2017
UPPER MIDWEST IMMIGRATION LAW CONFERENCE

CHANGING OF THE GUARD:
Immigration Law under the New Administration

May 19, 2017
8AM - 5PM
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
The Minnesota/Dakotas Chapter of the American Immigration Lawyers Association and The Advocates for Human Rights would like to welcome you to the 2017 Upper Midwest Immigration Conference, the premier regional immigration law forum. We have assembled a prestigious team of immigration experts, including our chapter’s best and brightest, as well as a range of national speakers.

This is a year unlike any other. On January 20, 2017, U.S. immigration law, policy and practice entered a new era. Within days of his inauguration, President Trump made it clear he would push forward on many of his immigration-related campaign promises, forcing immigration practitioners and their clients into unchartered and murky waters.

We are here to navigate these waters with you by offering you creative and novel strategies, resources, in-depth analysis and networking opportunities intended to allow you to handle the new guard and prepare for what lies ahead.

Thank you for joining us and have a wonderful conference!

ORGANIZERS

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
Founded in 1983, The Advocates for Human Rights is dedicated to promoting and protecting internationally recognized human rights standards. The Advocates engages nearly 1000 volunteers who donate over $4 million in in-kind services annually in building the human rights movement. The Advocates for Human Rights provides free legal representation to asylum seekers, victims of trafficking, and unaccompanied children throughout Minnesota, North Dakota, and South Dakota. In 2016, The Advocates provided full representation in nearly 700 cases, including over 200 cases in removal proceedings, and provided brief advice and assistance in hundreds of additional matters. In addition, The Advocates works in partnerships in our home community and in partnerships around the world on legal reform efforts to end violence against women, abolish the death penalty, and strengthen accountability for human rights violations.

WIFI
Network: Earl Brown Client Access
Password: Airfield1918

CLE DETAILS
Event code: 238601
The conference has been approved for 7 standard, 2 ethics, and 1 bias credit.

MATERIALS

CONTENTS

WELCOME
AWARDS
12:00 - 12:15 pm

CELEBRATE AMERICA 5TH GRADE WRITING CONTEST
Sponsored by the American Immigration Council, the annual Celebrate America Fifth Grade Creative Writing Contest inspires educators to bring U.S. immigration history and lessons into their classrooms and gives fifth graders the opportunity to explore America as a nation of immigrants. 5th Grade writers use the theme “Why I Am Glad America is a Nation of Immigrants” to discuss their personal immigration experiences, learn about and share family histories, or write about the broader questions of the challenges facing immigrants in a new land. Students enter their work in local contests which are sponsored by chapters of the American Immigration Lawyers Association (AILA). Each chapter forwards the local winning entry to the National Competition where entries are reviewed by a distinguished panel including U.S. senators, award-winning authors, and noted journalists.

WINNER: Elif Ozturk

IMMIGRANT OF DISTINCTION AWARD
The 2017 Immigrant of Distinction Award honors an immigrant in Minnesota or the Dakotas who has made significant contributions to healthcare. Selected from numerous nominations by chapter members of prominent individuals within the healthcare field, the 2017 Immigrant of Distinction is Dr. Apostolos Georgopoulos. Dr. Georgopoulos studied Medicine and Physiology at the University of Athens in Greece where he obtained his M.D. and Ph.D. degrees. He was trained in neurophysiology at Johns Hopkins. He ascended the faculty ranks and was promoted to Professor of Neuroscience in 1986. In 1991, he moved to Minnesota to take on the role of the American Legion Brain Sciences Chair at the Minneapolis Veterans Affairs Medical Center and the University of Minnesota. He is a well-known expert on PTSD and is the recipient of a number of prominent awards in his discipline for his findings and innovations in the link between genetics and PTSD. In describing his decision to study the brain, Dr. Georgopoulos has said: “I wanted to understand why people behave as they do, what drives us, what motivates us,” he says. Dr. Georgopoulos’ dedication to and passion for his work exemplify the incalculable benefit that immigrants play in American healthcare, science and moral character. We are proud to honor Dr. Georgopoulos with our Immigrant of Distinction Award.

WINNER: Dr. Apostolos Georgopoulos

KEYNOTE SPEAKER
12:15 - 1:15 pm

Joanne Lin
Legislative Counsel, American Civil Liberties Union

Joanne Lin has been a legislative counsel with the American Civil Liberties Union Washington Legislative Office since September 2007. She works with the Congress and executive agencies on a broad range of immigration and human rights issues including racial profiling, state and local immigration enforcement, access to higher education, immigration detention conditions, sexual assault in immigration detention, immigration due process, access to counsel, judicial review, material support bars, border enforcement, and excessive use of force by border patrol. Together with ACLU’s national litigation projects and state affiliates, Lin works with federal lawmakers to ensure that federal policies, practices, and procedures comport with the Constitution, due process, and civil liberties.

ACKNOWLEDGEMENTS

2017 Conference Planning Committee
Jennifer Mochica, Chair
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2017 Conference Advisory Panel
Robert Aronson
Scott Borene
Barbara E. Erlandson
Michele Garnett McKenzie
Kathy Moccio
Pascal Nwokocha
Craig Peterson
Paula Schwartzbauer
Sarah K. Peterson
Sheila Stuhlman
Bob Webber
### SESSION 1  
**8:00-9:00 AM**

**FUNDAMENTALS**  
**Harvest A**

**TRACK 1**  
**Harvest B/C**

**TRACK 2**  
**Garden City Ballroom**

**TRACK 3**  
**Captain’s Room**

#### Case Management: Anatomy of a Case
- Create a timeline of your client’s facts – this will help throughout the pendency of the preparation and presentation of the case.
- Identify your legal strategy and create a game plan – remember that your legal objective may be a moving target.

Panelists: Monica Nevin, Minneapolis, MN; Brooke Mengel, Minneapolis, MN

#### Issues Facing LGBT Immigrant Clients
This presentation will look at the state of immigration law and policy as they impact LGBT immigrants, including updates on the Deferred Action for Childhood Arrivals (DACA) program, LGBT-related asylum claims, family-based immigrants, and issues around LGBT-related enforcement.

Moderator: John Medeiros, Minneapolis, MN  
Panelists: Angela Bortel, Minneapolis, MN; Palmer L. Lawrence, New York, NY

#### Immigrant Waivers
- Is the definition of “extreme hardship” implemented December 2016 a “new” standard?
- Adjudication trends under the new administration
- What is the impact of removal on waivers?
- Can I really file an I-212 for my client and then file an I-601A?

Moderator: Brian Aust, Minneapolis, MN  
Panelists: Obi Chukwu, Minneapolis, MN; Laurel Scott, Philadelphia, PA

#### The Frequent Business Traveler
- CBP border issues (common U.S./Mexico issues, TN admission issues, corrective approaches to I-94 errors, Global Entry and NEXUS programs, Border Crossing Cards, and Electronic Visa Update System)
- Reverse commuters (e.g. working part-time abroad)
- Residency abandonment
- Outbound/global migration issues and accompanying ethical considerations
- Frequent B-1 traveler and related issues
- Visa revalidation/contiguous and adjacent island travelers

Moderator: Elaine Kumpula, Minneapolis, MN  
Panelists: John Klow, Stacy, MN; Carrie Ziegler Thomas, Milwaukee, WI

#### Intersection Between EB Immigration Practice & Employment Law
- Recruitment considerations – the tension between PERM recruitment and “normal” employment recruitment; how do you help an HR person understand the difference?
- National Origin Discrimination concerns during resume review and interviewing: what can and can’t you ask about?
- Discussion of employment law concepts such as FMLA and how they affect nonimmigrant visa holders
- Advising the employer on reductions in force and their effect on the foreign national employee

Moderator: Maya Salah Minneapolis, MN  
Panelists: Rebecca Bernhard, Minneapolis, MN; Allison Wells, Minneapolis, MN

#### Government Agencies: Who Does What?
- Navigating the “alphabet soup” of the different agencies and the laws and procedures they implement
- Contact information and guidance for sending inquiries to the various agencies
- Case hypos showing the interplay of different agencies in various different forms of relief

Panelists: Terja Bouvin Larsen, Anoka, MN; Selena Britzius-Negash, Minneapolis, MN

### SESSION 2  
**9:15-10:15 AM**

#### Garden City Ballroom

**TRACK 1**

**Garden City Ballroom**

**Session 2**

9:15-10:15 AM

**FUNDAMENTALS**

**Harvest A**

**TRACK 2**

**Captain’s Room**

**TRACK 3**

**Harvest B/C**

**SESSION 2  
9:15-10:15 AM**

#### DACA Under a New Administration
- Overview of the current status of DACA and current issues facing DACA (or former) DACA recipients
- Confidentiality concerns for DACA recipients
- Screening for other potential relief
- DACA advance parole

Moderator: Kara Lynum, St. Paul, MN  
Panelists: Kate Voigt, AILA National, Washington DC; Sheila Stuhlman, Minneapolis, MN

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Panelists: Terja Bouvin Larsen, Anoka, MN; Selena Britzius-Negash, Minneapolis, MN

#### Advanced Topics In Crimmigration
Panelists will walk through two case hypotheticals that raise common and important issues at the intersection of the INA and criminal law, including:
- Habeas considerations for detained clients with pending charges
- Drug paraphernalia charges after Mellouli, and INA implications of marijuana convictions

Moderator: Graham Ojala-Barbour, Minneapolis, MN  
Panelists: Kathy Moccio, Minneapolis, MN; Rockne Cole, Iowa City, Iowa

#### The Frequent Business Traveler
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#### Case Management: Anatomy of a Case
- Create a timeline of your client’s facts – this will help throughout the pendency of the preparation and presentation of the case.
- Identify your legal strategy and create a game plan – remember that your legal objective may be a moving target
- Create a tickler and reminder system
- Efficiently organize various different types of documents
- Use of resources and technologies to help manage your cases
### Ethical Quandaries
- Dual representation
- Retainers
- Ethical issues frequently encountered by immigration practitioners
- Ethical asylum applications

**Panelists:** David Chapman, Fargo, ND; Steven Thal, Minnetonka, MN

### TRACK 1
#### Ethical Quandaries
- Review ethical responsibilities in providing advice and counseling on Trump’s executive orders and related DHS memos
- Discuss the use of disclaimers, consultation forms, fee agreements, and closing letters to set expectations when immigration arena is in flux

**Moderator:** Salima Khakoo, St. Paul, MN

**Panelists:** Dyan Williams, Minneapolis, MN; Teresa Messer, Houston, TX

### TRACK 2
#### Boundaries of Executive and Congressional Authority
- The Muslim and Refugee Bans
- Implementation of the Interior Enforcement Executive Order
- The Border Security Executive Order
- Prospects for Congressional, Regional and Citizen Oversight

**Moderator:** Professor Virgil Wiebe, Minneapolis, MN

**Panelists:** Professor Mehmet Konar-Steenberg, St. Paul, MN; Joanne Lin, ACLU, Washington, DC

### TRACK 3
#### Compliance Issues & Strategies for Employers
- Compliance under President Trump - What Should Be in Every Employer’s Immigration Compliance and Government Investigation Checklists?
- LCA Compliance Files and Wage and Hour Issues

**Moderator:** Olga Andreyeva, Minneapolis, MN

**Panelists:** Loan Huynh, Minneapolis, MN; Daniel Brown, Washington DC

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### TRACK 4
#### Nonimmigrant Options & Issues for Small Businesses, Startups, & Entrepreneurs
- NIV options for start-up entrepreneurs to consider (e.g. E-2, H-1B, L new office, etc.)
- Analyzing investment, business plans, and financial documents for new/prospective businesses
- Practical scenarios (e.g. beneficiary wants to start own IT company, how to handle small employee numbers and other issues, etc.)
- Current hot topics

**Moderator:** Naomi Perman, St. Paul, MN

**Panelists:** Alan Goldfarb, Minneapolis, MN; Petra Tang, San Francisco, CA

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### Hot Topics in Federal Court Litigation
- Challenges to Executive Orders
- Unconstitutional Conditions of Detention
- FOIA Litigation
- SCOTUS and Eighth Circuit Immigration Update

**Moderator:** Regina Jefferies, Minneapolis, MN

**Panelists:** Benjamin Casper-Sanchez, Minneapolis, MN; Melissa Crow, Washington DC

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### Asylum 101 with the Advocates for Human Rights: All the basics in one hour
- Introduction to asylum law and procedure
- Learn necessary documentary evidence needed for asylum applications
- Tips on best practices for representing low income asylum seekers

**Panelists:** Sarah Brenes, Minneapolis, MN; Mary Ellen Alden, Minneapolis, MN

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### This panel for advanced/experienced practitioners will cover the following:
- Review ethical responsibilities in providing advice and counseling on Trump’s executive orders and related DHS memos
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**Moderator:** Salima Khakoo, St. Paul, MN

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### Compliance Issues & Strategies for Employers
- Compliance under President Trump - What Should Be in Every Employer’s Immigration Compliance and Government Investigation Checklists?
- LCA Compliance Files and Wage and Hour Issues

**Moderator:** Olga Andreyeva, Minneapolis, MN

**Panelists:** Loan Huynh, Minneapolis, MN; Daniel Brown, Washington DC
SESSION 5
2:45-3:45 PM

Immigration Court Practice in an Age of New Detention Priorities

- Overview and discussion of new ICE removal priorities
- How will ICE’s priority changes impact immigration court practice?
- Bond practice challenges and tips
- Removal hearing best practices

Moderator: Kim Hunter, Minneapolis, MN
Panelists: Heather Prendergast, Chair, AILA National U.S. Immigration and Customs Enforcement Liaison Committee; Alyssa Nguyen, St. Paul, MN

Challenging Expedited Removal and Mandatory Detention

- Overview and discussion of Expedited Removal - How and When is it Used? Mandatory Detention
- Overview and discussion of Mandatory Detention - When Does it Apply?
- Options for Challenging, Rescinding, and Reopening Expedited Removal Orders
- Options for Challenging Mandatory Detention

Panelists: Linus Chan, Minneapolis, MN; Matthew Green, Tucson, AZ

SESSION 6
4:00-5:00 PM

Afternoon with The Advocates: Addressing Bias Representing Asylum Seekers with Diminished Capacity

- Representation of minors and adult asylum seekers with physical and mental disabilities
- Distinguish best practices for representing individuals with capacity issues from those with competency issues

Moderator: Alison Griffith, AHR, Minneapolis, MN
Panelists: Amanda Crews Sleczak, Chicago, IL; Dr. Chinmoy Gulrajana, Minneapolis, MN

Afternoon with The Advocates: Advanced Ethical Issues in Asylum Claims

- Balancing zealous representation and due diligence in evidence submission in asylum claims
- Representing multiple family members in asylum claims before the immigration court
- Collaborating with other attorneys representing non-dependent family members with overlapping asylum claims
- Addressing ethical violations by DHS attorneys in asylum proceedings

Moderator: Sarah Brenes, Minneapolis, MN
Panelists: Malee Ketelsen-Renner, Minneapolis, MN; Nadia Polukhin-Pratt, Golden Valley, MN