



**16TH ANNUAL AILA NEW YORK CHAPTER  
IMMIGRATION LAW SYMPOSIUM**

**“NAVIGATING THE WATERS OF IMMIGRATION LAW”**

**MONDAY, DECEMBER 2, 2013**

**NEW YORK MARRIOTT MARQUIS  
1535 BROADWAY  
NEW YORK, NY 10036**

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**MONDAY, DECEMBER 2, 2013**

*Morning Coordinator:* TBD

7:30am – 5:00pm **REGISTRATION AND EXHIBITS**

8:00am – 8:05am **WELCOME AND GREETINGS**  
*Elizabeth Brettschneider, AILA New York Chapter Chair, New York, NY*

8:05am – 8:50am **NAVIGATING THE WATERS OF IMMIGRATION LAW**  
*This panel focuses on recent hot topics in immigration law including an update on DACA and DOMA as well as a legislative update from Capitol Hill.*

- Legislative Update
- DACA Update
- Post-DOMA Practice in New York

*Faculty:*

*Elizabeth Brettschneider (DL), AILA New York Chapter Chair,  
New York, NY*

*Michael Mandel, New York, NY*

*Greg Chen, AILA Director, Advocacy, Washington, DC*

*(dl) Discussion Leader*

*(\*) invited, not confirmed*

8:50am – 10:05am

**FORECAST FOR SETTING SAIL**

*This session provides an update from New York Government Officials to include representatives from USCIS, CBP, EOIR, ICE Chief Counsel, ICE ERO, and the USCIS Asylum Office.*

*Faculty:*

*Robert J. Casazza Jr. (DL), New York, NY*

*Michael Borgen, Acting District Director, USCIS, DHS, New York, NY*

*Robert E. Perez, Field Office Director, CBP, New York, NY*

*Christopher Shanahan, Director, New York Field Office, ICE, ERO, New York, NY*

*\* Robert D. Weisel, Assistant Chief Immigration Judge, EOIR, New York, NY*

*\* Wen-Ting Chen, Chief Counsel, ICE, New York, NY*

*\* Patricia Menges, Director, New York Asylum Office, USCIS, New York, NY*

10:05am – 10:15am

**NETWORKING BREAK**

**TRACK ONE: REMOVAL/FAMILY**

*Day Coordinator:*

*TBD*

10:15am – 11:15am

**ENSURING A SMOOTH COURSE: REVIEW OF BEST PRACTICES BEFORE THE IMMIGRATION COURT**

*This panel discusses the ins and outs of immigration court, including procedural issues that arise and out to deal with criminal convictions. The discussion also includes recent trends with the BLA and Federal Courts.*

- Best Practices for Evidentiary Submissions
- Criminal Convictions and Relief in Immigration Court
- Recent BIA, District Court, and Second Circuit Decisions Effecting NY Adjudications

*Faculty:*

*Jennifer Chung (DL), Rosedale, NY*

*Cheryl David, New York, NY*

*Kelli Jo Stump, Oklahoma City, OK*

*Hon. Noel Brennan, Immigration Judge, EOIR, New York, NY*

11:15am – 12:15pm

**PROCESSING OF I-601A WAIVERS**

*This session addresses trends in processing and adjudication of provisional waivers as well as provides tips for filing successful applications. Panelists also address issues that arise at the embassy/ consulate once the provisional waiver has been adjudicated.*

- Strategies for Preparing and Presenting Successful Waiver Applications
- Current Trends in RFES—How to Respond
- Considerations for Practitioners—Dealing with Multiple Reasons for Inadmissibility

- Working with Clients in Removal Proceedings
- Overview of Processing I-601A Waiver Cases at the Consulate

*Faculty:*

*Stephanie Theresa DiPietro (DL), New York, NY*

*T. Douglas Stump, AILA President, Oklahoma City, OK*

*David Isaacson, New York, NY*

**RELATED RESOURCES:**

[\*Immigration Law & the Family, Third Edition\*](#)

12:15pm – 1:40pm

**AMERICAN IMMIGRATION COUNCIL'S IMMIGRANT ACHIEVEMENT AWARDS LUNCHEON**

1:40pm – 2:45pm

**ETHICS—STEERING CLEAR OF THE ICEBERG: DEALING WITH MISTAKES AND HOW TO AVOID THEM!**

*This panel discusses the ethical considerations that immigration practitioners must make when representing clients in a variety of settings when mistakes like missed deadlines, typos, and incorrectly filed documents happen in the unfortunate reality of the practice of law. It's easy to make mistakes, but it's hard to know what to do about them. Don't let your errors result in a lost client or worse.*

- Overview of Common Mistakes and How to Possibly Remedy Them
- Client Relations—How to Break the News
- Establishing Procedures to Best Ensure Against Future Mistakes
- Knowing Your Limits— When Should a Case Be Referred Out?
- Malpractice Insurance—What Is Your Liability?

*Faculty:*

*Cyrus Mehta (DL), New York, NY*

*Anastasia Tonello, AILA Secretary, New York, NY*

*Jason Abrams, New York, NY*

**RELATED RESOURCES:**

[\*AILA Lawyers Liability Insurance\*](#)

2:45pm – 2:55pm

**NETWORKING BREAK**

2:55pm – 4:00pm

**ADVANCED ISSUES IN I-485 AND N-400 ADJUDICATIONS**

*This panel discusses the practical considerations that attorneys must take into account when analyzing a case for adjustment of status or citizenship. The discussion includes an analysis of statutory, regulatory, and local policy considerations.*

- 245(i)—Is It Still Alive and Well?
- Discretionary Considerations for Purposes of Adjustment of Status

- Taxes and Failure to Properly File or to Pay
- When Criminal Issues Arise? Temporary Bars, Permanent Bars, and Non-issues
- Recent Local Trends with Respect to Adjudication

*Faculty:*

*Maurice H. Goldman (DL), Tucson, AZ*

*Alexis S. Axelrad, AILA Board of Governors, New York, NY*

*Jan H. Brown, New York, NY*

4:00pm – 5:00pm

**MARKETING & MANAGEMENT: THE TWO BIGGEST KEYS TO A SUCCESSFUL PRACTICE!**

*This panel gives you the tools to prepare for the growth of your practice. It focuses on technological advances that can help expand your practice, financial considerations and characteristics to look for in hiring staff, as well as effective measures to take in marketing.*

- Web-based Marketing Sources and Strategies
- Using Social Media (Twitter, Facebook, LinkedIn, etc) and Blogging to Grow Your Business and Get Your Name Out There
- Considerations in Hiring Staff and Other Attorneys

*Faculty:*

*Robit Turkbud (DL), East Brunswick, NJ*

*Charles H. Kuck, AILA Past President, Atlanta, GA*

*Kirby Gamblin Joseph, Aurora, CO*

*L. Batya Schwartz Ebrems, New York, NY*

**TRACK TWO: BUSINESS**

*Day Coordinator:*

TBD

10:15am – 11:15am

**THE CURRENT SEAS IN WORKSITE ENFORCEMENT: I-9 PRACTICE**

*USCIS Form I-9 is a deceptively short and simple form. Yet, unsuspecting employers have been fined thousands of dollars for not properly completing and maintaining their I-9 forms. This panel addresses and discusses advanced issues that practitioners need to know when dealing with employers.*

- Understanding the New USCIS Form Including Common Pitfalls
- Current Trends and Developments with I-9 Audits and Enforcement—What Employers Need to Know and Possible Civil and Criminal Penalties
- Office of Special Counsel Involvement and Investigation
- Advising Clients on Best I-9 Practices—How to Avoid Discriminatory Behaviour when Completing I-9s

*Faculty:*

*Neena Dutta (DL), New York, NY*

*Avram E. Morell, New York, NY*

*Amy L. Peck, AILA Board of Governors, Omaha, NE*

*\*DOJ Office of Special Counsel*

11:15am – 12:15pm

**CHARTING NEW WATERS—NONIMMIGRANT OPTIONS FOR NEW OFFICES AND ENTREPRENEURS IN THE U.S.**

*The immigration system provides a unique set of hurdles to foreign investors, entrepreneurs, and new companies that are looking to utilize the services of foreign nationals. This session covers nonimmigrant options for founders and key employees looking to grow companies in the United States, and covers some of the issues foreign entrepreneurs face in obtaining an appropriate visa. The panel also provides tips for handling certain issues that are unique to start-up organizations, founders, and their employees.*

- H-1Bs in Light of Neufeld Memorandum
- Free Trade Agreement Options H-1Bs, E-2s, TNs
- New Office: L-1As and L-1Bs
- O-1s
- Laying It All Out: The Importance of a Business Plan

*Faculty:*

*Susanne C. Heubel (DL), New York, NY*

*Janet Henner, AILA Board of Governors, New York, NY*

*Heather N. Segal, AILA Board of Governors, Toronto, Canada*

*Rio Guerrero, New York, NY*

**RELATED RESOURCES:**

[\*Business Immigration: Law & Practice\*](#)

12:15pm – 1:40pm

**AMERICAN IMMIGRATION COUNCIL'S IMMIGRANT ACHIEVEMENT AWARDS LUNCHEON**

1:40pm – 2:45pm

**PERM AHOY! — NAVIGATING STORMY PERM WATERS**

*Feeling adrift in the PERM seas? Recent DOL adjudications and BALCA decisions forecast unstable weather conditions. This advanced panel discusses recent developments, audit trends, noteworthy BALCA cases, and best practices for maintaining PERM compliance.*

- Recent Trends in DOL Adjudication and Audits
- How to Handle FAQs and BALCA Decisions that Change Adjudications Midstream
- Tips for Responding to Audit Requests
- Update on Supervised Recruitment
- Trends in Prevailing Wage Determinations

*Faculty:*

*Adam J. Rosen (DL), Owings Mills, MD*

*Allen Orr, AILA Board of Governors, Washington, DC*

*Rosanna M. Fox, New York, NY*

*Pamela P. Mick, Chicago, IL*

**RELATED RESOURCES:**

[\*AILA's Guide to PERM Labor Certification\*](#)

2:45pm – 2:55pm

**NETWORKING BREAK**

2:55pm – 4:00pm

**ANCHORS AWEIGH—NON-PERM IMMIGRANT VISA OPTIONS**

*This panel examines immigrant visa options when PERM is not an option. It will also examine tips for filing successful petitions and provide strategies to avoid RFEs.*

- Understanding Extraordinary Ability in a Post-Kazarian World
- Common Pitfalls and RFE Trends for the Outstanding Researcher and Professor Category
- Strategies for Filing Successful Multinational Manager and Executive I-140s
- Are EB-2 NIW's an Option Post-NYSDOT?

*Faculty:*

*Dan H. Berger (DL), Northampton, MA*

*Karin Wolman, New York, NY*

*Hamel Vyas, New York, NY*

**RELATED RESOURCES:**

[Chapters 1 and 3 — “Basic Immigrant Visa Concepts” and the “Immigrant Visa Petition,” \*Business Immigration: Law & Practice, Vol. 2\*](#)

4:00pm – 5:00pm

**ABOARD THE LUXURY CRUISE LINER: EB-5**

*This panel provides practical tips for preparing and filing successful EB-5 cases. It provides an overview of the filing requirements for both direct and regional center investments. The panel also addresses source of funds and tracing requirements for investors and practical tips for individuals from high volume EB-5 countries.*

- What Is the EB-5 Visa and What Are the Requirements?
- Analyzing the Situation and Advising the Potential EB-5 Investor
- The Nuts and Bolts of Preparing the Petition
- Common Problem Areas and Issues Particular to Some Countries

*Faculty:*

*Elsie Hui Arias (DL), Los Angeles, CA*

*Jennifer Hermansky, Philadelphia, PA*

*Susan L. Pilcher, Miami, FL*

*Reza Rabbaran, Miami, FL*

**RELATED RESOURCES:**

[\*Immigration Options for Investors and Entrepreneurs\*](#)

5:00pm

**CONFERENCE CONCLUDES**

**CONFERENCE PROGRAM COMMITTEE**

*Kate Kalmykov, Program Committee Co-Chair, Florham Park, NJ*  
*Dev Banad Viswanath, Program Committee Co-Chair, Fresh Meadows, NY*  
*Elizabeth Brettschneider, AILA New York Chapter Chair, New York, NY*  
*James Cormie, Florham Park, NJ*  
*Amy Fallon, New York, NY*  
*Timothy Fallon, Yonkers, NY*  
*Rosanna Michelle Fox, New York, NY*  
*Stephanie Theresa DiPietro, New York, NY*  
*Neena Dutta, New York, NY*  
*Gayle Osbrin, New York, NY*

*Grace Akers Woods, AILA Director, Education, Washington, DC*