, this panel will discuss case assessment and provide strategies for taboo, unique, and unusual fields such as burlesque dancers, drag queens, OnlyFans models, competitive eaters, glam squads, tattoo artists, and more.
• Considerations on how to define, narrow, or expand the field
• Issues to be aware of and how to make unusual evidence work for your client
• How to document success in different media: YouTube, Instagram, TikTok, resharing, etc.
• Expert opinions to lay the groundwork, explain the industry, and your client’s relevance in it
• Managing clients’ expectations: RFEs, USCIS “independent research,” maintenance of status, and more

Faculty:
Flavia Santos Lloyd (DL), Fall Conference Committee, Newport Beach, CA
Zachary Robert Dussault, Charlotte, NC
James W. Hollis, Memphis, TN
Diana Okoeva, London, UK

4:30 pm – 4:55 pm  Networking Break

4:55 pm – 5:55 pm  Are There Ethics in the Bullring? Special Ethics Issues in ACES Cases
Together with the usual blurred line of who is the client, unique issues arise when working with artists and entertainers. Panelists will discuss the ethical questions and issues distinct to the arts and entertainment industry including what to do when you’re asked to sign an NDA, and setting boundaries when your client texts, Whatsapp you, or even slides into your DMs.

• Who is the client: maintaining confidentiality while communicating with the talent, agent, manager, and entertainment attorneys
• Who is the employer? including beneficiary’s ownership in the company?
• Who is the petitioner? attorney’s role as the petitioner or setting up a side company to sponsor O and P petitions
• Setting boundaries with clients, including communication methods and frequency
• Who is responsible for the I-9?

Faculty:
Catherine L. Haight (DL), Marina Del Rey, CA
Sara Marie Mailander, AILA Ethics Committee, Boston, MA
William Spitz, Brooklyn, NY
Maurice H. Goldman, Tucson, AZ

5:55 pm  Conference Concludes

Conference Program Committee

Amanda Brill, AILA Conference Program Chair, London, UK
Rita Sostrin, AILA Conference Program Vice Chair, Woodland Hills, CA
    Dan Berger, Northampton, MA
    Laya R. Kushner, Charlotte, NC
    Flavia Santos Lloyd, Irvine, CA
    Elissa J. Taub, Memphis, TN
    David Melik Telfer, Los Angeles, CA

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