



2025 AILA Annual Conference and Webcast on Immigration Law

Wednesday, June 18, 2025

FUNDAMENTALS

9:30 am–10:30 am

Overview of Family-Based Immigration: Fighting for Families in the New Trump Era (Fundamentals)

Family cases currently dominate immigrant visa filings each year. As a result, experts predict that this area of law is particularly susceptible to changes in immigration policy that the new administration might try to impose. Therefore, it is crucial for attorneys to master the intricacies of family-based practice. Although it may appear to be a straightforward process, family-based immigration can present several challenges, not least of which is the long wait times for visas. Panelists on this session will arm new practitioners with key concepts and timelines in family-based practice.

- What are the immediate relative categories?
- What are the preference-based categories? How long does it take to get a visa?
- How does one prove a marriage is valid for immigration purposes?
- Overview of public charge inadmissibility
- How to deal with changes in the family relationship (e.g., death, divorce, and age-outs)

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Introduction to PERM: Sponsoring the Foreign Worker Through a Labor Market Test (Fundamentals)

Unless a foreign employee can qualify for the relatively difficult EB-1 or EB-2 national interest waiver visas, the majority of U.S. employers are required to sponsor workers through the PERM system. Our expert panelists will provide an overview of the intimidating and arduous PERM process, starting from the

initial intake call through the awarding of a Green Card.

- What is the labor certification process, how long does it take, and what steps are involved?
- Establishing minimum requirements and the prevailing wage
- The attorney's role in advising employers on good faith recruitment efforts given competing interests
- Proceeding with the I-140 petition and ability to pay
- 2023 form changes and new adjudication trends

12:00 pm–1:00 pm

Networking Break

1:00 pm–2:00 pm

Intro to Asylum Law: Meeting the Need for More Practitioners in the New Trump Era (Fundamentals)

Asylum law already is one of the most dynamic and often-changing practices under the immigration umbrella. With the new administration promising even more restrictive border enforcement measures, however, lawyers specializing in asylum will be needed more than ever. Panelists will introduce the asylum process, educating novice practitioners on key terms, restrictions, and other basics. They also will discuss key differences between affirmative asylum (applying with USCIS), applying at the border, and defensive asylum (applying as relief from removal). Panelists will conclude the session with an overview of the key asylum developments in the new presidential administration.

- What are the five basic grounds of asylum?
- How to apply for asylum affirmatively and defensively; interplay between credible fear interviews and asylum applications
- Key timelines and asylum-related employment authorization
- What is a particular social group and how can it be defined?
- How are some clients ineligible or barred from asylum?

2:00 pm–2:30 pm

Networking Break

2:30 pm–3:30 pm

Waivers of Inadmissibility and Removability (Fundamentals)

If the first Trump administration is any indication of what the next will bring, inadmissibility and removability will become even more prominent issues in immigration law than they already are. Panelists will provide an overview of immigration and criminal violations that can give rise to a finding of inadmissibility and removability and how to cure them. Focusing more on the waiver aspect, our experts will discuss key concepts and eligibility requirements, as well as detailed tips on filing and successful adjudication.

- What is the difference between admissibility and removability?
- How to prepare and file nonimmigrant waiver applications and adjudication timelines
- The immigrant visa waivers and Forms I-601 and I-601A
- Documenting hardship and finding qualifying relatives when applicable
- The role of discretion in the waiver process

3:30 pm–4:00 pm

Networking Break

TECHNOLOGY

1:00 pm–2:00 pm

50 Tech Tips in 50 Minutes

Tips are little nuggets of information that can become the germ of a big idea or solution to a perennial problem. When they are short, practical, and quick, we don't have to invest much time to learn new ideas. However, if several of the ones discussed in this session resonate for your practice, then your time attending will have been well spent!

- New ideas for practice automation
- Email productivity management tools and techniques

- The latest in artificial intelligence
- Tips and tricks for popular products, including Microsoft 365, Google, advertising technology, and API technology

2:00 pm–2:30 pm
Networking Break

2:30 pm–3:30 pm
Protecting Your Data, Protecting Your Firm (Cybersecurity)

Panelists will address the growing concerns around data privacy and artificial intelligence (AI). AI can infer personal behaviors and preferences, without the individual's consent or knowledge. Panelists also will provide attendees effective tools to evolve and protect data in a world emerging with AI.

- How does AI affect data privacy?
- The privacy minefield of generative AI, including protection against PI dissemination
- Considering custom AI solutions for enhanced privacy and control solutions
- Securing alternatives for AI
- Securing the future of AI in your firm while protecting data

3:30 pm–4:00 pm
Networking Break

SPECIAL SESSIONS

9:30 am–10:30 am
Through the Glass Ceiling: Struggles and Opportunities for Women in Immigration Law (Bias)

With women still only making 73 cents to a man's dollar, women in immigration law are no strangers to gendered issues. Panelists will explore strategies for women in immigration law to step up and be bolder and more strategic. They also will explore how to course correct common disparities while retaining exceptional women in law.

- Statistics on gender and income
- Gender dynamics in firms and nonprofits
- Asking for what you're worth
- Being strategic about pro bono and low bono work

10:30 am–11:00 am
Networking Break

11:00 am–12:00 pm
Maximizing Growth Opportunities: Business Development Strategies for Immigration Attorneys (Law Practice Management)

In today's competitive legal landscape, immigration attorneys face unique

challenges and opportunities in business development. This session aims to equip legal professionals with practical strategies to enhance client acquisition, retention, and firm growth. Gain practical insights into effective business development strategies tailored to immigration law. Hear from our successful panel of immigration attorneys on their journey to business growth.

- Target markets and niche specializations
- Leveraging technology and automation
- Compliance with legal advertising rules and regulations
- How to get started, transitioning from minder to finder

12:00 pm–1:00 pm
Networking Break

1:00 pm–2:00 pm
FOIA: A Powerful Tool in Combating the Immigration Crackdown in the New Trump Era

The restrictive immigration measures promised by the new administration likely will instigate a concomitant surge in the need for requests under the Freedom of Information Act (FOIA) to fight against them. Whether you are advocating for individual clients whose FOIA case is stuck or strategizing in collaboration with other advocates in your region, this session is for you. Panelists will discuss FOIAs as an advocacy tool, attempt to demystify the process, and connect lawyers to the larger push underway to hold government accountable as they work with journalists, academics and a range of ground breakers to advance client interests. Panelists will answer:

- Routine experiences for agencies: CBP, EOIR, USCIS, ICE
- Appeals
- Updates on large-scale FOIA litigation
- Best practices: working with FOIA experts

2:00 pm–2:30 pm
Networking Break

2:30 pm–3:30 pm
Winning Summary Judgment Against USCIS After Loper Bright

After 40 years, the Supreme Court overturned the doctrine of Chevron deference to federal agency interpretations. We are now in an era where federal judges are expected to decide whether USCIS has improperly restricted visa programs, improperly increased the requirements for approvals, and improperly denied petitions and

applications. The way to beat USCIS in U.S. district court is through effective advocacy at the motion for summary judgment phase of litigation. Panelists will answer how to:

- Prepare an effective complaint challenging USCIS decisions, policy changes, or procedures
- Review and litigate the scope of the administrative record
- Challenge USCIS policies such as the Kazarian Two-Step EB-1A adjudication process
- Use the *Loper Bright* and *Corner Post* decisions to challenge USCIS policies issued more than 6 years in the past

3:30 pm–4:00 pm
Networking Break

WEDNESDAY TRAININGS AND SPECIAL EVENTS

8:30 am–7:00 pm
Registration

12:00 pm–6:00 pm
Exhibit Hall Hours

6:00 pm–7:30 pm
Hot Topics with AILA National Officers: Immigration in the New Trump Era
The AILA Executive Committee will share on this panel the latest information on the top issues affecting immigration practitioners.

7:30 pm–9:00 pm
Chapter Meetings

Thursday, June 19, 2025

FUNDAMENTALS

7:25 am–8:25 am
Adjustment of Status Fundamentals (Fundamentals)
With many prospective immigrants already physically present in the United States, the new administration is sure to target adjustment cases in its attempt to restrict immigration. It is, therefore, crucial that practitioners become adept at handling these types of cases. Panelists will provide an overview of the adjustment of status process, discuss who qualifies, advise on best practices for identifying and addressing red flags, and discuss inadmissibility issues.

- The basic requirements for adjustment of status

- Form preparation and submission of an adjustment of status “package”
- Exceptions, including INA §245(k) and (i)
- Red flags and how to cure them
- Public charge issues and other common grounds of inadmissibility

8:25 am–8:45 am
Networking Break

8:45 am–9:45 am
Ethical Considerations in AOS and Consular Processing: Accounting for Changes Under the New Administration (Fundamentals) (Ethics)

Understandably, clients want to be able to obtain immigration benefits in the fastest and most efficient way possible. This is doubly true given the restrictionist stance on immigration employed by the new administration. However, ethics rules and changing agency guidance under the new administration can temper attorneys’ advice in structuring a plan for clients to immigrate to the United States. Panelists will identify key limitations on the use of nonimmigrant visas and conflicts of interest that can arise in family- and business-related practices. They also will address common situations where clients will better benefit from consular processing.

- Distinguishing consular processing from adjustment of status requirements
- Ethically advising on the concept of presumed immigrant intent and the filing of adjustment of status in family and business contexts
- Dual representation of family members and spouses: What is to be done when one party discloses something they do not want the other(s) to know?
- Ethical issues associated with third-party payors and affidavit of support issues
- Use of FOIA to determine issues that could arise
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9:45 am–1:30 pm
Track Break

1:30 pm–2:30 pm
Immigrants List Civic Action Panel

2:30 pm–3:00 pm
Networking Break

3:00 pm–4:00 pm
How to Stay Sane in an Insane Field: Managing Anxiety in the New Trump Era (Wellness)

Attorneys notoriously are very susceptible to anxiety, with immigration lawyers being particularly vulnerable to this given the nature of immigration practice. Unfortunately, if the new administration follows through on even half of the draconian measures it promises, the anxiety problem among immigration lawyers is liable to get much worse before it gets better. Practitioners therefore must be proactive in prioritizing their mental health and well-being not just for themselves, but also to better serve their clients. Panelists will offer strategies for dealing with changes brought on by the new administration, setting realistic expectations, developing emotional intelligence, handling high-pressure demands, and aligning client goals with achievable outcomes.

- How the practice of immigration law promotes anxiety
- Understanding the unique characteristics of anxiety and when to seek help
- Strategies for setting realistic client expectations
- Techniques for handling high-pressure client demands, including effective communication
- Developing resilience and emotional intelligence in client interactions

4:00 pm–4:30 pm
Networking Break

4:30 pm–5:30 pm
Who Wants to Be a Millionaire Immigration Attorney

Audience members will be selected to play a fast-paced and educational game answering easy to difficult questions on a variety of immigration law issues. Contestants will “risk it all” by moving up the game’s financial ladder. Don’t know the answer? Poll the audience! Use a lifeline! Ask THE immigration expert: Ira Kurzban! Learn about the latest issues in immigration in this fun and interactive session. Arrive a few minutes early to enter your name into the drawing to be a contestant and for a chance to win a free registration for AC26!

BUSINESS

7:25 am–8:25 am
Permissible Activities under B-1 Visitor Visas and ESTA: The Line Between Authorized and Unauthorized (Intermediate)

Panelists will focus on one of the most common questions practitioners receive as business immigration lawyers: “What business can I do if I enter on my B-1 visa/ESTA?” Our experts will review

activities DOS and DHS say are allowed under the B-1 visa and ESTA, scenarios and questions asked by employers and individuals looking to push the limits, and risks associated with crossing the line into “work” activities.

- FAM provisions
- DOS and DHS guidance
- B-1 in lieu of H-1B or H-3
- Best practices

8:25 am–8:45 am
Networking Break

8:45 am–9:45 am
Mergers and Acquisitions: State of the Practice (Intermediate)

Most practitioners are at least somewhat familiar with the immigration issues involved in mergers and acquisitions (M&A). In a perfect world, the immigration lawyer is brought into the picture prior to the deal’s closing, but often has to clean up after the deal’s closing. Recent cases and policies clarified certain aspects of the practice. In addition, certain events that often fly under the radar but may carry M&A implications will be discussed to assist practitioners to identify them:

- Tips on preparing the client for the “interview”
- Under the M&A radar: funding rounds, SAFE conversions, parent-sub relationship, reorganizations, selling of divisions and product lines
- Policy updates
- Impacts of M&A on nonimmigrant visas
- Impacts of M&A on immigrant visas

9:45 am–1:30 pm
Track Break

1:30 pm–2:30 pm
National Interest Waivers: Are They the Answer We Hoped For? (Intermediate)

In recent years, National Interest Waivers (NIWs) have become a more appealing alternative to PERM because of DOL backlogs and the availability of premium processing. Panelists will cover lessons learned from taking advantage of NIW opportunities and discuss the filing surge and consequential RFE’s and EB-2 backlog that followed. They also will discuss successful case studies and lessons learned.

- Challenges: advanced degree/BA+5/ exceptional ability
- The latest in RFEs: how to overcome?
- EB-2 backlogs: When to premium process ... and when not to
- Self-petitions vs. employer sponsorship
- Founders: changes to the

policy manual under the Biden Administration and any subsequent changes

2:30 pm–3:00 pm
Networking Break

3:00 pm–4:00 pm
Strategies for a Successful EB-1C Petition: Green Cards for Multinational Managers (Intermediate)

Panelists will provide a comprehensive overview of the EB-1C category. They will cover important legal distinctions from the L-1A, along with recent legal developments that help employers that have gone through corporate restructuring since the beneficiary's initial transfer. Additionally, panelists will discuss trends in EB-1C RFEs, along with strategies to navigate the new status-quo of EB-1 backlogs.

- Key differences from the L-1
 - More evidence required?
 - *Matter of Thornhill* and Branch petitioners
 - Employment abroad not necessarily continuous
 - Capacity abroad (managerial or executive)
 - Ability to pay
- Qualifying relationship and changes to the employer abroad: *Matter of F-M-Co*
- Recent RFE trends
- Managing EB-1 backlogs

4:00 pm–4:30 pm
Networking Break

4:30 pm–5:30 pm
TN Visas: Navigating Complex Cases and Challenges in the New Trump Era (Intermediate)

Given the heightened scrutiny given to immigration issues under the new administration, it is possible that changes to eligibility, processing, and/or compliance requirements could impact the TN visa landscape. Panelists will delve into the intricacies of TN visa applications under the new administration, including complex case types and degree nexus issues. They also will analyze the latest USCIS and CBP processing trends, address CBP challenges for both Canadian and Mexican nationals, and provide creative strategies to win cases.

- Complex case categories and occupations scrutinized for fraud: management consultants, interns, scientific technicians, automotive and agricultural workers in Mexico
- Degree nexus issues: creative

strategies when the degree does not clearly align with the position/USMCA category

- DOS, CBP and USCIS issues: wait times with DOS for Mexicans, expedited visa appointment letters, processing trends with different agencies, RFE analysis with USCIS, and others
- Creative strategies: USCIS vs. CBP, airport processing, “port-shopping” and “flag-polling,” reverse TN, etc.

FAMILY

7:25 am–8:25 am
Immigration Issues for Military Servicemembers and their Families

Panelists will discuss possibilities and strategies for ensuring the immediate relatives of servicemembers receive benefits. They also will advise on how to represent military families in adjustment, consular processing, and naturalization.

- Latest updates in military immigration
- What is Military PIP?
- Deferred Action for family members
- Representing military families in Adjustment and consular processing
- Military naturalizations
- Immigration options for survivors

8:25 am–8:45 am
Networking Break

8:45 am–9:45 am
Juneteenth Celebration Panel

9:45 am–1:30 pm
Track Break

1:30 pm–2:30 pm
Waiver Warriors: Advanced Strategies for Waivers of Inadmissibility in a New Era

Panelists will provide an overview of how the landscape of inadmissibility waivers has changed under the new administration, and they will advise on how best to help clients in light of this. They also will cover the latest trends and provide an in-depth analysis of advanced waiver strategies in immigration law, focusing on I-212, I-601, I-601A, and 237(a)(1)(H) waivers, as well as times when waivers might not be needed. They also will examine the standards applied to each type of waiver, because “extreme hardship” does not always apply. Finally, panelists will cover practical strategies for securing vaccine waivers, even in cases where clients are not opposed to all vaccines.

- Which inadmissibilities can be

waived?

- Built-in waivers: VAWA unlawful entry waiver, VAWA criminal conviction waiver if related to abuse, spousal/special immigrant juvenile (SIJ) unlawful employment
- Mastering extreme hardship and other hardship standards
- Vaccine waivers

2:30 pm–3:00 pm
Networking Break

3:00 pm–4:00 pm
In the Weeds: How Marijuana Use, Production, and Sales Impact Noncitizens

Colorado has led the way in legalizing cannabis and psychedelics. Other foreign, state, and local jurisdictions are legalizing a range of different substances that are banned under the federal Controlled Substance Act. Panelists will advise on how changes in these laws impact noncitizens, as well as how attorneys should advise clients on this topic at the border, at the NIV/IV stage, and at naturalization.

- Inadmissibility, removability, and good moral character
- Screening and advising clients without convictions
- Controlled substances and immigration: current adjudication trends, court decisions, and agency practices regarding marijuana and other legalized substances (e.g., psychedelics, CBD)
- Advising on complex applications: offering guidance on challenging visa applications, adjustment of status (I-485), and naturalization (N-400) processes, including ethical concerns related to controlled substances and paraphernalia
- Overview of legalization efforts and future projections, including rescheduling cannabis from Schedule I to Schedule III

4:00 pm–4:30 pm
Networking Break

4:30 pm–5:30 pm
Post-Denial Options for Family-Based Petitions: Fighting Back Against Restrictions in the New Trump Era

In an increasingly likely scenario under the new administration, your client has received a denial... now what? How best can you help your clients in this restrictive immigration climate? Panelists will discuss strategies for refiling petitions, including when to consider a motion to reopen or an appeal, and they

will address the implications of suing in federal court versus filings with USCIS.

- Appeals: understanding when and how to file an appeal
- Motions to reopen: when to pursue one, how to present new evidence or overcome denials
- Refile with USCIS: best practices for refiling a petition with USCIS after a denial
- Challenge in court: evaluating the option to contest the denial in federal court and key considerations

REMOVAL

7:25 am–8:25 am

Navigating Limited Scope Representation in Immigration Court: Ethical and Practical Considerations (Ethics)

EOIR's introduction of the Form E-61 and the advent of limited scope representation in immigration court promised to increase access to counsel for respondents in immigration court. This brings with it, however, potential ethical and practical issues that must be addressed in each case, which the panelists will address. They also will discuss EOIR's "Friend of the Court" guidance.

- Best practices for limited scope representation, and incorporating "limited scope" into your practice
- Nuts and bolts of the E-60/61: motions to reopen, notice of appeal at the Board of Immigration Appeals
- Preparing respondents to represent themselves
- Experiences from EOIR's Friend of the Court Program

8:25 am–8:45 am

Networking Break

8:45 am–9:45 am

Crimmigration: Sex, Drugs and the ROC (Record of Conviction)

Keeping your client in the United States can often come down to what happens or already has happened in criminal proceedings, as well as the record of those proceedings. This is doubly true given the restrictionist immigration stance of the new administration. In this expert session, panelists will discuss recent developments in the complicated intersection of criminal and immigration law, including:

- Sex: Update on the "crime of child abuse," minor vs. adult victims, AWA
- Drugs: Marijuana, khat, analogues and isomers, divisibility of state codes

- ROC: Plea negotiations, keeping the ROC clean, PCR (Thomas & Thompson/ new EOIR regs), pardons, *Pereida* (inconclusive records and BOP)
- Changes in crimmigration under the new administration

9:45 am–1:30 pm

Track Break

1:30 pm–2:30 pm

The NTA: To Fight Unprecedented Removal Efforts in the New Trump Era, Challenge Everything!

*It is a virtual certainty that the president will do all he can to make his inhumane promise of mass deportation of immigrants become a reality. But all is not lost! Our members are one of the last, and most effective, defenses against these draconian measures. To be successful in these efforts, however, practitioners must pull out all the stops, including challenging notices to appear (NTAs). Even before the new administration took office, from *Pereira* to *R-T-P-*, the law around notices to appear (NTAs) had been shifting and chaotic in the last few years. Future challenges no doubt remain on the horizon. Our expert panelists will examine the current legal landscape and address various strategic considerations when deciding how, when, and why your client should challenge an NTA.*

- Pleading and defective NTAs: implications and strategies post-*Fernandes*, *Morales*, *Campos-Chavez*, & *R-T-P-*.
 - o Handling prior concessions
 - o Service: accepting or waiving a claim-processing violation?
- Grounds for a motion to suppress
- Screening for unicorn scenarios: *Quilantan* entries and acquired citizenship
- Understanding the different burdens

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm

What the Heck is Happening at the Border?

One of the central tenets of the new administration's election platform was mass deportation of immigrants, particularly at the southern border. This draconian promise exacerbates the problems already created by past administrations implementing a dizzying array of programs, policies, and regulations aimed at curbing irregular border-crossing and preventing asylum-seekers from accessing protection. Our panel of experts will discuss the realities

on the ground at both the southern and northern borders. They also will address the practical ramifications of those new (and not so new) policies for noncitizens at ports of entry, in ICE custody, and in the interior.

- Parole, parole, parole: parole programs vs parole at the border (Is it still a thing?)
- Intersecting programs, the roll out across the nation
- All about expedited removal: detained vs non-detained, executed vs unexecuted, reentry after expedited removal
- Detention and alternatives to detention (ATD) trends

4:00 pm–4:30 pm

Networking Break

4:30 pm–5:30 pm

Representing Children in Removal: Ethical and Child Friendly Approaches (Ethics)

Few can forget the policy of forced separation of children from their parents at the southern border during the last Trump administration. There is little doubt that similar policies lay on the horizon in the new Trump administration. The need for practitioners to defend vulnerable and otherwise defenseless youth at the border is, therefore, paramount. Panelists on this dynamic session will provide practical advice to ethically support advocacy and communication with child clients and their caregivers. Participants should already have familiarity with common forms of relief available to children. Hear from practitioners on these themes:

- Migrant children under the new administration: what has happened so far, and what to expect in the future, at the southern border
- How to communicate with child clients
- Ethical considerations for working with caregivers and interpreters
- New juvenile docket memo
- Using soft power to navigate the court

GOVERNMENT OPEN FORUMS

1:30 pm–2:30 pm

U.S. Customs and Border Protection (CBP) Open Forum

2:30 pm–3:00 pm

Networking Break

3:00 pm–4:00 pm
Verification and Documentation Open Forum

4:00 pm–4:30 pm
Networking Break

4:30 pm–5:45 pm
U.S. Department of Labor Open (DOL) Forum

PLENARY SESSIONS

10:00 am–10:20 am
Plenary Kick-off

10:20 am–10:55 am
Introduction and Keynote

10:55 am–12:15 pm
Presidents Installation

THURSDAY TRAININGS AND SPECIAL EVENTS

7:00 am–4:00 pm
Registration

7:00 am–5:30 pm
Exhibit Hall Hours

6:00 pm–7:30 pm
AILA Annual Membership Meeting and Annual Awards

Friday, June 20, 2024

FUNDAMENTALS

8:00 am–9:00 am
Es and Ls: Options for Company Owners, Leaders, Specialists (Fundamentals)
E and L visas can be relatively advantageous compared to H-1Bs, as there are no lottery issues. But, of course, these visas require the presence of foreign operations and/or ownership. Our panelists will provide a brief overview of the L-1 and E-1/E-2 visa classifications and the nuances in filing petitions in each category. Panelists also will address necessary citizenship and qualifying organization requirements.

- The difference between L-1A and L-1B visas
- The difference between E-1 and E-2 visas
- If a company / beneficiary can do either, which makes the most sense?

- Best options for startups: new office vs. startup E
- Applying with USCIS vs. border vs. consulate

9:00 am–9:30 am
Networking Break

9:30 am–10:30 am
Introduction to the H-1B Visa: Scaling the Mountain (Fundamentals)

As the “go-to” visa for most foreign national hires, mastering the H-1B professional visa is a must for any new practitioner. Panelists will discuss the H-1B lottery, interplay of USCIS and U.S. Department of Labor filings, give insight on best practices in preparation for audits and site visits, and review overall challenges when preparing these kinds of filings.

- What is a “specialty occupation”?
- How can a foreign national meet the necessary qualifications for an H-1B visa
- What is required for H-1B and LCA compliance?
- Cap registration and how the lottery system works
- What is (and is not) H-1B cap-subject employment?

10:30 am–11:00 am
Networking Break

11:00 am–12:00 pm
Intro to the EB Immigrant Visas (Fundamentals)

An employment-based immigration practice is the backbone of many profitable firms. In this panel, our speakers will provide an overview of the categories, as well as the relative visa wait times in each. They also will discuss transitioning from nonimmigrant visas to Green Cards.

- EB-1: multinational executives and managers, extraordinary ability professors
- EB-2: national interest waivers, aliens of exceptional ability, professionals holding advanced degrees
- EB-3: professionals, skilled, unskilled, and other workers
- EB-4: special immigrants
- EB-5: Investors

12:00 pm–1:00 pm
Lunch Break

1:00 pm–2:00 pm
Joining the Fight Against the Immigration Crackdown: Anatomy of a Removal Proceeding (Fundamentals)
Given the hardline restrictionist agenda of the new administration, the need for lawyers adept at handling removal cases

is more pressing than ever. For the novice practitioner, however, representing a client through a removal proceeding can seem like a daunting task. In this panel, our speakers will role play common situations and challenges in the case flow processing / master calendar hearings and individual calendar hearings through the roles of the private practitioner, assistant chief counsel, and immigration judge.

- The notice to appear
 - Representing clients facing removal
 - What happens at each type of hearing
- Pleadings and the burden of proof
- Common forms of relief and considering voluntary departure
- Prehearing briefs and experts
- Tips on how to prepare for and win an individual hearing

2:00 pm–2:30 pm
Networking Break

2:30 pm–3:30 pm
Late Breaking Session

FAMILY

8:00 am–9:00 am
Creative Lawyering in the New Trump Era: U and T visas
Join our panelists as they explore the latest U visa policies and case law. Get practical tips for addressing challenges, such as when the applicant faces criminal charges, or when they experience changes in their civil status. Learn innovative strategies for navigating the U visa process effectively, whether your clients are in the United States or abroad. Panelists on this advanced session will discuss creative arguments in establishing a qualifying crime when advocating with law enforcement agencies and USCIS, as well as other tips for outside the box thinking on U visas.

- U visa while in removal proceedings
- U visas for those outside of the United States
- RFEs and revocations
- Grounds of inadmissibility
- Defining “Any similar crime”
- Unique bystander and indirect victim arguments

9:00 am–9:30 am
Networking Break

9:30 am–10:30 am
Complex Naturalization Issues
The N-400 process is the last time USCIS

has the opportunity to vet noncitizens. Panelists on this session will assess complex naturalization issues and follow up with N-14s, N-336, and federal court review.

- Fully assessing eligibility for N-400
- Uncommon naturalization and citizenship processes (319b, N-600k)
- N-648, Medical Disability Exception
- N-336 process and evidentiary considerations
- Mandamus actions in federal court

10:30 am–11:00 am
Networking Break

11:00 am–12:00 pm
Fighting the Threat of “Supercharged” Denaturalization

In the past, instances where naturalized citizenship was challenged were relatively rare. Given the new administration’s promise to “supercharge” denaturalization efforts, however, this situation is likely to change. It is therefore imperative that practitioners get up to speed on how best to represent clients faced with this predicament. Our expert panelists will outline the legal thresholds required for denaturalization, and they will provide strategic insights for defending against these challenges.

- Grounds for a naturalized citizen to lose citizenship, the government’s burden
- Defense strategies when your client enters denaturalization proceedings
- Cancellation or revocation of naturalization and its derivative consequences
- Renunciation of citizenship
- Tax considerations

12:00 pm–1:00 pm
Networking Break

1:00 pm–2:00 pm
SCOPE: The Necessity for Political Engagement in the New Trump Era

In light of the electoral successes of the new administration and its hardline restrictionist agenda, now, more than ever, immigration advocates must become actively involved in the political arena. To counter the current alarmist narrative focused exclusively on the pitfalls (real and imagined) of immigration to the United States, more expert voices are needed to publicize the overwhelmingly positive benefits of immigration to our country. And who is more “expert” on the topic of immigration than AILA members? Answer the call for increased political engagement and come learn from AILA’s Standing Committee on Political Engagement (SCOPE) about how to make a real difference in changing

anti-immigrant hearts and minds.

- Local, state, and national involvement
- Congressional advocacy
- Debunking the myths and exhorting the truth: resources
- Strategic alliances

2:00 pm–2:30 pm
Networking Break

2:30 pm–3:30 pm
Incorporating BIA Decisions into Your

Toolbox

Panelists will explore Board of Immigration Appeals (BIA) decisions that every family immigration practitioner should know. Cases include the legitimacy of nontraditional marriages, whether immigrant intent can be inferred when applying for an NIV extension, and whether a single act of prostitution still constitutes not “engaging in prostitution.” Panelists will break down 10 useful cases, highlighting their implications for your practice and advising on how to effectively integrate these rulings into your strategies. Attend this session to gain practical tips and tools to enhance your advocacy, navigate complex legal landscapes, and better serve your clients.

- How to research and find old cases
- Which cases are binding and how to use them effectively
- What wins when there is a conflict with the Policy Manual
- How to make sure a case has not been overturned
- Case examples of positive outcomes

3:30 pm–4:00 pm
Networking Break

4:00 pm–5:00 pm
Consular Practice for Family Practitioners: Maneuvering Through the NVC and DOS

Panelists will cover essential topics, including current immigrant visa (IV) interview wait times and effective communication strategies with consular posts. Gain insights on expediting cases, changing consulate locations, and best practices to problem solve when things go wrong.

- IV interview wait times: understanding current trends and setting expectations
- Effective communication: strategies for engaging with consular posts and overcoming challenges
- Navigating consulate practices: handling variations in procedures and difficult consulates.
- Child Status Protection Act

(CSPA) in consular processing: key considerations for CSPA applications

- Preparing for high-fraud countries: tips for interview prep, expediting, and managing specific issues (tattoos, drug use) in focus countries like Mexico (Ciudad Juárez), Turkey, Poland, and China

LITIGATION & REMOVAL PROCEEDINGS

8:00 am–9:00 am
EOIR Motions to Reopen, Reconsider, and Remand

Things didn’t work out as hoped before the Board of Immigration Appeals (BIA) or immigration judge. The passage of time brings with it changes in evidence and law, or in absentia orders that have been entered. Reinstatement also presents its own unique challenges. The panelists in this intermediate session will discuss how, when, and why you might try for a second bite at the apple.

- The four “Rs”: motions to reconsider, reopen, rescind, and remand
 - o Requirements, timing, and strategic considerations
- Preventing your client’s removal while the motion is pending
- Combining a BIA motion with a concurrent federal court challenge
- Considerations for future federal court challenges to motion denials
- Lozada bill: impact on practice if it passes

9:00 am–9:30 am
Networking Break

9:30 am–10:30 am
Fighting for Clients in the New Trump Era: Demanding Due Process in Immigration Court

If Trump’s first term was any indication, the new administration will attempt to severely curtail the ability of immigration judges (IJs) to administratively close, continue, or terminate removal proceedings. Couple this with the already record high backlogs and systems stretched to the breaking point, and IJs may be under unprecedented pressure to move cases to completion, often to our clients’ detriment. While some cases languish for years in the backlog, others are pushed through at lightning speed on the various “rocket dockets.” Our panel of experts will advise on how best to deal with the litigation landmines introduced by the new administration and how to secure full and fair hearings and reasoned adjudications.

- The state of litigation under the new administration
- Navigating competing dockets: interminable delays for some, rocket dockets for others
- The right to testify, present, and cross-examine witnesses
- The IJ's duty to develop the record for both pro se and represented respondents
- When DHS does not appear or meaningfully participate

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

The American Immigration Council's Policy Session

12:00 pm–1:00 pm

Networking Break

1:00 pm–2:00 pm

Late-Breaking Session

2:00 pm–2:30 pm

Networking Break

2:30 pm–3:30 pm

Post-Loper Bright Issues: Navigating the New Legal Landscape Without Chevron (Advanced)

Last term, the U.S. Supreme Court fundamentally altered administrative law by overruling Chevron, removing the mandate for federal judges to defer to an agency's reasonable interpretation of ambiguous statutes. One potential positive outcome of this decision is that it may make challenging agency interpretations detrimental to our clients easier. Panelists will explore the judicial and agency reactions over the past year, evaluate the current situation under the new administration, and offer predictions for future developments.

- Analysis of situations where pre-Chevron rulings may still be binding
- Identifying and challenging agency interpretations and BIA precedent decisions that are now vulnerable to legal challenges or modification
- Challenges to new agency interpretations
- Efficacy of *Skidmore* deference and remaining influence of *Auer* and *Kisor*
- Revisiting principles of statutory construction

3:30 pm–4:00 pm

Networking Break

4:00 pm–5:00 pm

Strategic Navigation of EOIR

EOIR has implemented a plethora of docket initiatives in the last few years. Panelists not only will identify which initiatives remain viable as of the conference, but also how to approach them in honoring client self-determinations. Some of these initiatives perpetuate the ping-ponging of cases between USCIS and EOIR, while others require the buy-in of DHS counsel in order to proceed. There are often strategic and practical reasons in deciding whether to seek to remove the case from EOIR's jurisdiction, but these decisions trigger ethical implications for attorneys as well. Panelists will provide strategies and resources to help attorneys best navigate the process, and they will assess changes to EOIR adjudications under the new administration.

- The impact of the new administration on EOIR adjudications
- Advising on prosecutorial discretion, motions to terminate, and their various consequences
 - o Assessing right to trial, advising legal guardians of children
- Utilizing the efficient case and docket management in immigration courts regulation
 - o ICE directive on victim-centered approach
- Surviving DHS motions to dismiss and post order motion practice
- Docket management tools

BUSINESS

8:00 am–9:00 am

PERM Filing Through FLAG: Adjudication Trends & Practical Tips (Intermediate)

As we approach the one-year anniversary of PERM adjudications through FLAG, what have immigration attorneys learned about the "new" ETA-9089? Should practitioners approach anything differently for PERM filings moving forward? The panelists on this intermediate-level session will discuss trends in adjudications, address PERM issues based on the current landscape, and review what we have learned so far.

- Updates and resolutions on the unknowns
- Strategically completing Forms ETA-9141 and ETA-9089
- Considerations for ETA-9089 drafting: job changes, remote work, telecommuting, and other worksite considerations
- Requests for information
- Processing times and audit trends

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Advanced Issues in E-1 and E-2 Processing (Advanced)

Panelists will examine the current state of E-1 and E-2 practice, address some key hurdles practitioners report, and examine some key decisions practitioners make in every E visa application. They also will address practical considerations that affect practitioners in the field.

- Current state of the practice: high scrutiny, more §214(b) refusals, strict number of pages
- Source of funds, existence of international trade requirements and documentation
- Bias against small businesses with low investment or limited trade and funding using loans
- Consular filing or USCIS petition
- Third-country applications
- Use of E visa by entrepreneurs

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Behind the Consular Window (Intermediate)

Former consular officers will provide unique insight into the inner workings of a consular interview for nonimmigrant and immigrant visa processing. Many consular issues will be discussed from the visa officer's perspective. Panelists also will discuss the consular officer's expectations of visa applications and will give you a rare understanding of their thought processes.

- Consular training at the Foreign Service Institute (FSI)
- Workload, what the consular office is reviewing and analyzing
- Interview tips for applicants
- Waivers
- Administrative processing and denials

12:00 pm–1:00 pm

Networking Break

1:00 pm–2:00 pm

Permanent Residence Strategies for Religious Workers

Ever since the shocking, sudden retrogression of EB-4 priority dates, permanent residence options for religious workers have been extremely challenging. In this interactive session, panelists and attendees will discuss creative options for the best path forward.

- Update on agency, legislative, litigation efforts to address the retrogression
- Creative immigrant visa (IV) strategies: PERM, National Interest Waivers, EB-1
- Nonimmigrant strategies during the IV process, timing, dual intent, departure from the United States and reset
- USCIS definition of “minister or other religious worker occupation”
- Sunset concern

2:00 pm–2:30 pm
Networking Break

2:30 pm–3:30 pm
Monitoring Policy Manuals and Memos: Important Updates (Intermediate)

Panelists will survey recent changes to agency policy manuals, both before and since the inauguration of the new administration, and they will address how these changes may impact longstanding policy. In addition, panelists will review the status of commonly used policy memoranda, decisions, and letters in light of policy manual changes.

- Is there a CBP Manual?
- Key changes to nonimmigrant and immigrant visas under the Policy Manual (other EB immigrant categories (EB-1C, EB-5))
- Are old memos still valid? Johnny Williams B-1, Lafleur/Cohen Letter on H-1B Promotions, 2015 L-1B Policy Memo
- Monitoring Changes to the FAM

3:30 pm–4:00 pm
Networking Break

4:00 pm–5:00 pm
Advanced H-1B Issues: Compliance, Extensions, and Path to Permanent Residency (Advanced)

Panelists will cover the critical legal challenges and strategies for managing H-1B petitions, renewals, as well as the path to permanent residency for foreign workers. They also will provide comprehensive legal insights into the complexities of H-1B management, ensuring both compliance and strategic planning for permanent residency.

- Compliance and challenges in H-1B petitions
 - o Employer responsibilities: prevailing wage, LCA filings, maintaining compliance
 - o Legal strategies for addressing RFEs, audits, and compliance issues
- H-1B extensions and renewals
 - o Options for extending beyond six

- years, including the green card process and PERM certification
 - o Legal pitfalls and strategies for maintaining status continuity during the renewal process
- Path to Permanent Residency for H-1B Holders
 - o Transitioning to green card status: EB-1, EB-2, and EB-3 categories
 - o Overcoming challenges in the green card process: backlogs, retrogression, priority dates

GOVERNMENT AND LIAISON COMMITTEE OPEN FORUMS

8:00 am–9:00 am

Detention Ombudsman Open Forum

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

U.S. Citizenship and Immigration Services (USCIS) Open Forum

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

U.S. Immigration and Customs Enforcement (ICE) Open Forum

12:00 pm–1:00 pm

Lunch Break

1:00 pm–2:00 pm

EOIR Open Forum

2:00 pm–2:30 pm

Networking Break

2:30 pm–3:30 pm

U.S. Department of State (DOS) Open Forum

3:30 pm–4:00 pm

Networking Break

4:00 pm–5:00 pm

CIS Ombudsman Open Forum

FRIDAY TRAININGS AND SPECIAL EVENTS

7:30 am–4:00 pm

Registration

7:30 am–5:00 pm

Exhibit Hall Hours

7:00 pm–10:00 pm

American Immigration Council's Immigration Impact Celebration

Saturday, June 21, 2024

FUNDAMENTALS

8:00 am–9:00 am

Less Common Nonimmigrant Visas with Work Authorization (Fundamentals)

Panelists here will discuss the use of visa classifications less commonly seen in immigration practice – those outside of the professional worker, intracompany transferee classifications. This brief overview will assist new practitioners in finding solutions for their clients coming from less common backgrounds and qualifications.

- Use of B-1 visas for business within the United States (e.g. B-1 in lieu of H-1B)
- TN, H-1B1, and E-3 visas
- O and P visas
- Religious worker visas
- Thoroughly screening clients through the onboarding process.
- Confidentiality, establishing trust with clients
- How to deal with clients who may be tempted to lie
- Cultural competence with clients from non-Western backgrounds; trauma-informed approach to eliciting information.

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Mock Immigration Consultation: Family and Removal (Fundamentals)

Given the changes promised by the new administration seeking to curtail family immigration and ramp up removal proceedings significantly, it is more important than ever that practitioners become fully adept at representing these types of clients. To assist in this, panelists in this specially designed roleplay session will simulate common issues in consultations, with a focus on helping practitioners hone this important aspect of their lawyering skills in family and removal representation.

- Thoroughly screening clients through the onboarding process
- Confidentiality, establishing trust with clients
- How to deal with clients who may be tempted to lie
- Cultural competence with clients from non-Western backgrounds

- o Trauma-informed approach to eliciting information

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Mock Immigration Consultation: Business and Investors (Fundamentals)

In this roleplay panel, panelists will simulate common issues in consultations, with a focus on business and investor clients.

- Who do I represent, the employer or the employee (or both)?
- Developing thorough questionnaires
- Dealing with clients who have resources for multiple visa avenues
- Advising companies through the challenges of employment-based immigration

12:00 pm–1:15 pm

Lunch Break

1:15 pm–2:15 pm

Introduction to Naturalization: The End of the Long and Winding Immigration Road (Fundamentals)

Panelists will provide an overview of the requirements for naturalization, including continuous and physical presence, good moral character, and passing the relevant exams. They also will present exemptions to these requirements, impart tips on preparing clients for their naturalization interviews, and advise on passing citizenship to foreign-born children.

- The five main requirements to naturalize: What exceptions / waivers are available?
- Introduction to Forms N-400 and N-600
- How to prepare clients for the English language and history/civics testing
- What is “good moral character” and how to rehabilitate clients
- Overview of derivative citizenship (jus sanguinis)

2:15 pm–2:45 pm

Networking Break

2:45 pm–3:45 pm

Crimmigration 101 (Fundamentals)

Criminal activity carries with it grave immigration consequences. The new administration may make these consequences even more dire. In this panel, our experts will explain the interplay between criminal law and immigration law, including exceptions to general rules as well as potential avenues of relief.

- Overview of Immigration and Nationality Act (INA) §212 and §237

categories, including crimes of moral turpitude and exceptions

- Domestic violence issues that can lead to removability
- What constitutes a conviction under the INA?
- Analyzing federal, state, and foreign criminal law working hand in hand with criminal lawyers to minimize immigration consequences in plea bargaining
- Responding to aggressive RFEs and NOIDs
- What waivers / post-conviction relief may be available?

3:45 pm–4:15 pm

Networking Break

4:15 pm–5:15 pm

Nonimmigrant Visa Consular Processing: Preparing Clients for the Interview (Fundamentals)

Panelists will provide an overview of the process and timeline following petition approval and/or visa application submission. They also will guide the audience through common challenges, instilling confidence in clients before the interview, and advise on what can be done if a visa is not issued.

- The DS-160 nonimmigrant visa application and common issues in completion
- When and where to apply for visas: navigating the maze of consular posts around the world
- How to prepare a client for the NIV interview
- Visa denials and administrative processing: introduction to INA §212 and §221g
- Communicating with consular posts / U.S. Department of State

FAMILY AND HUMANITARIAN

8:00 am–9:00 am

Public Charge Puzzles in the New Trump Era: Show Me the Money!

Public charge is a critical requirement for adjustment of status and immigrant visa applications, one that can create headaches for an attorney if not done correctly from the beginning. In the first Trump term, the administration interpreted the public charge statutory factors in a highly restrictive manner, suggesting that Trump's second term will see more of the same, making the headaches attorneys already deal with much worse. Panelists will help explore how to streamline and make sense of the labyrinth of regulations and instructions, and they will advise on how best to deal

with the tighter interpretations of public charge factors that may be used by the new administration.

- Determining public charge considerations and assessing whether to use a joint sponsor or a household member's income
- Ensuring proper documentation is collected from clients for USCIS submission
- Ethical considerations when obtaining necessary documentation from the joint sponsor
- Strategies for avoiding boilerplate RFEs and providing alternative documentation for self-employed petitioners or joint sponsors
- Navigating complex scenarios: unauthorized employment of intending immigrants, domicile issues, and the use of I-864W, tax transcripts, and §204(l) substitute sponsors

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

Parole in the New Trump Era: Types, Benefits, and the Application Process

If the actions of the first Trump administration are any indication, the new administration is likely to curtail parole programs, particularly those that are country specific. Panelists will discuss different types of parole and the application process for each. Participants will gain insights into understanding how different parole options can be used and their benefits.

- What is parole? How is it different from an admission?
- What benefits do beneficiaries garner from parole?
- Types of parole (Trends in the Biden Parole, MPIP, CBP one parole, Humanitarian, Cuban Adjustment Act, TPS, EOIR)
- Changes to parole programs under the new administration

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Understanding the Child Status Protection Act (Intermediate)

The Child Status Protection Act (CSPA) helps preserve the age of a “child” so they can remain in the immediate relative or F-2A category, or as a derivative in one of the preference categories. But calculating the age of a child can get complicated, especially now that USCIS and DOS apply different interpretations

of the law. Panelists will discuss the substantive issues involved with the CSPA, the calculations of its protection/eligibility, and how USCIS and DOS compare in determinations of CSPA protection.

- CSPA: definitions and calculations of applicability/eligibility
- USCIS policy vs. DOS policy
- CSPA-related litigation
- Age freeze, CSPA formula, “sought to acquire,” opt-out provision, and automatic conversion
- Conversion issues; when to tell a parent NOT to naturalize

12:00 pm–1:15 pm
Lunch Break

1:15 pm–2:15 pm

Rocky Roads: Complex Marriage-Based Adjustments

We often focus on the beneficiary when it comes to potential problems that may hinder approvals, but sometimes it is the petitioner who has a “colorful” history. Maybe your clients’ marriage is destined to fail, or they do not have what USCIS considers a “traditional marriage.” The experts on this panel will advise on best practices when dealing with dicey marital issues.

- Complicated marriage history, including fraudulent and customary divorces and religious and customary marriages
- Contemplating VAWA at the onset for dual representation cases, what happens when the marriage breaks down
- USCIS expectations for a bona fide marriage
- Outstanding criminal issues: warrants, restraining orders, previous domestic violence
- Adam Walsh Act: what it is, how to avoid it, how to challenge it
- Deceased spouse and humanitarian reinstatement

2:15 pm–2:45 pm
Networking Break

2:45 pm–3:45 pm

Mastering Complex I-751s: Strategies for Late Filings, Divorce Waivers, and Jurisdictional Issues

Join our panelists for a focused discussion on navigating the complexities of the I-751 process. Learn how to handle late filings, convert joint filings to divorce waivers, and address jurisdictional challenges between USCIS and immigration judges. Panelists will cover strategies for dealing with green

cards that have already expired, ongoing divorces, and de novo reviews of denied I-751s. Attend this session to gain practical insights to effectively manage these critical issues in the removal of conditions process.

- Handling late filings
- Divorce waivers and separated clients
- Jurisdictional issues
- De Novo review
- Pitfalls and best practices with clients

3:45 pm–4:15 pm
Networking Break

4:15 pm–5:15 pm

Rebuilding Hope: Helping an Abused VAWA Self-Petitioner Succeed

Family immigration cases do not always work out according to plan. In this session, panelists will discuss the requirements and process for helping an abused I-130 beneficiary change course to an I-360 based on the Violence Against Women Act (VAWA).

- Substantive eligibility requirements for VAWA self-petitions
- Procedures and benefits of changing case type, including unique VAWA inadmissibility/waiver considerations at the lawful permanent resident application stage
- Tips on avoiding ethical pitfalls and retraumatization through the process
- What is “battery or extreme cruelty”?
- Proving non-physical abuse

LITIGATION AND REMOVAL PROCEEDINGS

8:00 am–9:00 am

Advocating for Noncitizens with Competency Concerns: Legal and Practical Approaches

Mental competency in immigration proceedings is more than just M-A-M-I! Panelists will dive into Matter of M-A-M-I, but also Franco Settlement, Section 504 of the Rehabilitation Act, safeguard protections, safe release, and competency proceedings. They also will advise on how to center client autonomy, gain trust, and maintain credibility when individuals are struggling with participation in proceedings.

- Safeguards and accommodations
- Working with clients-ethical considerations
- Advocating with ICE
- EOIR accommodations for attorneys

9:00 am–9:30 am
Networking Break

9:30 am–10:30 am

Fighting for Clients in the New Trump Era: Jurisdictional Considerations for Federal Court

You have a compelling case that you can’t wait to present to a federal court judge. But before you can get to the merits, you must address jurisdiction. When is the door to the federal court open and when is it closed? When can you find a little-used back door? Our expert panelists will discuss all the jurisdictional hurdles you must navigate to have your case heard in federal court, and they will discuss how best to prepare for those future challenges when representing your client before the agency.

- §1252(a)(2)(B): scope and strategies for avoiding the bar in the wake of Patel and Wilkinson
- Jurisdictional rules vs. claims processing rules
- Mandatory vs. non-mandatory claims processing rules
- Withholding only cases
- Exhaustion of administrative remedies and preservation of issues

10:30 am–11:00 am
Networking Break

11:00 am–12:00 pm

Asylum Litigation Updates: Practical Impacts of, and Predictions for, the New Trump Era

The changes enacted by both the Biden and new Trump administrations to this point have been difficult to track and predict. Panelists will attempt to provide the most relevant information and updates in asylum litigation, make sense of the changes that have been implemented as of June 2025, and advise on their practical ramifications. They also will discuss how to advise clients in this sea of uncertainty, and, where possible, they will make predictions on what lies in store for the future of the field. Panelists will focus on the following:

- The impact on asylum litigation under the new administration
- Asylum Clock Litigation (Garcia Perez)
- Enjoined/proceeding regulations
- Expedited removal
- Third country removal

12:00 pm–1:15 pm
Lunch Break

1:15 pm–2:15 pm

Hot Topics in Bars to Asylum

The new administration’s ongoing efforts to curtail the asylum program and discourage people from seeking asylum

(continuing efforts already underway during the Biden administration) have had myriad repercussions for asylum practice, both substantive and procedural. At the same time, the shifting demographics of asylum seekers have raised new issues and added new layers of complexity. Our panelists will address some of the evolving issues relating to statutory bars to asylum and withholding of removal, including:

- Border policies: circumvention of lawful pathways, the June 4, 2024, regulation, and 2025 border policies
- One-year filing deadline: unfiled notices to appear and terminated removal proceedings
- Persecutor of others and terrorism-related inadmissibility grounds (TRIG): exceptions and exemptions in the wake of Matter of Negusie
- Firm resettlement: parameters and exceptions
- Predictions for the asylum program in the new Trump era

2:15 pm–2:45 pm
Networking Break

2:45 pm–3:45 pm

Detention in the New Trump Era

Though immigration detention is nothing new, the new administration has increasingly used detention as a tool for coercion and deterrence, ramping up an action already employed during the Biden administration. Our panel of experts will discuss detention trends nationwide, the state of large-scale litigation, and strategies for securing clients' release. They also will attempt to predict what the future of detention efforts may look like in the new Trump era.

- Detention trends
- Litigation updates
- Caselaw and memoranda
- Bond, parole, habeas, and release on own recognizance (ROR)
 - o Strategies for securing clients' release

3:45 pm–4:15 pm
Networking Break

4:15 pm–5:15 pm

Evolving Definitions of Particular Social Groups

In a post-Chevron era, the law on what makes for a legally cognizable particular social group (PSG) remains in flux. Panelists will do a deep dive into the current law of PSG formulation and where there may be room to undo or overturn problematic BIA precedent. They also will provide tips on crafting a winning PSG for your asylum/withholding

claims, and they will advise on what to do when confronted with difficult caselaw in your circuit.

- Using Loper Bright and Wilkinson to advocate for a better standard
- Arguing and proving your PSGs
- Avoiding common mistakes when formulating PSGs
- Gender per se as a PSG

BUSINESS

8:00 am–9:00 am

Understanding H-2 Visas: Beyond the Basics (Intermediate)

Are you an employment-immigration attorney and would like a more detailed view of the ever-changing H-2B program? Panelists will deep-dive into the web of regulations that surround the H-2 programs. They will demystify the H-2B caps and dive into how to make the visa caps work better for you and your clients. They also will look at the changing compliance landscape hovering over the H-2A and H-2B programs.

- H-2B:
 - o Advanced issues: Timing of prevailing wage requests
 - o How to get a Notice of Action with confidence!
 - o A deep dive into the H-2B caps: FY caps, returning worker caps, and country-specific caps
- H-2A:
 - o Compliance is king: looking at the new Farmworker Protections Act
 - o Hot topics on H-2A
- PERM options

9:00 am–9:30 am

Networking Break

9:30 am–10:30 am

PERM with the Pros: An Advanced Discussion of PERM Issues (Advanced)

Panelists will discuss advanced PERM issues and provide insights into counseling employers on strategies for their PERM programs. Topics to be discussed include strategies for PERM filings with nonimmigrant max outs, complexities relating to PERM job descriptions and recruitment, the impact of layoffs and corporate mergers and acquisitions, and audit triggers.

- Drafting tight, but not tailored, job descriptions
- Specific vocational preparation (SVP) analysis and business necessity explanation
- Good faith recruitment in light of DOJ settlements
- Audit triggers, including relationships

with owners and combined occupations

10:30 am–11:00 am

Networking Break

11:00 am–12:00 pm

Transitioning F-1 and J-1s to Their Next Status: When the Odds Aren't in Your Favor

Numerous issues arise when F-1 and J status holders are not selected in the H-1B lottery, forcing them to seek alternative nonimmigrant status or permanent residency. Retaining talent is a continuing concern with the inadequate number of H-1Bs available each year. Our expert panelists will discuss viable options for those not selected in the H-1B lottery.

- Maximizing CPT/OPT/academic training and limitations
 - o How this may affect future status
- Hurdles from F-1/J to other nonimmigrant categories: §212(e): O-1, L-1, E-1, E-2, TN, J-1
- Visa alternatives: concurrent cap-exempt H employment, remote employment in Canada, J Early STEM Research Initiative, etc.
- Having your client partner with cap-exempt organizations
- Is it possible to transition directly from F-1/J to permanent residence?

12:00 pm–1:15 pm

Lunch Break

1:15 pm–2:15 pm

ICE/HSI I-9 Investigations: "We're Ba-ack!" Trends, Strategies, and Fine Mitigation (Intermediate)

After a lengthy period during which government I-9 investigations were rare, practitioners now note a recent uptick in ICE/HSI investigations. With potential penalties rising each year, coupled with the increasing risk of relying on I-9 software, it is imperative that counsel understand how to advise clients. Panelists will cover current trends and what to do after a Notice of Inspection is served.

- Limiting the scope of the investigation
- Responding to notices of suspect documents, discrepancies, and technical/procedural failures
- How to mitigate damages and prepare responses
- Notices of intent to fine and related negotiations
- Litigation when settlement cannot be reached

2:15 pm–2:45 pm
Networking Break

2:45 pm–3:45 pm
Late Breaking Session

3:45 pm–4:15 pm
Networking Break

4:15 pm–5:15 pm
NIV Options and Issues for Start-Ups, Small and Medium-Sized Businesses (Intermediate)

Panelists will address nonimmigrant visa and parole options for founders and employees of new U.S. companies. They also will discuss updates to the rules for H-1B business owners, O-1s for founders, the entrepreneur parole program, and common issues in the preparation of first time Ls, including tips for new offices as well as existing businesses and acquisitions. In addition, panelists will advise on whether E visas are a feasible option.

- Tips and tricks for O-1, E-2, and Ls for founders and their employees
- New office issues, new office versus non-new office, acquisition issues
- How changes to employer-employee relationship and other H-1B trends under the Biden administration have favored startup founders
- Updates on the state of the entrepreneur parole program based on new USCIS data and guidance

EB-5 MINI TRACK

2:45 pm–3:45 pm
Introduction to EB-5

EB-5 has the reputation of being among the most complex visa types, perhaps rightfully so. But, for the practitioner armed with the right knowledge, it doesn't have to be so difficult. In this investor-focused panel, our experienced speakers will provide a thorough overview and other key information for those who are brand new to EB-5 practice. Among the topics they will discuss are general terms, significant changes following passage of the Reform and Integrity Act (RIA), ever-changing rules and timelines, and representing high-net worth clientele.

- Standalone vs. regional center investors, RIA reforms and visa set-asides
- Basic requirements, at risk requirement, and minimum investment amounts

- Documenting source and path of funds
- Limiting the scope of your representation as immigration-only counsel
- Concurrent filings and condition removal

3:45 pm–4:15 pm
Networking Break

4:15 pm–5:15 pm
Navigating the Complexities of EB-5: Emerging Challenges and Untapped Opportunities

EB-5 is notorious among immigration practitioners for its complexities. To help make EB-5 practice less daunting and more doable, our panel of experts will examine the complexities of these EB-5 complexities. They will explore and explain sophisticated, nuanced topics within EB-5 that seasoned attorneys rarely have the chance to focus on in depth, including:

- USCIS trends in source of funds scrutiny
- The “sustainment” requirement and redeployment strategies
- I-956 alphabet soup: regional center management and compliance
- Crisis management in EB-5: litigation, bankruptcy, investor relations

IMMIGRATION INNOVATORS TRACK

8:00 am–9:00 am
Session 1 Title

9:00 am–9:30 am
Networking Break

9:30 am–10:30 am
Session 2 Title

10:30 am–11:00 am
Networking Break

11:00 am–12:00 pm
Session 3 Title

12:00 pm–1:15 pm
Lunch Break

1:15 pm–2:15 pm
Session 4

SPECIAL SESSIONS

8:00 am–9:00 am
Setting Healthy, Ethical Boundaries with Your Clients Up Front (Ethics)

Panelists will help you identify ethical considerations and the type of boundaries you ought to have with your clients throughout your professional relationship. Meeting client expectations while maintaining personal well-being requires resilience and effective communication. Whether you're starting your immigration career or looking to protect yourself against burnout, this panel will offer strategies for setting realistic expectations, handling high-pressure demands, and aligning client goals with achievable outcomes.

- The importance of clear and well-defined retainers/engagement letters
- The clauses every agreement should have (RPC 1.2 and 1.4)
- How to achieve clarity in fees and costs clauses, including fixed and hourly fees (RPC 1.5 and 1.15)
- Planning for the unknown: protecting yourself and your firm
- Ending the attorney-client relationship: closing letters and other strategies

9:00 am–9:30 am
Networking Break

9:30 am–10:30 am
Reacting to Mistakes with Emotional Intelligence (Competence/Wellness)

As attorneys, we are humans, and so, like everyone else on Earth, we make mistakes. But how do we react to these errors, individually and/or within our team? Panelists will explore how to handle mistakes with emotional intelligence, offering strategies to respond compassionately and constructively to those mistakes, whether addressing them ourselves, with clients, with colleagues, or within a larger team.

- What happens in my mind and body when I make a mistake?
 - o Self-awareness: detrimental narratives we create around mistakes
 - o Perfectionism, inner criticism, and other lawyer traits
- What happens when a team member, colleague, or client makes a mistake?
 - o Leading with a growth mindset: mentorship/teaching vs. punishment mindset
 - o Leading by example: the power of vulnerability and more
- Strategies to react compassionately and constructively

SATURDAY TRAININGS AND SPECIAL EVENTS

7:30 am–3:00 pm
Exhibit Hall Hours

8:00 pm–11:00 pm
AILA Saturday Night Party

- o Self-regulation, pausing before reacting, “feeling the feelings,” recognizing vs. avoiding

10:30 am–11:00 am
Networking Break

11:00 am–12:00 pm **Ethically Addressing Client Expectations When Facing the Unknown (Ethics)**

Immigration professionals are uniquely challenged by the uncontrollable changing tides of politics, court decisions, and unforeseeable agency delays. The radical changes to immigration law promised by the new administration serve only to exacerbate these challenges. Panelists will advise practitioners on how to provide counsel to clients ethically about options and likely outcomes in order to manage their expectations. They also will address how to keep up with the constant legal and practice changes and still balance professional and personal life and well-being.

- Essential client communications in a time of uncertainty (ABA Model Rules of Professional Conduct (RPC) 1.4, 1.6, 5.1-5.3)
- Making choices about limiting areas of practice and ensuring you have necessary legal resources
- Adopting coping mechanisms and cultivating resilience to meet the challenges that will arise for us, our clients, and our businesses
- Recognizing when you or your staff cannot diligently represent a client or accomplish promised work (RPC 1.3)
- Maintain communication with clients — and get paid — over long delays

12:00 pm–1:15 pm
Lunch Break

1:15 pm–2:15 pm **Ethics of AI for Immigration Lawyers and Their Staff (Ethics)**

There has been a lot of hype about AI lately, and justifiably so: The market for AI has been exploding, and all indications are that it is here to stay. This session aims to separate fact from fiction, provide an introduction to AI, and address why you should care about it. Panelists will address what AI is, how to differentiate and choose a program, and how to begin using a program that best meets your needs.

- How different AI tools work and where best to apply them in your practice
- How to differentiate products and choose the right one
- Ethics rules that apply: Model Rules

of Professional Conduct 1.1, 1.3, 1.4, 1.6, 4.3, and 5.1–5.3

- Learn how to use AI ethically and teach your staff how to do the same
- Duty to disclose use of AI to client

2:15 pm–2:45 pm
Networking Break

2:45 pm–3:45 pm
Staff Retention: “Hi, I’m The Problem”
Good help is hard to find, and once you’ve found it, it can be even harder to retain. When you are struggling to figure out why you can’t find good help or why nobody stays, the answer may be in the mirror, or it may lie elsewhere. Panelists will explore various hiring and retention strategies, from the obvious (such as a strong benefits package) to the not so obvious (work culture).

- Understanding what your employees really want: beyond compensation to meaningful work and work-life balance
- Innovative benefits that set your firm apart: from sabbaticals to wellness programs and professional development opportunities
- Basic building blocks of leadership and delegation
- Making a plan that aligns with your firm’s goals for how you will find, hire, and retain your next employee

3:45 pm–4:15 pm
Networking Break

4:15 pm–5:15 pm **Personal Emergencies Affecting Your Practice**

Emergencies of a personal nature are bound to happen to our staff, and to ourselves. What do you do in response? How do you handle when such an emergency arises? Do policies address all contingencies?

- Staff medical and other personal emergencies: practice issues, best practices in response
- Attorney medical and other personal emergencies: keeping your practice going
- Mental health wellbeing for staff and attorneys, including burn-out
- Sudden death and bereavement
- Policies to have in place