



## AILA Fundamentals of Immigration Law Online Course Outline

### MODULE 1: BASICS

#### *Faculty:*

*Josiah J. Curtis (ML), AILA New Members Division Steering Committee Vice Chair, Boston, MA*

*Anastasia Tonello, AILA President Elect, New York, NY*

*Ira J. Kurzban, AILA Author, Kurzban's Immigration Law Sourcebook/AILA Past President, Miami, FL*

#### *Module Outline:*

- **Video:** Welcome to the Fundamentals Online Course – *Speaker: Linda Kenepaske, AILA Fundamentals Online Course Committee Chair, New York, NY*
- **Reading:** How to Take This Course
- **Reading:** *How the United States Immigration System Works*, American Immigration Council
- **Video:** Terminology
  - Visa vs. I-94
  - Status vs. Classification/Category
  - Consular Notification, Change of Status, Extension, Amendment
  - Nonimmigrant/Immigrant/Dual Intent
  - Petitioner/Beneficiary/Applicant
  - Acronyms (Immigration Categories, Forms, Government Agencies)
- **Document:** List of Common Terms and Acronyms
- **Document:** Chart of Nonimmigrant and Immigrant Categories
- **Document:** List of Online Resources
- **Video:** Introduction to Practice Areas and How They Differ
- **Video:** Description of Practice Area: Business
  - Nonimmigrant Categories
  - Immigrant Categories
  - Investors
- **Video:** Description of Practice Area: Humanitarian and Family
  - Asylum, Temporary Protected Status (TPS), Deferred Action for Childhood Arrivals (DACA), U Visa, Violence Against Women Act (VAWA)
  - Family Immigrants
  - Naturalization
- **Video:** Description of Practice Area: Removal and Deportation Relief
  - Immigration Court Practice
- **Reading:** “Agencies That Affect Immigration Law,” *Navigating the Fundamentals of Immigration Law* (2019–20 Ed.)

*Please note that all affiliations and titles listed reflect AILA's 2017–18 committee year, when the course outline was written.*

*(ML) = Module Leader*

- **Video:** Government Agencies Which Work on Immigration
  - U.S. Department of Homeland Security (DHS)
    - U.S. Citizenship and Immigration Services (USCIS)
    - U.S. Immigration and Customs Enforcement (ICE)
    - U.S. Customs and Border Protection (CBP)
  - U.S. Department of State (DOS)
  - U.S. Department of Labor (DOL)
    - Board of Alien Labor Certification Appeals (BALCA)
  - U.S. Department of Justice (DOJ)
    - Executive Office for Immigration Review (EOIR)
- **Resources List**
  - *A Curated List of Additional Publications, Recordings, and Resources*

## MODULE 2: ETHICS

### *Faculty:*

*Craig Dobson (ML), AILA Ethics Committee Vice Chair/Fundamentals Online Course Committee, New York, NY*

*Alan Goldfarb, AILA Ethics Committee Chair, Minneapolis, MN*

*Meghan Moore, AILA Ethics Committee, Wyoming, MI*

*Cyrus Mehta, New York, NY*

*Amy M. Wax, Boston, MA*

### *Module Outline:*

- **Video:** Overview of Ethics in Immigration
- **Issues of Dual Representation**
  - **Document:** Sample Engagement Letter Language
  - **Reading:** ABA Model Rule 1.7 and Comments
  - **Video:** Dual Representation
    - When Is It Allowed?
    - Waivers
    - Confidentiality and Privilege
- **Conflicts of Interest by:**
  - **Document:** Chart Comparing Rules 1.7, 1.9, and 1.18
  - **Reading:** ABA Model Rules 1.7, 1.9, and 1.18
  - **Video:** Current, Former, and Prospective Clients
    - When Does One Become a Prospective Client?
    - When Does One Become a Current Client?
    - When Does One Become a Former Client?
  - **Video:** Conflicts of Interest
    - What Are the Protections Owed to a Current Client?
    - What Are the Protections Owed to a Former Client?
    - What Are the Protections Owed to a Prospective Client?
- **Guiding Clients Without Crossing Boundaries**
  - **Reading:** “Yes, No, or Maybe: The Importance of Developing a Philosophy of Lawyering in an Era of Immigration Upheaval,” by Craig Dobson, AILA Doc. No. 17092930
  - **Video:** Practicing Law in Accordance with One’s Vision and Values
    - Many of the Ethics Rules Allow the Lawyer to Exercise Broad Judgment
    - Diligence and Competence
    - Zealousness

*Please note that all affiliations and titles listed reflect AILA’s 2017–18 committee year, when the course outline was written.*

*(ML) = Module Leader*

- **Exercise:** Draft Your Own Philosophy of Lawyering
- **Reading:** Rule 2.1, Rule 1.2 (d), and Comments
- **Video:** Advising Clients – Legal and Non-Legal Advice
- **Video:** Mock Client Meeting: Your Client Is Considering Engaging in Unlawful Conduct
- **Responsibilities When Providing Pro Bono Representation**
  - **Reading:** ABA Model Rules 1.1, 1.2, 1.3, 6.5, and Comments
  - **Video:** Ethics Pointers When Representing Pro Bono Clients
    - The Conflicts Rules Are Relaxed to Encourage Pro Bono Representation
    - Limit the Scope of Your Representation
    - Great Way to Gain Experience, But Make Sure You Are Competent and Diligent
- **Confidentiality**
  - **Reading:** ABA Model Rules 1.6, 5.2, 5.3, and Comments
  - **Video:** Confidentiality
    - Lawyers Must Keep Information Confidential
    - Advise Subordinate Lawyers and Non-Lawyers on Their Obligations
    - Disclose Only After Careful Analysis of the Applicable Laws and Rules
    - Does HIPAA Apply?
- **Files and Document Controls**
  - **Reading:** “Cyber Security and the Ethics of Protecting Client Data,” by Ruby Powers, Kimberly Sutton, and Patrick Kolasinski, AILA Doc No. 16072807
  - **Video:** Choose a File Storage Solution Carefully
    - Encryption
    - Location of Data
    - Who Has Access?
    - General Data Protection Regulation (GDPR)
- **Financial Ethics and Interest on Lawyers Trust Accounts (IOLTAs)**
  - **Reading:** ABA Model Rules 1.15, 1.5, and Comments 8 CFR 1003.102(a) and ABA Model Rules on Client Trust Account Records
  - **Video:** Legal Fees
    - Reasonable/Grossly Excessive Standard
    - Flat Fees
    - Minimum Fees
    - Hourly Fees
    - Hybrid Fees
  - **Video:** Trust Accounts
    - Where Do Upfront Flat Fees Go?
    - Other Upfront Fees
    - Good Bookkeeping
- **Resources List**
  - *A Curated List of Additional Publications, Recordings, and Resources*

### MODULE 3: CLIENT MANAGEMENT

*Faculty:*

*Ruben Luis Reyes (ML), AILA Board of Governors/Fundamentals Online Course Committee, Phoenix, AZ*  
*Neena Dutta, AILA Board of Governors/TSC Liaison Committee Chair, New York, NY*  
*Michael Jarecki, AILA Chicago Chapter Chair, Chicago, IL*

*Module Outline:*

- **Video:** Overview of Client Management Module
- **Client Checklists**

*Please note that all affiliations and titles listed reflect AILA’s 2017–18 committee year, when the course outline was written.*

*(ML) = Module Leader*

- **Document:** Sample Checklists
- **Video:** Client Checklists
  - Purpose of Client Checklist
  - Getting the Most Benefit from Your Checklist: Strategies
  - Develop Your Own Checklist – Or Not ... But Do So Knowingly
- **Video:** Choosing Your Space and Thinking About Consultation Style
  - Where You Consult Matters
  - Choose Your Space
  - Choose Your Tone
  - Choose Your Brand
  - Stick with It
- **Video:** You Can't Wear All Hats – Know Your Role in a Consultation
  - Remember They Are Prospective Clients – And You Are Only an Attorney
  - You Cannot Solve All Problems
    - There Are Problems You Should Not Attempt to Solve
  - Conflicts, Conflicts, Conflicts
- **Video:** Remember Icarus and the Dangers of Flying Too High: Setting Realistic Expectations
  - Be Realistic with Your Expectations (What Does That Mean?)
  - Be Realistic with Advice (What Do You Think Can Happen?)
  - Consider How Many Ways Their Situation Can Turn Sour – (Be Honest with Yourself and Your Client)
    - Explain These in Detail
    - Consider What You Don't Know
    - Consider What Could Change
  - There Is Never a Sure Thing – Aside from Murphy's Law
- **Video:** Mock Client Consultation
- **Exercise:** Find Three Local Options for Pro Bono Consultations and/or Create a List of Pro Bono Referrals When Client Cannot Afford to Retain
- **Reading:** “Connecting with Clients During Dramatic Shifts in Immigration Policy,” AILA Doc. No. 17012603
- **Video:** Working with Victims of Trauma
  - Be Truthful with Your Time Constraints
  - It Is Acceptable to Say You Don't Know
    - Better Ways to Say You Don't Know
    - Other Ways to Say You Don't Know
  - Understanding Your Potential Client
    - Understand the Circle of Abuse and Violence – Learn About the Community You Are Serving
- **Video:** Setting Expectations with Victims of Trauma
  - This Goes for You, Too!
  - How to Deal with Lapses in Memory and Difficult Topics (*i.e.*, Sexual Abuse, Physical Abuse, Drug Abuse, Self-Harm, Neglect of Self and Others)
  - Offer Only What You Are Willing to Provide
- **Video:** Building the Client's Narrative
  - Build It and They Will See What You Are Explaining
  - It's Like Building a House
  - Use of Metaphors to Explain Difficult Concepts
  - Use of Symbolism to Explain Their Situation
  - Policy Issues and Complex Analysis Made Easy Through Diagrams and Use of Colors
- **Resources List**
  - *A Curated List of Additional Publications, Recordings, and Resources*

Please note that all affiliations and titles listed reflect AILA's 2017–18 committee year, when the course outline was written.

(ML) = Module Leader

## MODULE 4: LAW OFFICE MANAGEMENT

### *Faculty:*

*Ruby Lichte Powers (ML), AILA Fundamentals Online Course Committee, Houston, TX*

*Lisa N. Ellis, AILA Board of Publications Chair, Seattle, WA*

*Kirby Gamblin Joseph, Aurora, CO*

### *Module Outline:*

- **Video:** Overview of Law Office Management Module
- **Document:** Law Practice Checklist
- **Video:** Starting or Managing a Law Firm
  - Goals
  - Core Values
  - Structure
  - Management Skills
  - Pointers for Solo Practitioners
- **Reading:** “Best Practices for Immigration Law Office Management,” AILA Doc. No. 08091761
- **Video:** Case Management, Processes, and Leveraging Technology
  - Organizational Structures (Files, Case Tracking, Scheduling, etc.)
  - Best Communication Techniques
  - Case Management Software: Features of Various Options
  - Leveraging Technology to the Maximum
- **Reading:** “Practice Management Software: What Is It and How Do I Choose It?,” AILA Doc. No. 18052166
- **Video:** All About Money
  - Attorney-Client Agreements
  - Hourly vs. Flat Fee: Realistic Fee Structures
  - How to Structure Bank Accounts
  - Taking Payments: Vendors and Procedures
  - Budgets
  - Forecasting
- **Reading:** “A New Lawyer’s Guide to Interest on Lawyer Trust Accounts (IOLTA),” AILA Doc. No. 18073132
- **Reading:** “Spot and Stop Employee Theft,” AILA Doc. No. 18110800
- **Reading:** “Have You Set Business Targets for Your Firm?,” AILA Doc. No. 18020834
- **Video:** Building Your Brand: Marketing Your Law Practice
  - Marketing
  - Social Media
  - Media and Public Relations
  - Networking Skills and Resources
- **Exercise:** Analyze Existing Sales Sources and Sales/Client/Case Funnel
- **Document:** Marketing Plan Checklist
- **Video:** Hiring, Managing, and Firing Staff
- **Document:** Hiring Checklist
- **Reading:** “Law Firm Management: Phases of Staffing,” AILA Doc. No. 14021045
- **Reading:** “Attracting and Compensating Great Employees for Your Firm,” AILA Doc. No. 17050433
- **Video:** Mock Employee/Contractor Interview and Discussion: Hiring
- **Video:** Self-Care and Preventing Burnout
- **Video:** In Summary, Best Practices in Running and Managing a Successful Practice
- **Resources List:**

*Please note that all affiliations and titles listed reflect AILA’s 2017–18 committee year, when the course outline was written.*

*(ML) = Module Leader*

- *A Curated List of Additional Publications, Recordings, and Resources*

## MODULE 5: HUMANITARIAN & ASYLUM

### *Faculty:*

*Yemi Getachew (ML), AILA Santa Clara Chapter Chair, San Jose, CA*

*Cynthia Lucas, AILA Fundamentals Online Course Committee, Los Angeles, CA*

### *Module Outline:*

- **Video:** Overview of Humanitarian and Asylum Module
- **Documents:** Sample Forms
  - I-360 Petition for Amerasian, Widow(er), or Special Immigrant
  - I-918 Petition for U Nonimmigrant Status
  - I-192 Application for Advance Permission to Enter as a Nonimmigrant
  - I-589 Application for Asylum and Withholding of Removal
- **Document:** Humanitarian Relief Chart
- **Reading:** “Asylum and Related Claims for Relief” from *Navigating the Fundamentals of Immigration Law* (2022–23 Ed.).
- **Video:** ABC’s of Affirmative Asylum
  - Important Deadlines (One Year, EAD Eligibility, Overview of Wait Times)
  - Brief Checklist on Evidence
  - Preparing for Asylum Office Interview
  - What to Expect During the Interview
  - Post-Interview: Grant vs. Referral
- **Reading:** “A Brief Overview of Forms of Relief in Removal Proceedings,” *Navigating the Fundamentals of Immigration Law* (2022–23 Ed.)
- **Video:** VAWA Relief
  - Overview of Eligibility
  - Who Can Be a Self-Petitioner? Who Can Be a Derivative?
  - Analogies to Family-Based Immigrant Visas in Considering Wait Times/Adjustment Eligibility
  - Tackling an I-130 Shift to I-360 and Brief Overview of Ethical Considerations
  - When It Is Time to Get Defensive: Brief Introduction to Defensive VAWA Relief
- **Video:** Identifying T Visa Relief
  - Overview of Eligibility
  - T Visa as an Alternative in Domestic Violence Cases
- **Video:** The Mechanics of U Visa Relief in Modern Times
  - Overview of Eligibility
  - Addressing Grounds of Inadmissibility and Introducing Standard for Waivers
  - Backlogs/Wait Times
  - Waitlist vs. Approval: Explaining the Nuances
- **Reading:** “Preventing Removal of SIJ Beneficiaries: From USCIS to Federal Court and Everything in Between,” *Immigration Practice Pointers* (2021-22 Ed.)
- **Video:** Mock Intake of a Special Immigrant Juvenile
  - Brief Overview/Summary of Eligibility
  - Issue-Spotting for SIJ Eligibility
  - Questioning About Abuse, Neglect, or Abandonment by One or Both Parents
  - Working with Local State Law Experts/Mentors for State Court Representation
  - Special Ethical Issues in Representing Minors
- **Exercise:** Issue-Spotting Humanitarian Relief Through Diverse Hypotheticals
- **Resources List**

*Please note that all affiliations and titles listed reflect AILA’s 2017–18 committee year, when the course outline was written.*

*(ML) = Module Leader*

- *A Curated List of Additional Publications, Recordings, and Resources*

## MODULE 6: FAMILY IMMIGRATION

### *Faculty:*

*Angela Ferguson (ML), AILA Fundamentals Online Course Committee, Kansas City MO*  
*Robert B. Scott, New York, NY*

### *Module Outline:*

- **Video:** Overview of Family Immigrant Categories and Numerical Quotas
- **Reading:** “Family-Based Immigrant Visas,” Bureau of Consular Affairs, U.S. Department of State
- **Reading:** “The Visa Bulletin,” Bureau of Consular Affairs, U.S. Department of State
- **Reading:** “Four Myths About Chain Migration Debunked” The Daily Dot, February 8, 2018
- **Video:** Reviewing Eligibility for a Family-Based Immigration Visa Petition
  - Immediate Relatives
  - Family Preference
  - Definition of “Child”
  - Fiancée Visa
  - Cross Chargeability
- **Video:** Special Considerations for Family Immigration
  - Bona Fides of Relationship (Spousal Petitions)
  - Past Marriages (Spousal Petitions)
  - Past Petitions (INA §204(c)) (Spousal Petitions)
  - Dual Representation (Spousal Petitions)
  - Good Faith Marriage Exemption Request
  - Petitioning for Out-of-Wedlock Children
  - Petitioning for Step-Children and Step-Siblings
- **Reading:** “Family-Sponsored Immigration,” *Navigating the Fundamentals of Immigration Law* (2022–23 Ed.)
- **Video:** Mock Intake for Spousal Family-Based Case
- **Document:** Sample Client Intake Sheet for Family Immigration
- **Document:** Sample Attorney Intake/Interview Sheet for Family Immigration
- **Video:** Overview on Preparing and Filing the Immigrant Visa Petition—The I-130
  - The Forms
  - The Required Documents
  - Where to File
- **Documents:** I-130 Petition for Alien Relative Form, I-130A Supplemental Information for Spouse Beneficiary, and Instructions
- **Document:** Sample G-28
- **Exercise:** I-130 Issue-Spotting
- **Video:** Problems and Pitfalls in Family Immigration
  - Past Immigration and Criminal History of Petitioner
  - Past Immigration and Criminal History of Beneficiary
  - Death of Petitioner
  - Aging Out of Beneficiary
- **Video:** The I-601A and I-212 Waiver Possibilities
  - Eligibility
  - Possible Roadblocks: Pending Removal Proceedings, Past Removal or Deportation Orders, and Shifting DHS Attitudes Toward the I-601A and I-212 Waivers
  - Procedures for Filing I-601A and/or I-212 Petitions Stateside

*Please note that all affiliations and titles listed reflect AILA’s 2017–18 committee year, when the course outline was written.*

*(ML) = Module Leader*

- **Resources List:**
  - *A Curated List of Additional Publications, Recordings, and Resources*

## MODULE 7: MOST COMMONLY USED NONIMMIGRANT VISAS

### *Faculty:*

*Beata Leja (ML), AILA TSC Liaison Committee, Chicago, IL*

*Allen Orr, AILA Treasurer, Washington, DC*

*Jennifer Hermansky, AILA Board of Governors, Philadelphia, PA*

*Ian E. Scott, New York, NY*

### *Module Outline:*

- **Video:** Overview of Most Commonly Used Nonimmigrant Visas
- **Video:** B-1/B-2/Electronic System for Travel Authorization (ESTA)
  - Definitions/Purpose/Duration of Each Visa Type
  - Permissible Activities: B-1 vs. B-2
  - B-1 in Lieu of H-1B/H-3
  - When to Use B-1 vs. ESTA
  - Advising Client at CBP Inspection/Red Flags
- **Video:** F-1 Student
  - Definition/Purpose of Visa
  - Schools Programs Eligible for F-1
  - Role of the Student and Exchange Visitor Program (SEVP)
  - I-120 and the Role of the Designated School Official (DSO) and the Student and Exchange Visitor Information System (SEVIS)
  - Changing and Maintaining Status; Reinstatement
  - Employment Authorization: Curricular Practical Training (CPT), Optional Practical Training (OPT), STEM OPT, and H-1B Cap Gap
  - F-1 vs. M-1/B-1
    - M Visa: Vocational or Non-Academic Institution
    - B Visa: Short Recreational Course of Study
  - Dependent Visa F-2
- **Video:** J-1 Exchange Visitor
  - Purpose and History: Promote Cultural Exchange
  - Uses: Professional Trainee/Intern, Au Pair, Graduate Medical Training, Research Scholars, and More
  - DS-2019 Forms and the Role of Program Sponsors
  - Two-Year Home Residency Requirement: How to Determine if Your Client is Subject
  - Waiver of the Two-Year Home Residency Requirement Under INA §212(e)
- **Reading:** “H-1B Nonimmigrants,” *Navigating the Fundamentals of Immigration Law* (2022–23 Ed.)
- **Video:** H-1B Specialty Occupation
  - Definition of “Specialty Occupation”
  - Prevailing Wage Requirement
  - Labor Condition Application
  - DOL Notice and Recordkeeping Requirements: Public Access File
  - Cap-Subject vs. Cap-Exempt Cases: H-1B Lottery
  - Employer-Employee Issues, Control, and Third-Party Worksites
  - H-1B Portability Provision
  - H-1B1: Chile and Singapore

*Please note that all affiliations and titles listed reflect AILA’s 2017–18 committee year, when the course outline was written.*

*(ML) = Module Leader*



- **Document:** H-1B Specialty Occupation and Portability Cover Letter
- **Exercise:** Draft H-1B Cover Letter
- **Reading:** “Updated Overview of the L-1 Visa—General Requirements and Impact of Trump’s ‘Buy American, Hire American’ Order,” *Navigating the Fundamentals of Immigration Law* (2019–20 Ed.)
- **Video:** L-1A/B Multinational Manager/Specialized Knowledge Intracompany Transferee
  - Definitions: L-1A vs. L-1B
  - Qualifying Employment Abroad
    - Managerial vs. Executive Capacity
    - Definition of “Specialized Knowledge”
    - Proving Employment Abroad
  - Definition of Qualifying Organization
  - “U.S. Company Doing Business” Requirement
  - New Office L-1 Requirements
  - Duration
  - Dependents
  - Requirements for Blanket L
- **Reading:** “E-1 and E-2 Nonimmigrants,” *Navigating the Fundamentals of Immigration Law* (2019–20 Ed.)
- **Video:** E-1/E-2: Treaty Trader/Investor
  - Definition and Requirements: E-1 vs. E-2
  - National of Treaty Country
  - Principal Trade Requirement for E-1
  - Investment Requirement for E-2
  - Intent to Depart the United States Upon Termination of E Status
  - Application Process: Consulate vs. Change of Status (COS)
  - Duration
  - Dependents: Work Authorization
- **Reading:** “O and P Nonimmigrants,” *Navigating the Fundamentals of Immigration Law* (2019–20 Ed.)
- **Video:** O-1 Extraordinary Ability/P Athletes, Artists, Entertainers
  - Definition of Extraordinary Ability and Criteria: O-1A vs. O-1B
    - Advisory Opinion Letter Requirement
    - O-2 Accompanying Foreign Nationals
    - Duration
    - Dependents: O-3
  - P Athletes, Artists, and Entertainers
    - Definition
    - Requirements
    - P-1A vs. P-1B
    - P-2
    - P-3
    - Accompanying Personnel
    - Duration
    - Dependents
- **Video:** TN NAFTA Professionals
  - Available to Citizens of Mexico or Canada
  - 26 Professions
  - COS vs. Applying at the Consulate or Border – Evidence Needed
  - Duration
  - Dependents: TD Visa

Please note that all affiliations and titles listed reflect AILA’s 2017–18 committee year, when the course outline was written.

(ML) = Module Leader

- **Reading:** “Business Immigration/RFEs, NOIDs and Challenging Denials,” *Immigration Practice Pointers* (2017–18 Ed.)
- **Video:** Handling Requests for Evidence (RFEs)
- **Video:** Mock Dialogue: Managing Client Expectations/Communicating with Clients
  - Timeline of the Case
  - Handling an RFE, Notice of Intent to Deny (NOID), and Denial
  - Wrapping Up Client Representation Upon Approval
- **Resources List:**
  - *A Curated List of Additional Publications, Recordings, and Resources*

## MODULE 8: EMPLOYMENT-BASED IMMIGRANT VISAS

### *Faculty:*

*Diana Vellos Coker (ML), San Diego, CA*

*Kevin W. Miner, AILA Board of Governors/AILA Author, Business Immigration: Law & Practice, 2nd Ed., Atlanta, GA*

### *Module Outline:*

- **Video:** Overview of Employment-Based (EB) Permanent Residence
- **Video:** Introduction to Each Preference Category
  - EB-1: Priority Workers
  - EB-2: Professionals with Advanced Degrees or Exceptional Ability
  - EB-3: Other EB Visas
  - EB-4: Certain Special Immigrants
  - EB-5: Immigrant Investors
- **Video:** PERM-Based Labor Certification Process
  - Prevailing Wage Determination (PWD) Request
  - Placing Ads and Recruiting
  - Filing ETA Form 9089
  - Audit File
- **Exercise:** Sample PERM Audit File (Preparation and Assembly)
- **Video:** I-140 Petition Preparation (Based on EB Preference Designated)
  - Tips for Petition Preparation
  - Required Supporting Documentation
  - Potential Ability-to-Pay Issues and How to Address Them
    - Primary Evidence
    - Secondary, Discretionary Evidence
- **Reading:** “AILA Comments on Draft RFE Template for Form I-140,” AILA Doc. No. 15060832
- **Video:** Adjustment of Status Process
  - Dual Representation: Potential Conflicts of Interest (Employer and Employee)
- **Reading:** Finding the “Golden Mean” in Dual Representation, AILA Doc. No. 07081769
- **Video:** Mock Client Interview: Employment-Based Adjustment of Status Interview
- **Resources List:**
  - *A Curated List of Additional Publications, Recordings, and Resources*

## MODULE 9: ADJUSTMENT OF STATUS AND CONSULAR PROCESSING

### *Faculty:*

*Jared C. Leung (ML), AILA Author, The Consular Practice Handbook, Tempe, AZ*

*Asako Shimazu, AILA Hawaii Chapter Chair, Honolulu, HI*

*Please note that all affiliations and titles listed reflect AILA’s 2017–18 committee year, when the course outline was written.*

*(ML) = Module Leader*

Jason Abrams, AILA DOS Liaison Committee, New York, NY

*Module Outline:*

- **Video:** Overview of Adjustment of Status and Consular Processing Module
- **Video:** Introduction to Adjustment of Status and Consular Processing
  - Discussion of Key Differences Between Adjustment of Status and Consular Processing
  - Definitions of Commonly Used Legal Terminology
  - Government Agencies Involved and Their Roles
- **Video:** Reading the Visa Bulletin and Determining How It Will Impact Green Card Processing Times, Including Review of USCIS Date of Filing vs. Final Action Date
- **Exercise:** How to Read the Visa Bulletin and Determine Whether USCIS Is Accepting Green Card Applications Based on Date of Filing vs. Final Action Date
- **Video:** Immigrant Admissions
  - Filing an Immigrant/Visa Petition with USCIS
  - After the Immigrant/Visa Petition Is Approved
  - I-601A and I-212 Waivers
- **Video:** Adjustment of Status Generally
  - Historical Background and Overview of INA §245
  - Adjustment of Status Under INA §§245(a), (c), and (i)
  - INA §245(k) and Other Important Considerations Regarding Green Cards
- **Video:** Adjustment of Status in Practice
  - Overview of Process, Including Forms, Fees, Medical Examinations, and Processing Times
  - Family-Based, Employment-Based, Asylum-Based, and Diversity Lottery Adjustment of Status
  - Advising Clients on the Process and Managing Their Expectations
  - Travel While Adjustment of Status Is Pending
  - Adjustment of Status Interviews
- **Document:** Adjustment of Status Flow Chart
- **Reading:** “Adjustment of Status for Beginning Practitioners,” *Navigating the Fundamentals of Immigration Law* (2022–23 Ed.)
- **Video:** Consular Processing in Practice
  - Overview of Role of USCIS, the National Visa Center (NVC), and the U.S. Consulate
  - Document Collection and Procedures with the NVC
  - Immigrant Visa Fees and the DS-260
  - U.S. Consular Interviews, Including Medical Examinations, Police Clearances, and Issues of Inadmissibility
  - Entry into the United States
  - Post-Entry, Including Immigrant Visa Fee
  - Differences Between Conditional and Permanent Residence
- **Document:** Consular Process Flow Chart
- **Reading:** “The Fundamentals of Lawyering at Consular Posts,” *Navigating the Fundamentals of Immigration Law* (2022–23 Ed.)
- **Reading:** “Best Practices for Consular Processing,” *Immigration Practice Pointers* (2017–18 Ed.)
- **Video:** Inadmissible Foreign Nationals and Bars to Permanent Residency
- **Video:** Important Considerations to Maintaining Permanent Residency
- **Video:** Mock Client Consultation: Demonstrating How to Advise a Potential Client of the Green Card Process, Thereby Assisting Them in Determining Whether Consular Processing or Adjustment of Status Is an Option
- **Resources List:**
  - *A Curated List of Additional Publications, Recordings, and Resources*

Please note that all affiliations and titles listed reflect AILA’s 2017–18 committee year, when the course outline was written.

(ML) = Module Leader

## MODULE 10: REMOVAL AND RELIEF

### Faculty:

Carlina Tapia-Ruano (ML), AILA Past President, Chicago, IL

Michelle Saenz Rodriguez, AILA Board of Governors/ICE Liaison Committee, Dallas, TX

Michael S. Vastine, AILA Southern Florida Chapter Chair, Miami Gardens, FL

### Module Outline:

- **Initiating the Case**
  - **Video:** Removability and Inadmissibility
  - **Document:** Chart of Grounds of Inadmissibility and Removability
  - **Document:** Inadmissibility Chart
  - *Case Initiation by Order to Show Cause (Old Cases) vs. Notice to Appear (NTA)*
    - **Document:** Sample Order to Show Cause
    - **Document:** Sample NTA
  - **Video:** Next Steps—Pleadings and Application for Relief
- **Bond Procedure**
  - **Document:** Bond Procedure Timeline Reference Sheet
  - **Video:** Determining Bond Eligibility
  - **Document:** Sample Bond Motion, *AILA's Immigration Litigation Toolbox* (5th Ed.)
  - **Video:** Mock Bond Hearing
  - **Video:** Mock Bond Hearing Discussion
- **Relief from Removal**
  - **Reading:** "Cancellation of Removal," *Immigration Practice Pointers* (2018–19 Ed.)
  - **Video:** Current Lawful Permanent Resident (LPR)
    - EOIR-42A Cancellation
    - INA §212(c)
    - Waiver (Depending on Charges)
  - **Video:** Not a Former/Current LPR
    - Asylum: Withholding and United Nations Convention Against Torture (CAT) Relief
    - EOIR-42B Cancellation
    - VAWA Cancellation: The Differences Between VAWA Filing and VAWA Cancellation
    - Adjustment in Proceedings
  - **Reading:** "Relief from Removal: Beyond Cancellation and Asylum," *Immigration Practice Pointers* (2021-22 Ed.)
  - **Video:** Voluntary Departure
    - Pre-Conclusion
    - Post-Conclusion
- **Exercise:** Drafting Written Pleadings and Delivering Pleadings with Various NTAs
- **Other Important Points**
  - **Video:** Mock Court Appearance Demonstrating Trial or Courtroom Etiquette
  - **Reading:** "Special Immigrant Juveniles Across the Nation: Learning the Landscape & Collateral Considerations," *Immigration Practice Pointers* (2018–19 Ed.)
  - **Reading:** "EOIR Publishes 'Phase I Guidance' Regarding Protections for Detained, Unrepresented Aliens Who May Be Mentally Incompetent," AILA Doc. No. 13123160
- **Related Resources**
  - *A Curated List of Additional Publications, Recordings, and Resources*

Please note that all affiliations and titles listed reflect AILA's 2017–18 committee year, when the course outline was written.

(ML) = Module Leader

## MODULE 11: CITIZENSHIP AND NATURALIZATION

### *Faculty:*

*Elizabeth Garvish (ML), AILA Fundamentals Online Course Committee, Atlanta, GA*

*James Oliver Hacking III, St. Louis, MO*

*Kathrin Mautino, San Diego, CA*

### *Module Outline:*

- **Video:** Overview of Citizenship and Naturalization Module
  - The Differences Between Being Lucky and Earning Your Certificate
    - Place of Birth
    - Parentage
    - Automatic
    - Naturalization
    - Posthumous
- **Reading:** N-400 and N-600 Instructions
- **Document:** Terminology List
- **Reading:** “Top 10 Reasons to Apply for U.S. Citizenship” by Sarah M. M. Duckham
- **Document:** Nationality Charts
- **Video:** The Naturalization Process
  - N-400: Complete and File
  - Biometrics
  - Interview and Examination
  - Ceremony
- **Reading:** The Naturalization Process and Requirements, *Navigating the Fundamentals of Immigration Law* (2022–23 Ed.)
- **Video:** Eligibility Criteria for Citizenship and Naturalization
  - Age
  - LPR: 3 or 5 Years
  - Special Eligibility: Military, Asylees, and Refugees
    - Asylee: 4 Years from AOS
    - Refugee: 5 Years from Date of Admission
  - Selective Service
  - Language Ability
  - Continuous and Physical Presence
  - Knowledge
  - Good Moral Character (GMC)
- **Reading:** History and Civics Exam, USCIS
- **Document:** English Exam Exemption Chart
- **Document:** Continuous/Physical Presence Handout
- **Video:** Red Flags in Citizenship and Naturalization
  - Marriages
  - Children
  - Child Support
  - Taxes
  - Criminal Convictions
  - Prior Immigration/Criminal History
  - Physical Presence History
  - Review All Filings Before Starting the Naturalization Application

*Please note that all affiliations and titles listed reflect AILA’s 2017–18 committee year, when the course outline was written.*

*(ML) = Module Leader*

- **Video:** Mock Citizenship Interview
- **Document:** Mandamus Actions Speaker PowerPoint
- **Video:** Mandamus Actions on Problem Citizenship Cases
- **Exercise:** Review of a Hypothetical Naturalization Applicant
- **Resources List**
  - *A Curated List of Additional Publications, Recordings, and Resources*

#### **ONLINE COURSE COMMITTEE**

*Linda Kenepaske, Online Course Chair, New York, NY*  
*Teddy Chadwick, AILA New Members Division Steering Committee, Milwaukee, WI*  
*Kenneth Craig Dobson, AILA Ethics Committee Vice Chair, New York, NY*  
*Ruben L. Reyes, AILA Board of Governors, Phoenix, AZ*  
*Marjorie Baltazar, Chicago, IL*  
*Angela J. Ferguson, Kansas City, MO*  
*Elizabeth L.A. Garvish, Atlanta, GA*  
*Cynthia Lucas, Los Angeles, CA*  
*Sheila Mahadevan, Washington, DC*  
*Ruby L. Powers, Houston, TX*  
*Julianne Cassin Sharp, Southfield, MI*

*Kate Molski, AILA Learning and Development Specialist, Washington, DC*

*Please note that all affiliations and titles listed reflect AILA's 2017–18 committee year, when the course outline was written.*  
 (ML) = Module Leader