



33RD ANNUAL AILA CALIFORNIA CHAPTERS VIRTUAL CONFERENCE

The AILA Northern California Chapter welcomes colleagues throughout the state and beyond to the 33rd Annual AILA Virtual California Chapters Conference. Expert panelists will provide attendees of all experience levels with critical updates across a wide range of immigration law topics. In addition, participants will have the opportunity to network virtually with colleagues, earn specialized CLE credit, and receive important information specific to practicing immigration law in California.

NOVEMBER 12–13, 2020

VIRTUAL CONFERENCE

ALL TIMES INDICATED BELOW ARE PACIFIC TIME

THURSDAY, NOVEMBER 12, 2020

Day Coordinator: Catherine Seitz, San Francisco, CA

8:50 am–8:55 am **WELCOME ADDRESS**

*Ganesh Kalyanaraman, AILA Bangkok District Chapter Chair, Conference
Program Co-Chair, Sacramento, CA
Laura Victoria Sanchez, Conference Program Co-Chair, San Francisco, CA*

9:00 am–10:00 am

HOT TOPICS

AILA leadership will address current hot topics in immigration law and provide information on how AILA is helping you to grow your practice and serve your clients.

- Recent Changes in California Law That May Impact Your Clients
- Developments in Business Immigration
- Update on Litigation Against the Administration's Policies
- The Assault on Asylum Law

Faculty:

*Annaluisa Padilla (DL), AILA Past President, La Habra, CA
Farshad Owji, AILA 2nd Vice President, San Francisco, CA
Jesse Bless, AILA Director of Federal Litigation, Washington, DC*

(DL) = Discussion Leader

** = Invited Speakers, Not Confirmed*

- All events, sessions, conference materials, and free recordings are subject to change -

10:00 am–10:30 am **VIRTUAL NETWORKING BREAK**

10:30 am–11:30 am **WORKING WITH DISTRICT OFFICES AND CBP IN THE MIDST OF COVID-19**

The panelists will prepare you for how to work efficiently and effectively with USCIS district offices and CBP during the pandemic. In light of the disruptions that COVID-19 has caused—e.g., flight cancelations, travel restrictions, family emergencies, government office closures, and new social distancing requirements—our experts will advise on best practices for navigating local CBP and USCIS offices in the current environment.

- Satisfactory Departure Procedures, Correcting I-94 Cards
- CBP Local Liaison Procedure
- Process for Obtaining Emergency Advance Parole
- InfoPass Appointments, Rescheduling Interviews and Application Support Center Appointments
- Adjustment of Status and Naturalization Interviews

Faculty:

Vilma L. Guerrero (DL), Santa Cruz, CA

Scott A. Emerick, Los Angeles, CA

Liz Ann Pellegrin, Oakland, CA

11:30 am– 12:00 pm **VIRTUAL NETWORKING BREAK**

12:00 pm– 1:00 pm **ADVANCED ASYLUM**

Asylum law has undergone many changes over the last several years. In this advanced-level session, panelists will provide an overview of the current state of the field and discuss some of the hottest topics impacting asylum law practice.

- Where Does the Third-Country Transit Ban Stand?
- Updates on the Migrant Protection Protocol
- The Administration's Recent Proposed Changes to Asylum Law Practice
 - The Change to Finding a Frivolous Asylum Claim
 - Allowing Pretermission on Applications for Asylum, Withholding of Removal, and Convention Against Torture Cases
 - Standards for Particular Social Group Classification

Faculty:

Alexander George Dahlin Carl (DL), Los Angeles, CA

Tatyana Edwards-Behar, San Diego, CA

Karen Musalo, San Francisco, CA

1:00 pm– 1:30 pm **VIRTUAL LUNCH BREAK**

1:30 pm– 2:30 pm **IMMIGRATION COURT LITIGATION STRATEGIES FROM FORMER IMMIGRATION JUDGES**

In light of the current administration's aggressive attempts to fundamentally alter removal proceedings, our expert panelists, each a former immigration judge, will examine the latest developments affecting testimony and bond and suppression

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motions. Panelists also will provide an update on the impact of COVID-19, and they will discuss how attorneys can utilize these procedures to defend clients as aggressively as possible. Finally, panelists will address issues advocates face in a compressed removal hearing and strategies to preserve the record.

- Bond in the Trump Era
- The State of the Motion to Suppress
- Court Representation in the Era of COVID-19
- Litigating in a Time of Compressed Hearings
- Strategies on Preserving the Record for Appeal

Faculty:

Isabel Soto (DL), Santa Cruz, CA

Carol A. King, San Francisco, CA

Ilyce Shugall, San Francisco, CA

Polly A. Webber, San Francisco, CA

2:30 pm–3:00 pm

VIRTUAL NETWORKING BREAK

3:00 pm– 4:00 pm

MASS DEFENSE AND MOVEMENT LAWYERING STRATEGIES IN REMOVAL PROCEEDINGS

The panelists will focus on whether and how to use new and creative strategies to advocate on behalf of clients in removal proceedings. They will discuss the pros and cons of using social media, traditional media, and/or community groups as part of the legal approach for a case. Panelists also will cover how to create and control the record and evidentiary strategies, including objections and documenting misconduct and bias.

- Thinking Outside the Legal Courtroom to Fight for Your Client
- Using Social Media and Advocates to Your Client’s Advantage
- Strategies for Difficult and Biased Adjudicators
- Limits on Government Hearsay: *Hernandez-Guadarrama v. Ashcroft*

Faculty:

Lauren D. Cusitello (DL), San Diego, CA

Lisa Knox, Oakland, CA

Jehan Marie Laner, San Francisco, CA

Lindsay Toczylowski, Los Angeles, CA

4:00 pm–4:30 pm

VIRTUAL NETWORKING BREAK

4:30 pm–5:30 pm

WORKING WITH UNACCOMPANIED CHILDREN ON THEIR CASES

The panelists will advise on best practices for how to establish a client relationship with a child. They will provide tips and strategies for conducting an interview with a child to obtain the information necessary to help them in their immigration case.

- Establishing a Trauma-Informed Attorney-Client Relationship
- Creating Trust with a Child
- Interviewing a Child for Declaration Purposes: Tips and Best Practices

Faculty:

Sarah Gavigan (DL), San Francisco, CA

Brigit Greeson-Alvarez, Los Angeles, CA

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Roxana V. Muro, Los Angeles, CA

FRIDAY, NOVEMBER 13, 2020

Day Coordinator: Elham Sadri, San Jose, CA

9:00 am–10:00 am

PUBLIC CHARGE: AN EXAMINATION OF THE FIRST EIGHT MONTHS

The panelists will examine the pitfalls and successes in USCIS and consular adjudications approximately eight months into the new public charge regulations. They will discuss which public benefits have been most problematic for immigrants in California thus far, review recent trends, and identify areas of greatest concern for your practice.

- Comparison of Adjudications Across the Immigration Agencies
- Successfully Evaluating If Your Client May Be a “Public Charge”
- Strategies for Overcoming Findings of Public Charge

Faculty:

*Jennifer Y. Lee (DL), San Mateo, CA
Ariel Brown, San Francisco, CA
Patrick Gihana, Sacramento, CA
Noemi Ramirez, Los Angeles, CA*

10:00 am–10:30 am

VIRTUAL NETWORKING BREAK

10:30 am–11:30 am

CONSULAR PROCESSING A–Z

The panelists will give an overview of the basic steps of consular processing and provide newer practitioners a framework of reference for how and what to expect during their client’s legalization journey. They will cover required guidelines at the National Visa Center stage, how to prepare clients for consular interviews, and what remedies may be available in case of a denied visa application. Finally, the panelists will detail how the process has changed since the beginning of the COVID-19 pandemic.

- Consular Processing Basics
- How to Prepare for a Consular Interview
- Next Steps and Remedies If a Visa Application Is Denied
- Changes in Process and Procedure as a Result of COVID-19

Faculty:

*Jonathan D. Montag (DL), San Diego, CA
Mandy Feuerbacher, Los Gatos, CA
Sechyi Laiu, Honolulu, HI*

11:30 am- 12:00 pm

VIRTUAL NETWORKING BREAK

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- 12:00 pm- 1:00 pm **WHERE DO YOU GET THE AUTHORITY? A DISCUSSION OF THE GOVERNMENT’S SWIFT IMMIGRATION CHANGES UNDER COVID-19**
The panelists will discuss the government’s authority to implement new immigration regulations and travel restrictions under the Administrative Procedure Act, regulatory actions, and sub-regulatory actions. They also will review the various government actions in 2020 due to COVID-19.
- COVID-19 Travel Ban
 - Executive Orders and Proclamations
 - Exemptions and Waivers
 - Regulatory Actions
- Faculty:*
Karine Faure Wenger (DL), San Diego, CA
Kathleen Spero, San Diego, CA
Lauren K. Ross, San Francisco, CA
- 1:00 pm–1:30 pm **VIRTUAL NETWORKING BREAK**
- 1:30 pm–2:30 pm **PERM HOT TOPICS**
The panelists will focus on recent trends in PERM adjudications in light of the current administration heavily promoting the hiring of U.S. workers over those from abroad. They also will identify best practices for preparing cases for success.
- Preparing PERM Applications
 - New Standard Occupational Categories (SOC) Codes, How DOL Is Applying Them to Prevailing Wage Determinations
 - Recent Board of Alien Labor Certification Appeals (BALCA) Decisions Impacting PERM Practice
 - Procedural and Process Changes to the PERM System
- Faculty:*
Tiffany Martinez (DL), AILA Board of Governors, San Francisco, CA
Afsha Randera, El Segundo, CA
Monica Sherman, San Diego, CA
- 2:30 pm–3:00 pm **VIRTUAL NETWORKING BREAK**
- 3:00 pm– 4:00 pm **TN AND NONIMMIGRANT ENTREPRENEUR VISA OPTIONS IN THE TIME OF COVID-19**
With many consular posts slowly returning to routine visa processing services, our expert speakers will examine current nonimmigrant visa—i.e., L-1, E-2, H-1B and O—processing procedures at consular posts and adjudications. In addition, they will provide tips and alternatives to consider, such as filing extension of stay or change of status petitions with USCIS.

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- Making the Case for an Emergency Nonimmigrant Visa Appointment, Employing the National Interest Exception, and Third-Country Visa Processing
- What Are Permissible Business Development and Incorporation Activities for Students and Visitors?
- Winning Strategies for E-2 Investors and L-1 New Offices
- Proclamation 10052 and Alternative Strategies: Applying for an Extension of Stay or Change of Status with USCIS

Faculty:

Fuji Whittenburg (DL), Calabasas, CA

Laura J. Mazel, Oakland, CA

Robert G. Nadalin, San Diego, CA

4:00 pm–4:30 pm **VIRTUAL NETWORKING BREAK**

4:30 pm– 5:30 pm **H-1B TRENDS AND STRATEGIES TO EMPLOY AFTER THE ITSERVE SETTLEMENT AGREEMENT**

H-1B applications are being more heavily scrutinized than ever before. The panelists will advise on best practices for preparing cases for success by looking at recent adjudication trends and common USCIS requests for evidence (RFEs) in the wake of the 2020 ITServe Settlement.

- Application Preparation Strategy (Anticipating an RFE), Document Filing Strategies In Light of the 2020 ITServe Settlement
- Issues Surrounding Small Companies and Start-Ups
- Creative Problem-Solving in Choosing Occupational Classifications
- Impact of the Resulting Memo Rescissions, Using Case Examples to Highlight the Various Factors to Consider
- Dealing with Consular Processed Approved CAP Cases

Faculty:

Maxine Dorain Bayley (DL), AILA Northern California Chapter Chair, San Francisco, CA

Sophie M. Alcorn, Mountain View, CA

Kimberley Best Robidoux, San Diego, CA

Jonathan Wasden, Burke, VA

5:30 pm **CONFERENCE CONCLUDES**

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PRERECORDED ONDEMAND SESSIONS

OnDemand Recordings

Participants also will receive the following OnDemand, CLE-eligible specialized credit recordings.

DIVERSITY AND INCLUSION: UNDERSTANDING THE CURRENT CONVERSATION

The panelists will discuss implementing the lessons learned from the current conversation regarding diversity, inclusion, and equity. They also will address how the current social justice movement impacts our law practices.

- Nexus Between Over Policing, Racism, and Immigration
- Recognizing Unconscious Biases
- Working on Quantifiable Changes Personally and in Your Practice

Faculty:

Olivia Serene Lee (DL), AILA Diversity and Inclusion Committee Chair, San Francisco, CA

Ashima Duggal, Mountain View, CA

Ginny Hsiao, Arcadia, CA

Antoinette Gonzalez, Berkeley, CA

ETHICAL REPRESENTATION OF CLIENTS DURING A PANDEMIC

The panelists will discuss ethical considerations when representing a new client in an emergency or during a crisis. They also will advise on best practices to protect data and maintain confidentiality in a hyper-decentralized work model, and how to do all of this when offering support and flexibility to your staff.

- Representing New Clients During an Emergency
- Virtual Representation
- Conflict of Interest
- Data Protection

Faculty:

Lucy Fong Lee (DL), San Francisco, CA

Richard M. Green, Irvine, CA

Saja Raoof, San Francisco, CA

PRACTICE MANAGEMENT

The panelists will cover the issues related to practicing immigration law in the COVID-19 era: managing the firm virtually, ethical and confidentiality considerations, staff management, contractors, and interpreters. They also will cover marketing strategies during the pandemic.

- Ethical and Confidentiality Considerations
- Marketing Strategies: Keeping the Cases Coming
- Management and Productivity: Staff and Contractors

Faculty:

(DL) = Discussion Leader

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Elham Sadri (DL), San Jose, CA
Sameera Chehab, San Jose, CA
David Hirson, Costa Mesa, CA

CONFERENCE PROGRAM COMMITTEE

*Ganesh Kalyanaraman, AILA Bangkok District Chapter Chair, Conference Program Co-Chair,
Sacramento, CA*

Laura Victoria Sanchez, Conference Program Co-Chair, San Francisco, CA

Annaluisa Padilla, AILA Past President, La Habra, CA

Tiffany Martinez, AILA Board of Governors, San Francisco, CA

Roujin Mozaffarimehr, AILA Santa Clara Valley Chapter Chair, Newark, CA

Ashima Duggal, Mountain View, CA

Scott A. Emerick, Los Angeles, CA

Christina Heakyung Lee, Oakland, CA

Elham Sadri, San Jose, CA

Karine Faure Wenger, San Diego, CA

Grace Anne Zimmerman, San Diego, CA

JJ Area, AILA Education Programs Manager, Washington, DC

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