

2021

# UPPER MIDWEST IMMIGRATION LAW CONFERENCE

MAY 14 | 8AM-5PM | ZOOM



## EMPLOYMENT-BASED PRACTICE

<p><b>8:30-9:30</b></p>	<p><b>Wage Determinations and SOC Updates</b></p> <p>George Maxwell Kevin Miner Sarah Peterson</p>	<ul style="list-style-type: none"> <li>• Status of DOL wage levelling regulation under the Biden Administration</li> <li>• SOC updates: how to use them and what is changing?</li> <li>• What are alternative wages and how do you use them?</li> <li>• How do you do the math to get to the right wage level?</li> </ul>
<p><b>9:45-10:45</b></p>	<p><b>Current Trends in Nonimmigrant Visas (H-1B, L-1, TN, H-2A/H-2B)</b></p> <p>Rachel Davis Scherf Loan Huynh Allison Wells</p>	<ul style="list-style-type: none"> <li>• Proposed changes to H-1B program and status under the Biden Administration</li> <li>• Overview of L-1 and TN</li> <li>• Current trends in H-2A and H-2B programs – changes in eligible countries, enforcement</li> <li>• Entry issues during COVID</li> <li>• National Interest Exception (NIE) to the Presidential Proclamation</li> </ul>
<p><b>11:00-12:00</b></p>	<p><b>Avenues After Denial - Federal Appeal vs. AAO or BALCA</b></p> <p>David Asp Jesse Bless Jeff Joseph</p>	<ul style="list-style-type: none"> <li>• Convincing petitioning employers to sue in federal court – more visible than other options</li> <li>• Tips for practitioners who have never filed in federal court</li> <li>• Timelines for each process</li> <li>• Likelihood of success for each process</li> </ul>
<p><b>1:00-2:00</b></p>	<p><b>COVID and Issues with Maintenance of Status*</b></p> <p>Rebecca Bernhard Beth Carlson</p>	<ul style="list-style-type: none"> <li>• Loss of employment due to COVID - options if no new job in 60 days</li> <li>• Working remotely due to COVID - sometimes not from the same MSA</li> <li>• Inability to travel abroad - I-94 issues, applying for L-1/TN/E-3 with USCIS</li> <li>• Compliance issues - LCA/NOF postings, maintaining PAFs, I-9 remote inspection</li> </ul> <p>*Ethics credit applied for</p>
<p><b>2:15-3:15</b></p>	<p><b>Immigrants of Extraordinary Ability</b></p> <p>Rebecca Desnoyers Debra Schneider Mike Sevilla</p>	<ul style="list-style-type: none"> <li>• Arts and athletics - O-1, P, EB-1(1)</li> <li>• National Interest Waiver for the arts</li> <li>• Creative uses of O-1/EB-1(1) in the business world</li> <li>• Outstanding Professors and Researchers under EB-1(2)</li> <li>• Current trends and scrutiny</li> </ul>
<p><b>3:30-4:30</b></p>	<p><b>Long Pending EB-2/EB-3 I-485s*</b></p> <p>Alan Goldfarb Ester Greenfield Marit Gurley</p>	<ul style="list-style-type: none"> <li>• Lessons from 2007 and 2012 when there was a large jump and then retrogression</li> <li>• Predictions for the start of FY2022 - still less activity at the consulates than normal</li> <li>• I-140 downgrade petitions for cases that qualify for EB-2 when EB-3 is moving faster</li> <li>• Managing client expectations for long pending I-485s</li> <li>• Duties to the client, dual representation, and porting based on Supplement J</li> </ul> <p>*Ethics credits applied for</p>

## GENERAL PRACTICE

<p><b>8:30-9:30</b></p>	<p><b>Crimmigration 101</b></p> <p>Kathy Moccio (moderator) Greg Joseph Matthew Mankey</p>	<ul style="list-style-type: none"> <li>• What are the immigration consequences of a domestic violence charge?</li> <li>• How can I avoid being deported when charged with domestic violence?</li> <li>• What qualifies as a conviction for immigration purposes?</li> <li>• Rules about crimes involving moral turpitude</li> </ul>
<p><b>9:45-10:45</b></p>	<p><b>Advanced Consular Practice</b></p> <p>Julie Carlson (moderator) Alexis Axelrad Michael Davis Stephen Pattison</p>	<ul style="list-style-type: none"> <li>• Updates on visa bans and how to obtain visa revalidation</li> <li>• Can you expedite a case, or get an emergency appointment? How and how long does it take?</li> <li>• When do you deal with the DOS and when should you deal with CBP?</li> <li>• What's the status of K-1 litigation?</li> <li>• Unsticking Stuck Cases: what is Legal Net? what is TRIP?</li> <li>• What's new in Canada/Mexico and 3rd Country Processing?</li> <li>• Are all Consular Posts the same? Understanding tone &amp; tenor</li> <li>• How to best engage with the Consular Section</li> </ul>
<p><b>11:00-12:00</b></p>	<p><b>204(L) and Humanitarian Reinstatement**</b></p> <p>Tamar Lawrence Inna Scott Laura Shepard</p>	<ul style="list-style-type: none"> <li>• Eligibility for 204(l) reinstatement</li> <li>• Evidence necessary to prove eligibility</li> <li>• Substitute sponsors and evidence</li> <li>• Stand-alone 204(l) vs. 204(l) in conjunction with AOS</li> </ul> <p>**Elimination of Bias credit applied for</p>
<p><b>1:00-2:00</b></p>	<p><b>Creative Adjustment Strategies: The Many Varied Paths Along the Way to a 245 Adjustment</b></p> <p>Abigail Loesch (moderator) Brittney Bakken David Kubat</p>	<ul style="list-style-type: none"> <li>• Parole in Place</li> <li>• The current state of TPS as an Admission</li> <li>• A review of the varieties of Advance Parole</li> <li>• Discussion of Matter of Quilantan entries</li> <li>• Overview of 245(i)</li> <li>• Other admissions: U/T and new proposals</li> </ul>
<p><b>2:15-3:15</b></p>	<p><b>Consular Processing (Practical/CEAC/Embassy Contacts)</b></p> <p>Mai N. Moua (moderator) Noriko Kurotsu Sandra Sheridan Reguerin</p>	<ul style="list-style-type: none"> <li>• The current stage of NIV bans and how to request NIE exemptions</li> <li>• Strategies after your visa is denied</li> <li>• Tips for a successful visa interview</li> </ul>
<p><b>3:30-4:30</b></p>	<p><b>Advanced Naturalization</b></p> <p>Margaret Stock (moderator) Misti Allen Binsfeld Penni Frank Gretchen Korb-Nice</p>	<ul style="list-style-type: none"> <li>• Discussion on obtaining citizenship through INA 319(b)</li> <li>• How to obtain citizenship for children born abroad and overview of the Child Citizenship Act</li> <li>• Update on advocacy efforts for the Adoptee Citizenship Act and other legislation</li> <li>• Naturalization through military service</li> <li>• Review of recent naturalization denials</li> </ul>

## HUMANITARIAN AND REMOVAL PRACTICE

<p>8:30-9:30</p>	<p><b>Demystifying the T Visa: Identification, Reporting, and Resources*</b></p> <p>Brenda Pfahnl (mod)          Bobbi Jo Pazdernik, MN          BCA          Angela Bortel          Rachel Kohler</p>	<ul style="list-style-type: none"> <li>• Defining human trafficking</li> <li>• Screening for T visa cases</li> <li>• Techniques for reporting crimes against immigrant victims, focusing on crimes related to human trafficking</li> <li>• Cultivating successful working relationships with law enforcement.</li> <li>• Additional considerations in working with immigrant victims of trafficking</li> </ul> <p>*Ethics credit applied for</p>
<p>9:45-10:45</p>	<p><b>Country-based Humanitarian Relief: Updates &amp; Opportunities for Reform**</b></p> <p>Aramis Mendez (mod)          Anne Carlson          Mustafa Jumale, Black Immigrant Collective          Nicky Leingang, Office of U.S. Rep. Ilhan Omar</p>	<ul style="list-style-type: none"> <li>• LRIFA updates             <ul style="list-style-type: none"> <li>○ Implementation issues &amp; filing strategies</li> <li>○ Congressional oversight</li> <li>○ Community and political organizing</li> </ul> </li> <li>• TPS now and country designations in the future             <ul style="list-style-type: none"> <li>○ Executive branch update</li> <li>○ Redesignation of all current TPS countries</li> <li>○ Viability of the immigration bills like HR 6</li> </ul> </li> </ul> <p>**Elimination of Bias credit applied for</p>
<p>11:00-12:00</p>	<p><b>Asylum Update: Major Developments in Regulations and Litigation</b></p> <p>Hanne Sandison (mod)          Jeffrey Chase          Caroline Walters</p>	<ul style="list-style-type: none"> <li>• The Current State of Asylum Regulations             <ul style="list-style-type: none"> <li>○ Death to asylum, frozen injunctions, transit ban, and AG decisions</li> <li>○ Regs since the election</li> </ul> </li> <li>• Developments in Asylum Litigation             <ul style="list-style-type: none"> <li>○ <i>Mendez Rojas</i>: An Update and FAQs</li> <li>○ The Border: Metering, MPP, and Title 42</li> </ul> </li> <li>• What to keep our eyes on             <ul style="list-style-type: none"> <li>○ Feb 2 executive order</li> <li>○ Processing at the border</li> </ul> </li> </ul>
<p>1:00-2:00</p>	<p><b>Representing LPRs in Removal Proceedings</b></p> <p>Lisa Temich (mod)          Kelsey Allen          Andrea Crumrine          Sarah Owings</p>	<ul style="list-style-type: none"> <li>• Reasons LPRs are Placed in Removal Proceedings</li> <li>• Impact of the Pandemic on LPRs in Removal Proceedings</li> <li>• Navigating Detention- Practice Pointers &amp; Tips</li> <li>• Challenging Removability</li> <li>• Cancellation of Removal- Best Practices &amp; Sticky Issues</li> <li>• Fraud Waiver - 237(a)(1)(H)</li> <li>• Criminal Waivers</li> </ul>
<p>2:15-3:15</p>	<p><b>SIJS Hot Topics*</b></p> <p>Kathy Klos (mod)          Alison Griffith          Danielle Hendrickson          Brittany Stephens Pearson          Rebecca Scholtz</p>	<ul style="list-style-type: none"> <li>• Common issues, ethics and tips</li> <li>• Screening UC's for relief</li> <li>• How to effectively assist with the predicate order process</li> <li>• Updates and tips for SIJS based adjustment</li> <li>• AAO Appeals of SIJS denials</li> <li>• <i>JOP v. DHS</i> UC asylum update</li> </ul> <p>*Ethics credit applied for</p>
<p>3:30-4:30</p>	<p><b>Appellate Court Update</b></p> <p>Rachel Naggar          Michael Sharma-Crawford          Beth Katya Zilberman</p>	<ul style="list-style-type: none"> <li>• Updates on recent BIA, Eighth Circuit, and Supreme Court cases</li> </ul>

<p>8:30-9:30</p>	<p><b>Immigration Updates and Reform</b></p> <p>Terja Bouvin Larsen (moderator)          Ana Pottratz Acosta          Emilia Gonzalez Avalos, Unidos MN          Kara Lynum, Counsel,          U.S. Senate Committee on the Judiciary          (invited)</p>	<ul style="list-style-type: none"> <li>• Legislation updates</li> <li>• Policy and process updates</li> </ul>
<p>9:45-10:45</p>	<p><b>Congressional Assistance for Challenging Cases</b></p> <p>Catherine Bauer (moderator)          Clara Haycraft, Office of Senator Amy Klobuchar          Miranda Morgan, Office of Senator Tina Smith          Carol Stevenson and Julie VanZandt, Office of Representative Jim Hagedorn (MN-1)</p>	<ul style="list-style-type: none"> <li>• How can your Senator or Representative help your client?</li> <li>• How do you request assistance?</li> </ul>
<p>11:00-12:00</p>	<p><b>Practical Workshops</b></p> <p><i>Choose from 1 of 5 practical workshops</i></p> <p><i>Workshops are live-only and will not be available on-demand</i></p>	<p><b>Workshop 1: Mandamus</b>          Facilitator: Marc Prokosch</p> <ul style="list-style-type: none"> <li>• What is a Mandamus</li> <li>• Steps to take before filing and how to know when you are ready to file</li> <li>• Content of the filing</li> <li>• What happens after the mandamus is filed</li> <li>• Possible outcomes</li> </ul>
		<p><b>Workshop 2: LRIF Adjustments Step-by-Step</b>          Facilitators: Colleen Beebe Purisaca and Paschal Nwokocha</p> <ul style="list-style-type: none"> <li>• Basic Requirements</li> <li>• How to file</li> <li>• Tips for screening and RFEs</li> <li>• VLN's Pro Bono LRIF Project</li> </ul>
		<p><b>Workshop 3: Habeas</b>          Facilitator: John Bruning</p> <ul style="list-style-type: none"> <li>• What is a habeas corpus action and what can it do for your clients?</li> <li>• Content of the filing</li> <li>• What happens after it is filed</li> <li>• Possible outcomes</li> </ul>
		<p><b>Workshop 4: N-336 Interview</b>          Facilitators: Steven C. Thal and Kathrin S. Mautino</p> <ul style="list-style-type: none"> <li>• Appeal, Refile or Not?</li> <li>• How and what to prepare for the N-336 interview</li> <li>• What happens at the interview</li> <li>• What happens after the interview</li> <li>• Further appeals if the N-336 is denied</li> </ul>
		<p><b>Workshop 5: Bond</b>          Facilitators: Graham Ojala-Barbour and Maria Miller</p> <ul style="list-style-type: none"> <li>• How to request a bond hearing</li> <li>• How and what to prepare for a bond hearing</li> <li>• What happens at the hearing</li> <li>• How does your client get out of custody?</li> </ul>

<p>1:00-2:00</p>	<p><b>Minnesota and Local Immigration Legislation and Advocacy Updates**</b></p> <p>Mirella Ceja-Orozco (moderator)  Veena Iyer  Nekessa Opoti, Black Immigrant Collective and Black Alliance for Just Immigration  Michelle Rivero, City of Minneapolis Office of Immigrant and Refugee Affairs,  Pastor Daniel Romero, Lyndale United Church of Christ/MN Interfaith Coalition on Immigration</p>	<ul style="list-style-type: none"> <li>• Discussion and updates on immigration-related state legislative proposals, Including the Sanctuary State and Driver's Licenses for All bills</li> <li>• Updates on local advocacy work</li> </ul> <p>**Elimination of Bias credit applied for</p>
<p>2:15-3:15</p>	<p><b>What Did COVID-19 and the George Floyd Protests Teach Us About Business Preparedness?*</b></p> <p>Abigail Wahl (moderator)  Greg Siskind  Reid Trautz  David Wilson</p>	<ul style="list-style-type: none"> <li>• Preparing for a natural disaster or other emergency</li> <li>• Considerations when managing a firm remotely</li> <li>• Technology to manage remote work</li> </ul> <p>*Ethics credit applied for</p>
<p>3:30-4:30</p>	<p><b>Navigating Backlogs</b></p> <p>Anthony Sosa (moderator)  Obi Chukwu  Peter Nagell  Alyssa Nguyen  Nancy Peterson</p>	<ul style="list-style-type: none"> <li>• Strategies for management of cases and client expectations</li> <li>• Tips for dealing with local USCIS Field Office delays</li> <li>• AILA national initiatives on addressing delays</li> </ul>

# May 14 Live CLE Exclusives

## *Practical Workshops*

Attendees at the May 14 Live CLE can participate in one of five exclusive live-only Practical Workshop sessions.

## *AILA Practice & Professionalism Center*

Schedule individual consultations with the AILA Practice and Professionalism Center's Charity Anastasio throughout the day.

*Limited space is available, so set your appointment today:*  
<https://AILAPPCconsults.as.me/uppermidwest>.

## *Closing Plenary*

Close out the 2021 Upper Midwest Immigration Law Conference with remarks from Congresswoman Ilhan Omar, representing Minnesota's Fifth Congressional District.

## Networking and Social Connection

### Time

### Location

Virtual Coffee with Colleagues

7:30-8:15 AM CDT

Conference Plenary Zoom

Lunch Break

12:00-1:00 PM CDT

Conference Plenary Zoom

Virtual Social Hour

Immediately following the conference closing session

Conference Plenary Zoom

*Live & In-Person* Social Hour

Starting at 5:15 PM CDT

**Sociable Cider Werks**  
1500 Fillmore Street NE  
Minneapolis MN 55413  
<https://sociablecider.com/>

## Registration

## CLE

\$100 registration  
\$25 current students

[Click here to register](#)

24 Minnesota CLE Credits Applied For  
(earn up to 6 live credits / all credits available on-demand)  
CLE Event Code 357127 (live webcast)  
CLE Event Code 357128 (on-demand)

# Conference Day Overview

7:30 - 8:15 AM CDT	Virtual Coffee with Colleagues
8:15 AM	Opening Plenary
8:30 AM - 12:00 PM	Morning Sessions
12:00 - 1:00 PM	Lunch Break
1:00 - 4:30 PM	Afternoon Sessions
4:30 PM	Closing Plenary Remarks by Congresswoman Ilhan Omar followed by Virtual Social Hour
5:15 PM	In-Person Social Hour at Sociable Cider Werks
<i>All listed conference times are Central Daylight Time</i>	AILA Practice and Professionalism Consults throughout the day by appointment