



**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
DC CHAPTER 2012 FALL CONFERENCE**

WEDNESDAY, NOVEMBER 14, 2012
UNIVERSITY OF MARYLAND SHADY GROVE CONFERENCE CENTER
(ROCKVILLE, MD)

"WINNING A TIGHT RACE: STRATEGIES FOR SUCCESS!"

Track 1 and 2: Morning: 9:00-10:30 am

I. NONIMMIGRANT VISAS AND CONSULAR PROCESSING

- A. "To Work Or Not To Work"
1. H1B Visa – B1 in lieu of H1B?
 2. L-1 Visas – Manager or Special Knowledge
 3. TN Visas – basic requirements and H1B comparison
 4. E-Visas: current challenges; time frames; E vs. H-1B
 5. I'm so confused! Which is better? L vs. H1B vs. E?
 6. F-1 Visas: (include STEM extension options as H-1B alternative)
 7. J-1 Visas: Training or Working, That is the Question!
- B. K-3 visas – When do you choose to apply for this instead of an immigrant visa?
- C. O-Visa – How Extraordinary Do You Have to be?
- D. Consular Issues – USCIS Said "Yes," Now What Do I Do?
1. What documents do I need to provide?
 2. How to prepare your client for the interview?
 3. Recent changes and policy updates at Consulates abroad.
 4. Inter-agency Conflicts: What to do when different agencies take different approaches on the same case? What options do you have for resolution?
 5. Effect of bringing family members in - ability to demonstrate non-immigrant intent when an IV application is pending.
 6. Strategies for handling and avoiding revocation of petitions by consular posts
 7. NIV Waivers of Inadmissibility – supporting evidence, application process.
 8. What to do when a case is stuck in administrative processing for more than 90 days due to security checks?
 9. Family emergencies in India and re-adjudication of H's at the consulate – how to prepare/prevent it.
 10. When to use Advance Parole vs. H1B, L or TN? What about my family with different Visas?

SPEAKERS: Sheela Murthy (Owings Mills, MD) – Moderator, Evangeline Howard (Washington, DC), Leslie Dellon (Washington, DC), Jan Pederson (Washington, DC).

Track 1: Morning: 10:30 am-12:00 pm

- I. "KEEPING THE HOPE ALIVE: CREATIVE WAYS TO OBTAIN IMMIGRATION BENEFITS"**

- A. Overview of Family Based Immigration
- B. Priority Date Retention
- C. *Matter of Arrabally and Yerrabelly*
 - 1. Overview of the decision
 - 2. Effect on spouses of US citizens, DACA applicants
- D. Affidavit of Support
 - 1. Maintaining domicile of petitioner
 - 2. Self-sponsoring beneficiaries
- E. K-1 visas
 - 1. K-1 or IV?
 - 2. Matter of Sesay
 - 3. K-2 overstays and aging out
- F. Self-petitioning spouses of USC's:
 - 1. Widows and widowers of U.S. citizens and INA Section 204(l)
 - 2. Abuse (VAWA)
 - 3. Impact of separation/divorce during pending I-751

SPEAKERS: Jonelle Ocloo (Owings Mills, MD) – Moderator, Shaina Silvers (Alexandria, VA), Catherine Reynolds (Washington, DC), Amy Yervey (Washington, DC).

Track 2: Morning: 10:30 am-12:00 pm

II. IN IT FOR THE LONG HAUL: OPTIONS FOR PERMANENT STATUS-HELP ME HELP YOU

- A. EB-1/Extraordinary Ability and Outstanding Professor/Researcher
 - 1. Latest developments
 - 2. Recent decisions of note
 - 3. Problems with Inconsistent Decisions-best practices
- B. EB-1 Multinational Managers/Executives
 - 1. Latest developments
 - 2. Extensive RFEs
 - 3. Inconsistent Decisions-best practices
- C. PERM:
 - 1. PERM Process
 - 2. Recent trends in audits and denials
 - 3. Supervised Recruitment
- D. I-140 Immigrant Petition: Trends and Hot Topics
 - 1. EB2 versus EB3
 - 2. Best Practices for Responding to RFEs
- E. Priority dates and adjustment of status
- F. EB-4: Religious Workers

SPEAKERS: Michelle Funk (McLean, VA) – Moderator; Allen Orr (Washington, DC), Pam Genise (Owings Mills, MD), Andy Dalal, DHS Office of the General Counsel (Washington, DC), Fred Troncone, CIS Ombudsman Representative (Washington, DC).

Track 1 and 2: Lunch: 12:15-12:45 pm

Track 1 and 2: Ethics for Immigration Attorneys: 12:45-1:45 pm

ETHICS PANEL

- A. Presentation summarizing immigration-related disciplinary cases that have been prosecuted over the past year in each of the panelists' respective jurisdictions, highlighting typical errors made by immigration attorneys and the specific professional rules that were violated.
- B. Review of fact patterns to practice identifying similar errors and discussion on what the attorney in the fact pattern could have done differently and what, if anything, should be done to rectify the matter.
- C. Questions and Answers

SPEAKERS: Jonathan Greene (Columbia, MD) – Moderator, James P. Botluck (Assistant Bar Counsel, Office of Bar Counsel, Maryland), Jennifer J. Barnes (Disciplinary Counsel, Office of General Counsel, EOIR; Falls Church, VA), Seth Guggenheim (Assistant Ethics Counsel, Virginia State Bar) Reid Trautz (AILA; Washington, DC).

Track 1: Afternoon: 1:45-3:15 pm

III. DACA AND OTHER POSSIBLE REMEDIES FOR IMMIGRANT YOUTH

- A. DACA
 - 1. DACA eligibility requirements
 - 2. documentation of DACA cases
 - 3. thorough screening of DACA applicants for other remedies
 - 4. lessons learned so far through group workshops and individual consultations
- B. U Visas
- C. SIJS Petitions

SPEAKERS: Donald Mooers (Bethesda, MD) – Moderator, Van Doan (Columbia, MD), Paula Fitzgerald (Sterling, VA), Sandra Grossman (Rockville, MD).

Track 2: Afternoon: 1:45-3:15 pm

III. LIFE IS NOT GETTING ANY EASIER IN THESE UNITED STATES-HOW DO I STAY HOPEFUL?

- A. USCIS and ICE Surprise Visits-challenges and best practices
- B. DOL and LCA Audits
 - 1. "Hot Topics" where employers are committing violations and how employers can avoid them and how workers can identify and report them
 - 2. Discussion of DOL Wage & Hour Division's complaint, investigation, final conference, Determination Letter, appeal, ALJ hearing and ARB appeal process

- C. ICE and I-9 Audits-challenges and best practices
- D. Small versus large employers: what are some specific challenges unique to each
- E. Effect of the poor economic situation on immigration/PERM

SPEAKERS: Denyse Sabagh (Washington, DC) – Moderator, Liane Cooney (McLean, VA), Luis Bermudez (Assistant District Director, DOL Wage & Hour Division, Arlington, VA), Rachel Ross (Section Chief, U.S. ICE, Homeland Security Investigations, Washington, DC), Paul McCloskey (Associate Legal Advisor, ICE Homeland Security Investigations, Washington, DC), Brian Green (Owings Mills, MD).

Track 1: Afternoon: 3:30-5:00 pm

IV. WAIVERS – MAKING AMENDS

- A. Identifying the Qualifying Relative and the degree of hardship necessary;
- B. Determining whether hardship exists – what questions to ask; how to build trust; who to talk to
- C. Documenting the case – affidavits, medical records, psychological examinations, country reports, financial documents
- D. Working with an expert – when to use one, how to find one, how to liaise with experts, privacy and confidentiality concerns
- E. Stateside Provisional Waiver program
- F. Nuances of presenting a waiver in Immigration Court – live testimony, witnesses, practice tips for evidence submission, etc.
- G. Appealing a denied waiver – preserving record for appeal, submitting new evidence, practice tips for brief formatting, etc.

SPEAKERS: Mark Shmueli (Takoma Park, MD) – Moderator, The Honorable Wayne R. Iskra (Arlington, VA), Lisa Johnson-Firth (Manassas, VA), Julia Toro (Washington, DC).

Track 2: Afternoon: 3:30-5:00 pm

IV. EB-5-INVESTMENT DOES NOT ALWAYS MEAN GREEN CARD – HIDDEN PITFALLS OF INVESTMENT IMMIGRATION

- A. Overview of EB-5 Visa and EB-5 Regional Center Applications - General requirements for I-526 Petitioner, I-829 Petitioner and I-924 Applications
- B. Changes in EB-5 over the last year - new developments, policy memos, issues that are arising in adjudications and how to handle for:
 - 1. I-526 Petitions (e.g. increased scrutiny on source of funds)
 - 2. I-829 Petitions (e.g. issues of “material change” from I-526)
 - 3. I-924 Applications for Regional Center Designation (e.g. tenant occupancy, extensive delays in adjudications, whether an RC is needed vs. direct EB-5)
- C. Ethical Considerations
 - 1. The dos and don'ts for attorneys when handling EB-5 cases. e.g. Dual representation with Investor and RC
 - 2. Advising on selection of investment/regional center
 - 3. Accepting broker-dealer finders' fees, etc.
- D. EB-5 going forward

1. Concerns and issues with USCIS adjudications and how best to address. e.g. inconsistencies, repetitive or multiple RFEs, etc.

SPEAKERS: Jinhee Wilde (Rockville, MD) – Moderator, Paul Virtue (Washington, DC), Rana Jazayerli, David M. Morris (Washington, DC), Patrick Hogan (Moline, Illinois).

*Indicates speaker is invited but not yet confirmed.