



2019 Upper Midwest Immigration Law Conference

Join the Minnesota/Dakotas Chapter of the American Immigration Lawyers Association and The Advocates for Human Rights for the Upper Midwest Immigration Law Conference, the premier regional immigration law forum. Get practice updates, share strategies, and connect with colleagues.

7:30 a.m.	Registration & Breakfast Open	1:30 p.m.	Session 4
8:15 a.m.	Session 1	2:45 p.m.	Session 5
9:30 a.m.	Session 2	4:00 p.m.	Session 6
10:45 a.m.	Session 3	5:00 p.m.	Happy Hour
11:45 a.m.	Lunch, Awards, & Plenary		

Featuring four full-day tracks:

Fundamentals | Employment-Based | Removal & Relief | Family & Consular Processing

FUNDAMENTALS

Session 1: **The ABCs of Employment-Based NIV Options**

Sarah Kilibarda / Rebecca Desnoyers / Renée Steinle

- Overview of common employment-based nonimmigrant classifications (H-1B, L-1, TN, etc.)
- Highlights of recent trends and current adjudication challenges
- Pre-filing and preparation considerations
- Hypotheticals and case scenarios

Session 2: **Employment-Based Permanent Residency / Immigrant Options**

Liz Knoot / Rob Rooney / Mike Sevilla

- The Thinkers: EB-1(1), EB-1(2) and EB-2 NIW
- The Doers: EB-1(3), and PERM-based options
- The Dreamers: The Visa Bulletin

Session 3: **The Nitty Gritty of Consular Processing**

Misti Binsfeld / Brian Aust / Michael Davis

- Preparing clients for visa interviews (and medical exams)
- Interview scheduling/rescheduling and checking visa/passport status post-interview
- Best practices on contacting consular posts
- What to do when your client's case has been placed in administrative processing
- Best practices on resolving problem issues post-interview

- How and when to contact Legal Net (and what to do when the advisory opinion does not resolve the problem)

Session 4: Affidavits of Support

Ana Pottratz Acosta / Terja Bouvin / Peter Nagell

- Overview of Expanded Public Charge Determination
- Understanding the correct form to use: I-864, I-864EZ and I-864W
- How to calculate income and assets
- Ethical issues with co-sponsors
- Affidavit of Support and Public Charge Issues in Consular Processing

Session 5: Crimmigration 101: Understanding the Immigration Consequences of Criminal Conduct

Alyssa Nguyen / Maria Miller / Ernest Wiafe

- Crimes Involving Moral Turpitude
- What is an aggravated felony and how does it affect immigration status?
- Categorical/Modified Categorical Approach
- Crimes that make your client subject to mandatory detention

Session 6: What Happens in Court?

Mirella Ceja-Orozco / Graham Ojala-Barbour / Meg Hennessy

- Overview of the Immigration Court System
- What to expect at a Bond Hearing, Credible Fear Hearing, MAM Hearing
- Preparing for an Individual Hearing
- Relevant changes in case law

EMPLOYMENT-BASED

Session 1: Student/Scholar/Trainee Hot Topics

Marissa Hill-Dongre / Bruce Gawtry / David Fosnocht

- Brief review of SEVIS status v. immigration status
- Bridge applications when changing to F, M, or J status
- OPT cap-gap in light of the new H-1B cap rule
- Unlawful presence for F, M, and J nonimmigrants

Session 2: Helping IT/Consulting Clients Break the H-1B Code

Alan Goldfarb / Elaine Kumpula / Brenda Oliver

- Third Party placement
- H-1B specialty occupation issues
- Premium Processing issues
- Occupational Code Triggers
- Bleeding of these issues into other types of cases

Session 3: No Bachelor's Needed - Skilled Workers/ Entrepreneurs

Jeanne Kildow / Marit Gurley / Sarah Peterson

- Nonimmigrant visa options: Alternatives to the H-1B cap
- Immigrant visa options:

- PERM strategies for the 'non-professional'
- Exceptional Ability petitions

Session 4: **Physicians, Healthcare Workers & High Achievers**

Robert Aronson / Christopher Wendt / Rita Sostrin

- Getting to Yes: Role of USCIS discretion in EB-1, National Interest Waivers, and O-1 adjudications
- Strategic considerations for high-achieving physician-scientists
- How to best serve physicians from India
- National Interest Waivers for clinical physicians
- Developments in J-1 waivers
- Immigration considerations for foreign nurses

Session 5: **Ethical Representation and Strategic Client Management in Turbulent Times**

Dyan Williams / Sandra Feist / Cyrus Mehta / Reid Trautz

- Overview of ethics rules regarding representation, fees, and communication
- Ethically setting and managing client expectations throughout representation based on the professional responsibility rules
- Strategically avoiding and resolving conflicts of interests using the rules of ethics
- Communicating effectively with clients and prioritizing client service in the midst of long delays and unpredictable outcomes
- Making decisions related to fees and scope of service in the face of uncertainty

Session 6: **Immigration Compliance in 2019 - Rhetoric or Action?**

Loan Huynh / Jeff Joseph / Leonard D'Arrigo

- Immigration enforcement priorities/strategies under BAHA
- I-9 Audits and E-Verify
- USCIS FDNS site visits – What is the reach?
- DOL Wage and Hour Division Investigations: LCA, H-2 and Beyond

REMOVAL & RELIEF

Session 1: **Strategies for Fighting Back in the New Era of ICE Enforcement**

John Bruning / Ian Bratlie / Julia Decker

- The new environment of ICE enforcement and ICE's new policies and practices
- Fighting back against detention: habeas corpus, state court writs, and detainees
- New frontiers in federal litigation strategies
- The status of the Status Docket in Immigration Court

Session 2: **Asylum Updates**

Alison Griffith / Angela Bortel / Malinda Schmiechen

- One year filing deadlines in light of *Mendez Rojas*
- *Pereira* and *Bermudez-Cota* in context of asylum
- Unaccompanied Children and Asylum
- *Matter of L-E-A*- update
- BIA and AG on material support and persecutor bar after *Matter of A-B*

- Strategies to address changes in country conditions
- Practice pointers
- Glimmers of hope

Session 3: Eliminating Bias and Advocating for Clients with Special Needs

Robyn Meyer-Thompson / Danielle Robinson Briand / Nadia Polukhin-Pratt

- Identifying whether your client has special needs and understanding the barriers that clients may face in the immigration system
- Proving the special needs or mental health issues of your client to the Immigration Court or ICE
- Custody matters relating to clients with special needs
- Judicial and procedural safeguards relating to representing a client with special need

Session 4: Bonds and How to Play the “Get out Jail Card”

Mary Baquero / Magdalena Metelska / Esteban Rivera

- Who gets a bond?
- Tips for overcoming “flight risk” and “danger to the community” findings
- What is expected in a bond exhibit?
- When is it better to not pay a bond?
- Who can serve as an obligor?
- What if the bond is too high?
- What is a bond company?
- Who gets the bond back?
- When is a bond breached?

Session 5: Post-*Pereira* & Other Recent Court Cases

David Wilson / Former IJ Judge Jeffrey Chase / Sue Swanson

- Litigation and case law post-*Pereira* from the BIA and circuit courts
- Procedural Arguments after *Pereira* and Case Strategies
- Other NTA defects and objections to information in Form I-213
- DHS non-compliance with procedural regulations and court orders (including writs)
- Challenging reinstatement orders

Session 6: Reversing Removal

Malee Ketelsen-Renner / Mai Moua / Brittany Bakken

- Cambodia flights: Lessons learned
- Somali 92: Update
- MTRs: New relief from removal and how to ask for it
- ICE discretion today, including: reporting under OSUP and stay of removal applications
- Resources for clients facing removal (DOPA, asset protection, etc.)

FAMILY & CONSULAR PROCESSING

Session 1: SIJS Updates & Related Issues

Nysha Cornelius / Obi Chukwu

- Family Court
- I-360s/Adjustments

- EOIR Issues
- Visa Bulletin concerns

Session 2: Public Charge & Issues with Benefits

Michelle Rivero / Laura Melnick / Lesley Guyton

- What the new memos mean
- How the new memos are impacting our cases

Session 3: Litigating Denials and Delays Locally (AOS, N-400)

David Kubat / Naomi Perman / Kim Hunter

- Common delays and denials: How to avoid them
- Emerging AOS issues at the SPM Field Office
- Processing times / experiences for N-336
- When to appeal and when to refile
- District Court Review

Session 4: I-601A Waivers Pre- vs. Post-Matter of Castro-Tum

Monica Nevin / Megan Galasso / Killa Martinez-Aleman

- Old school I-601 and I-212 vs. Provisional I-601A and I-212 waivers
- Tips for successful I-601A waivers and words of caution
- I-601A waivers and discretionary issues
- I-601A waivers for applicants in proceedings
- Risks of filing I-601A waivers
- Steps to follow in the event of a denial
- Does *Matter of Castro-Tum* violate the regulations?
- Is litigating *Matter of Castro-Tum* in federal court viable?

Session 5: Advanced Consular Processing

Ngawang Dolker / Aña Lisa Pena / Kevin Heinz / Kara Lynum

- Travel Ban Update
- Consular Processing Dual Nationals of banned countries
- Post-waiver approval
- Public Charge
- DUI, Medical Issues, Rehabilitation
- Waivers of Medical Inadmissibility
- Challenging the inadmissibility determination
- Electronic Processing

Session 6: Criminal Law for Immigration Lawyers

Sheila Stuhlman / Susan Jorgensen Flores / Chela Guzman-Wiegert

- Quick overview of legal vocabulary and criminal court process and procedures (from booking to sentencing)
- Different pleas and what they require
- Documents typically filed in criminal court
- Client centered collaboration and communication
- Discussing plea options, decision to go to trial, post-conviction relief
- Writs, realities and timelines for defendants in ICE detention