



## **BREAKING FREE:**

### ***PRACTICAL SOLUTIONS FOR THE OLD POLITICAL GAME***

**May 13, 2016  
8:00 a.m. – 5:00 p.m.**

**Earle Brown Conference Center  
6155 Earle Brown Drive  
Brooklyn Center, MN 55430**

*Jointly Sponsored by*  
The Minnesota/Dakotas Chapter of the  
American Immigration Lawyers Association (AILA),  
and The Advocates for Human Rights



This election year, we welcome you to join us for the 2016 Upper Midwest Immigration Conference, the premier regional immigration law forum. Immigration policy concerns have been the talk of many campaigns. As practitioners, we will discuss how we rise above the rhetoric to explore innovative approaches to the difficult realities facing our clients. We will also discuss what to expect as the political landscape shifts, and how we can prepare for what lies ahead.

## THE THINK TANK

In our collaborative effort between the Minnesota/Dakotas Chapter of the American Immigration Lawyers Association and The Advocates for Human Rights, we have assembled a crack team of immigration wonks, including our chapter's best and brightest, as well as a range of national speakers. We have top attorneys discussing solutions for moving cases through clogged immigration courts, ever-constricting employment-based options, complicated permanent residence issues, and the asylum process.

## CRISIS MANAGEMENT

Given the ongoing Central America humanitarian crisis and rising concerns over Syrian and other refugees, we are proud to offer a full afternoon of panels with The Advocates for Human Rights. This year's Afternoon With the Advocates will address strategies for handling asylum applications and managing vulnerable clients in a time of uncertainty and tremendous backlogs.

## VETERANS AND NEWCOMERS WELCOME

Our panelists will engage in cutting edge and in-depth discussions on how to handle hurdles resulting from years of immigration policy stagnation. We also offer a half-day course to orient newer practitioners to the challenges we face in our field today. Join us on the bus to make a better country for our clients!



## Conference Registration Form

*(Please use one registration form for each person registering)*

Name:	_____	Phone:	_____
Firm:	_____	Fax:	_____
Address:	_____	E-Mail:	_____
	_____	State Bar #(s):	_____
	_____		

<u>Registration Fees</u>	<u>Early Bird</u> <u>(through April 10)</u>	<u>Advance/On-Site</u> <u>(April 11 and later)</u>
<input type="checkbox"/> AILA Attorney	\$240	\$340
<input type="checkbox"/> Non-AILA Attorney	\$285	\$385
<input type="checkbox"/> Non-Profit Attorney/AILA Paralegal/Law Student	\$180	\$280

### Registration includes:

- Up to 7 CLE credits, including one Ethics credit and one Bias credit (applied for).
- Continental breakfast, buffet lunch, and afternoon snack
- Conference materials (to be provided to all attendees in electronic format)

### HOW TO REGISTER:

**Online Registration:** To register using your credit card, visit: [www.ailamndak.org](http://www.ailamndak.org).

**Paper Registration:** To register by check, send this registration form with your check payable to “AILA MN/Dakotas Chapter” to:

Mr. Graham Ojala-Barbour, MN/Dakotas Chapter Treasurer  
Ojala-Barbour Law Firm  
821 Raymond Avenue # 320  
Saint Paul MN 55114

**Multiple Registrants:** If you are registering for more than one attendee, please include the names of the attendees in the “Notes” field of the online registration.

**Cancellation:** All cancellations will be charged a \$30 administration fee. Cancellations will not be processed after May 1, 2016. Registrants who do not cancel, yet fail to attend, will not receive a refund but will receive conference materials. All cancellation requests must be received in writing.



**NEW!! FUNDAMENTALS TRACK, FOUR PANELS: THURSDAY, MAY 12**  
Scheid Hall, Surly Brewing Company, 520 Malcom Ave. SE, Minneapolis, MN 55414

Meet us at Surly after lunch for a half-day introduction to immigration law. This track is available for only \$50 to conference attendees. Visit [www.ailamndak.org](http://www.ailamndak.org) for more information about registration and rates.

Register early, as space is limited. Light snacks provided with registration.

THE FUNDAMENTALS OF IMMIGRATION LAW		
<p><b>“Furiously”* Building Your Reputation</b> 1:00PM – 2:00PM</p>	<ul style="list-style-type: none"> <li>✓ Marketing</li> <li>✓ Networking</li> <li>✓ Strategic Client Communications</li> <li>✓ Public Forums</li> </ul>	<p><b>Panelists:</b> Sandra Feist, Ana Pottratz Acosta</p>
<p><b>Be Sure Your Client Didn’t Go on a “Bender”: Discovering Inadmissibility Issues</b> 2:00PM – 3:00PM</p>	<ul style="list-style-type: none"> <li>✓ Issue spotting during intake</li> <li>✓ Common scenarios and eligibility for relief</li> <li>✓ Examining documents – what to look for</li> <li>✓ Strategies for determining when there is an issue and what to do with borderline cases</li> </ul>	<p><b>Panelists:</b> Kara Lynum, Matt Woodward</p>
<p><b>A Refreshing Look at the Basics of Work Visas</b> 3:00PM – 4:00PM</p>	<ul style="list-style-type: none"> <li>✓ What is an H-1B petition?</li> <li>✓ What is an L-1B petition?</li> <li>✓ Filing your first H-1B or L-1 petition</li> </ul>	<p><b>Panelists:</b> John Medeiros, Marit Gurley</p>
<p><b>Cheers to Consular Processing! Tips So You Feel Less “Surly”</b> 4:00PM – 5:00PM</p>	<ul style="list-style-type: none"> <li>✓ Introducing consular processing to your client – it’s not <i>that</i> Surly!</li> <li>✓ Laying the groundwork for IV processing at the visa petition stage</li> <li>✓ Considerations following visa petition approval – what’s next?</li> <li>✓ Prepare to immigrant visa process</li> </ul>	<p><b>Panelists:</b> Misti Allen Binsfeld, Barbara Erlandson</p>

\*Surly, Furious, and Bender are registered trademarks of Surly Brewing Company.



2016 CONFERENCE PROGRAM

7:30 AM	<b>REGISTRATION &amp; BREAKFAST</b>		
7:45 AM	<b>WELCOME &amp; ANNOUNCEMENTS</b>		
	<b>Track 1</b>	<b>Track 2</b>	<b>Track 3</b>
8:00 – 9:00 AM	<p><b>Set My People Free! Bond Hearings and Detention</b></p> <ul style="list-style-type: none"> <li>• Bond hearing procedure and presenting an effective argument for bond</li> <li>• Local trends in IJ bond orders</li> <li>• Bond redetermination requests</li> <li>• Bond appeals</li> <li>• Conditional parole, the underutilized alternative to bond</li> </ul> <p><b>Moderator:</b> Anne Carlson <b>Panelists:</b> Kim Hunter, Magdalena Metelska</p>	<p><b>Lawyering by the Numbers / Financial Management for Lawyers</b></p> <ul style="list-style-type: none"> <li>• Flat fee vs. hourly billing</li> <li>• Retainers</li> <li>• Ethical billing arrangements and practices</li> <li>• Refunds</li> <li>• Keeping accounts receivables in check</li> <li>• Collection practices</li> <li>• Trust account issues</li> <li>• Credit card processing</li> </ul> <p><b>Moderator:</b> Mai Neng Moua <b>Panelists:</b> Leslie Karam, Kirby Joseph (Colorado Springs, CO)</p>	<p><b>EAD Options and Related Student Challenges</b></p> <ul style="list-style-type: none"> <li>• F-1 STEM Regulations</li> <li>• H-4 EADs</li> <li>• TPS w/Parole</li> <li>• Unauthorized employment (CPT/OPT/EADs that never come)</li> <li>• “Volunteer” work</li> <li>• Unauthorized work and I-9 compliance</li> <li>• Hot Topics</li> </ul> <p><b>Moderator:</b> Craig Peterson <b>Panelists:</b> Marissa Hill-Dongre (U of MN), Ian Wagreich (Chicago, IL)</p>
<b>NETWORKING BREAK</b>			
9:15 AM - 10:15 AM	<p><b>Eighth Circuit Update: Current Trends and New Resources For Effective Immigration Litigation in Federal Court</b></p> <ul style="list-style-type: none"> <li>• Emerging trends in 8<sup>th</sup> Circuit immigration case law</li> <li>• Litigation priorities at the Center for New Americans</li> <li>• Tips and resources for representing non-citizens at the Eighth Circuit</li> </ul> <p><b>Moderator:</b> Benjamin Casper (Center for New Americans) <b>Panelists:</b> Nicholas Hittler (CNA), Sally Silk</p>	<p><b>Advanced Adjustment Issues</b></p> <ul style="list-style-type: none"> <li>• What’s Happening? Hot topics and recent trends.</li> <li>• Mobility Settled? Updates on AC21 including I-140 portability &amp; working on H-1B vs. EAD.</li> <li>• Leaving not Departing? Travel on Advance Parole while AOS is pending.</li> <li>• Strategically Using “U”: Options &amp; Issues in U Nonimmigrant AOS.</li> <li>• Finally Admitted? In Plain Language TPS grant satisfies 245(a) requirements</li> </ul> <p><b>Moderator:</b> Rachel Engebretson <b>Panelists:</b> Julie Carlson, Lisa York (Denver, CO)</p>	<p><b>Best Practices and Current Litigation Trends in H-2A/H-2B Visas</b></p> <ul style="list-style-type: none"> <li>• Differences between H-2A vs. H-2B</li> <li>• Creative uses of the H-2B visa <ul style="list-style-type: none"> <li>◦ Non-agricultural can apply to various occupations</li> </ul> </li> <li>• 2016 Omnibus Bill: impact on H-2B program</li> <li>• Filing procedures under H-2B 2015 rules <ul style="list-style-type: none"> <li>◦ H-2B cap, eligible countries, temporary need</li> <li>◦ Timing is everything; when to start, filing windows, etc.</li> <li>◦ H-2B registration, TEC application, recruitment</li> </ul> </li> <li>• Practice pointers for H-2A &amp; H-2Bs</li> <li>• Litigation trends and practice pointers</li> </ul> <p><b>Moderator:</b> Rebecca Desnoyers <b>Panelists:</b> Loan Huynh, Jeanne Malitz (San Diego, CA)</p>
<b>NETWORKING BREAK</b>			



<p style="writing-mode: vertical-rl; transform: rotate(180deg);">10:30 AM - 11:30 AM</p>	<p><b>Marriage Fraud: The Nitty Gritty</b></p> <ul style="list-style-type: none"> <li>• Avoiding Pitfalls: Proactively preparing adjustment and immigrant visa cases based on marriage</li> <li>• US CIS Administrative Processing: NOID, NOIR (rescission), and Denials</li> <li>• DOS/US CIS Processing: Consular Post RFEs and/or Return to US CIS</li> <li>• NOIRs and Fraud Determinations: Options and strategies</li> </ul> <p><b>Moderator:</b> Jeff Larson <b>Panelists:</b> Leo Pritschet, Pat Mattos</p>	<p><b>The Nuts and Bolts of Consular Processing – Packet 3 to Green Card</b></p> <ul style="list-style-type: none"> <li>• Working with the NVC</li> <li>• Preparing paperwork for the visa interview</li> <li>• Preparing the client for the visa interview</li> <li>• Administrative Processing</li> <li>• What happens after the visa interview</li> <li>• Communicating with the consulate</li> <li>• ELIS issues</li> <li>• When the green card doesn't come ...</li> <li>• Social security and selective service registration</li> </ul> <p><b>Moderator:</b> Rachel Kieke <b>Panelists:</b> Ruslan Bocancea, Steve Pattison (Darnestown, MD)</p>	<p><b>Working Effectively With Corporate Clients</b></p> <ul style="list-style-type: none"> <li>• Managing expectations of both employer and sponsored employee</li> <li>• Dual representation challenges</li> <li>• Communications challenges – how to convey “bad news” or counsel clients through “gray areas”</li> <li>• Billing challenges -- who can pay for what?</li> </ul> <p><b>Moderator:</b> Cyrus Mehta (New York, NY) <b>Panelists:</b> Caroline Ostrom, Jennifer Minear (Richmond, VA)</p>
<p>11:30 AM</p>	<p><b>LUNCH</b></p>		
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">12:00 PM – 1:15 PM</p>	<p>Youthful Voices – 5<sup>th</sup> Grade Essay Contest; Immigrant of Distinction Award;</p> <p>KEYNOTE: Dan Wallace, Partnership for a New American Economy: Looking forward to a politically active year and the possibilities for immigration reform</p>		
<p><b>NETWORKING BREAK</b></p>			
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">1:30 PM –2:30 PM</p>	<p><b>Presenting Medical Evidence</b></p> <ul style="list-style-type: none"> <li>• Legal standards for medical evidence</li> <li>• The Adam Walsh Act</li> <li>• N400 Medical Waivers</li> <li>• Hardship Waivers</li> <li>• Documenting transgender cases</li> <li>• CDC requirements for HIV positive individuals who are consular processing</li> <li>• Matter of M-A-M-</li> <li>• Ethical considerations</li> </ul> <p><b>Moderator:</b> Malinda Schmiechen <b>Panelists:</b> David Wilson</p>	<p><b>An Afternoon with The Advocates</b></p> <p><b>Introduction to The Advocates and Building Your Case</b></p> <ul style="list-style-type: none"> <li>• Working with vulnerable clients</li> <li>• Drafting affidavits</li> <li>• Preparing the I-589</li> </ul> <p><b>Moderator:</b> Michele Garnett McKenzie, AHR <b>Panelists:</b> Kevin Heinz, Sheila Starkey Hahn (Memphis, TN)</p>	<p><b>Intra-Company Transferees L-1B/L-1A/EB-1(3)</b></p> <ul style="list-style-type: none"> <li>• Blanket Petitions</li> <li>• Qualifying relationships (joint ventures and complex corporate structures)</li> <li>• Canada border/POE/preflight issues</li> <li>• New Office L1s</li> <li>• Challenging RFE's</li> <li>• Functional Managers / Executives / People Managers</li> </ul> <p><b>Moderator:</b> Matt Streff <b>Panelists:</b> Debra Schneider, Eric Ledbetter (Chicago, IL)</p>
<p><b>NETWORKING BREAK</b></p>			



<p>2:45 PM – 3:45 PM</p>	<p><b>My Case is Stuck!</b></p> <ul style="list-style-type: none"> <li>• Cases pending outside processing times</li> <li>• Service Centers, EOIR, Local Offices, and Consulates</li> <li>• Managing client expectations</li> <li>• Actually getting things moving</li> <li>• U visa back logs</li> <li>• Use of the Ombudsman’s Office and Congressional assistance</li> </ul> <p><b>Moderator:</b> Marissa Cwik <b>Panelists:</b> Brian Aust, Steve Thal, Miranda Morgan (Sen. Franken)</p>	<p><b>An Afternoon with The Advocates</b></p> <p><b>Articulating a Particular Social Group</b></p> <ul style="list-style-type: none"> <li>• New law</li> <li>• Impact litigation around the country</li> <li>• How to identify a winning PSG</li> <li>• Saying ‘no’ to a PSG</li> <li>• Recurring scenarios and winning arguments from Dilley</li> </ul> <p><b>Moderator:</b> Whitney Drake, AHR <b>Panelist:</b> Elizabeth Holmes, Shane Ellison (Omaha, NE)</p>	<p><b>PERM – Does a Decade Make a Difference?</b></p> <ul style="list-style-type: none"> <li>• Regulatory Updates</li> <li>• Essential PERM resources</li> <li>• Prevailing wage trends &amp; drafting strategies</li> <li>• Denial Trends and Audits</li> <li>• BALCA updates</li> </ul> <p><b>Moderator:</b> Sarah Peterson Stensrud <b>Panelists:</b> Kevin Miner (DOL Liaison Chair), Piyumi Samaratunga</p>
<p><b>NETWORKING BREAK</b></p>			
<p>4:00 PM – 5:00 PM</p>	<p><b>Preparing for a Local US CIS Interview</b></p> <ul style="list-style-type: none"> <li>• Preparing your client for a CIS interview</li> <li>• Best practices for attorneys at your client's interview</li> <li>• What to do when things go bad at the interview</li> <li>• How to communicate with CIS officers, liaisons and supervisors post-interview</li> </ul> <p><b>Moderator:</b> Peter Nagell <b>Panelists:</b> Michael Davis, Susan Koberstein, Luis Borges (US CIS Section Chief)</p>	<p><b>An Afternoon with The Advocates</b></p> <p><b>Working with Vulnerable Clients</b></p> <ul style="list-style-type: none"> <li>• Building the case without destroying your client</li> <li>• Working with female and child victims of sexual violence</li> <li>• Coordinating with mental health providers: Caregiver vs. Forensic Evaluator</li> <li>• Advocating to limit client testimony where mental health triggers exist</li> </ul> <p><b>Moderator:</b> Sarah Brenes, AHR <b>Panelist:</b> Dr. Rosa Garcia-Peltoniemi, Ph.D., L.P., Center for Victims of Torture; George Kroupin, Health Partners Center for Internal Health; Cira Sanchez, CLUES; Dr. Madhuri Kasat Shors, CUHCC</p>	<p><b>Corporate Restructuring and the Impact on Foreign National Employees</b></p> <ul style="list-style-type: none"> <li>• H-1B Employees, Sworn Statements, and LCA Public Access Files</li> <li>• Material Change for Other Non-Immigrant Visa Status</li> <li>• Successor-in-Interest for Permanent Residence</li> <li>• Impact of layoffs on PERM cases</li> </ul> <p><b>Moderator:</b> Alan Goldfarb <b>Panelists:</b> Renee Mueller Steinle, Khorzad Mehta (Owings Mills, MD)</p>





### 2016 Conference Planning Committee Members

Liz Knoot, Chair

Sandra Feist  
Mai Neng Moua  
Iris Ramos  
Misti Allen Binsfeld  
Peter Nagell  
Jennifer Mojica  
Rebecca Desnoyers  
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Kara Lynum  
Michelle Garnett-McKenzie  
Sarah Brenes  
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Nysha Cornelius  
Graham Ojala-Barbour  
Adithya Connerton

### 2016 Conference Advisory Panel Members

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Scott Borene  
Michelle Garnett-McKenzie  
Kathy Moccio  
Leslie Karam

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Sheila Stuhlman  
Steven C. Thal  
Robert P. Webber



### The American Immigration Lawyers Association

AILA is the national association of over 14,000 attorneys and law professors who practice and teach immigration law. Founded in 1946, AILA is a nonpartisan, not-for-profit organization that provides continuing legal education, information, professional services, and expertise through its 36 chapters and over 50 national committees.

The Minnesota/Dakotas Chapter comprises approximately 300 Members who represent U.S. families seeking permanent residence for close family members, as well as U.S. businesses seeking talent from the global marketplace. Our Members also represent foreign students, entertainers, athletes, and asylum seekers, often on a pro bono basis.



### The Advocates for Human Rights

For twenty-five years, The Advocates for Human Rights has presented an Asylum Conference to recruit and train volunteer attorneys and update immigration law practitioners on current developments in asylum law. Through a trained pro bono panel of more than 300 lawyers from all areas of practice, The Advocates for Human Rights represents hundreds of asylum seekers each year. The Asylum Conference has gained a reputation for excellence, presenting local and national experts in the area of asylum law and practice.

The Advocates for Human Rights builds on our community's unique spirit of social justice to work locally, nationally and internationally in the human rights movement. We investigate and work to overcome human rights violations; represent recent immigrants and refugees who are human rights victims; train and assist groups that protect human rights; and work through education and advocacy to engage the public, policy makers and children in dialogue about human rights, tolerance and international cooperation.

*Special thanks to Shelly R. Gertgen for program design assistance.*