



# 2016 Midwest Regional Conference

Monday, March 14, 2016 🌿 Radisson Blu Aqua Hotel 🌿 221 North Columbus Drive 🌿 Chicago, Illinois 60601

The Chicago Chapter of the American Immigration Lawyers Association (AILA) will hold its annual Midwest Regional Conference in Chicago on **Monday, March 14, 2016!** The conference will cover administrative and legislative changes in immigration law and practice, employment-based immigration issues (including PERM prevailing wage issues, surviving government audits, and emerging issues in nonimmigrant status), adjustment of status and consular issues, updates on issues facing students, and hot topics in litigation (including federal court and BIA updates, strategies for challenging orders in Immigration Court, and considerations on the use of expert witnesses). The conference also includes 1.0 credit for professional responsibility.

Conference Chair: M. Mercedes Badia-Tavas  
Conference Vice-Chair: Susan MacLean

Location:  
Radisson Blue Aqua Hotel  
221 North Columbus Drive  
Chicago, Illinois 60601  
[American Immigration Lawyers Booking Link](#) Promotional Code: AIL316

Special Rates available from Sunday, March 13, 2016 to Tuesday, March 15, 2016. Contact Stephanie Monkaba, at (312) 477-0229 with any issues.

**CLE Credit:** 7.0 CLE hours, 1.0 of which is for professional responsibility. The conference will request CLE accreditation for the following states: Illinois, California, Georgia, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Texas, Utah, and Wisconsin. Registrants from other states requiring CLE credit should contact Karlie Dunsky at [karliedunsky@gmail.com](mailto:karliedunsky@gmail.com).

**Monday, March 14, 2016**  
**7:45 AM to 5:00 PM**  
**(check-in starts at 7:15 AM)**

**REGISTER ONLINE: <http://www.etches.com/aila2016mrc>**

Registration Fees Information	Before Feb. 15, 2016	On or after Feb. 15, 2016
AILA Chicago Chapter Member (or Member's Paralegal)	\$325	\$375
Non-Chicago Chapter AILA Member (or Member's Paralegal)	\$350	\$400
Nonmember <sup>1</sup>	\$425	\$470
Law Student <sup>2</sup> or Representative of Accredited Non-Profit Organization <sup>1&amp;3</sup>	\$165	\$225

<sup>1</sup>**Attention Non-AILA Members:** AILA will not accept conference registrations from persons who provide representation without authorization in violation of 8 CFR 292 such as for-profit "immigration consultants" and "notarios".

<sup>2</sup>Requires signed statement from accredited law school certifying full-time student status.

<sup>3</sup>Requires signed statement from accredited non-profit organization certifying full-time employment.

\*\*\***Note:** Register 4 members from your firm and receive a 5<sup>th</sup> registration free!

Registration for the conference will close on March 4, 2016. No registration will be accepted after this date. No payments or registrations will be accepted at the door. No phone, fax, or mail registrations will be accepted. In accordance with Illinois MCLE requirements, a hardship waiver is available. Contact Mercedes Badia-Tavas at [mbadiatavas@btlaw.com](mailto:mbadiatavas@btlaw.com).

**Notice:** Registrations are subject to acceptance. Registration date is determined by date payment is received. Registrations received without payment will not be honored. In the event the Conference nears capacity, registrations with payment will be accepted in the order received. Registrations are not transferable and cannot be split among conference attendees. Any and all liability of AILA with respect to registrations, reservations, cancellations, and refunds is limited to a sum no greater than the fee paid. Submission of registration and payment constitutes acceptance of conditions herein.

**Cancellation Policy:** Cancellations received by February 23, 2016, entitle registrants to a full refund (less \$75.00 processing fee). All cancellation requests must be received in writing. No cancellation requests will be accepted after this date, but registrants may still receive conference materials electronically.

**All materials will be distributed electronically prior to the conference. No printed materials will be provided at the conference.**

AILA is the national association of over 14,000 attorneys and law professors who practice and teach immigration law. AILA member attorneys represent U.S. families seeking permanent residence for close family members, as well as U.S. businesses seeking talent from the global marketplace. AILA members also represent foreign students, entertainers, athletes, and asylum seekers, often on a pro bono basis. Founded in 1946, AILA is a nonpartisan, not-for-profit organization that provides continuing legal education, information, professional services, and expertise through its 39 chapters and over 50 national committees.

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## **“PIERCING THE VEIL TO RAISE THE BAR”**

### **OPENING REMARKS OF THE AILA CHICAGO CHAPTER CHAIR**

Olga Rojas, Chair, AILA Chicago Chapter, Chicago, IL

7:45  
AM

### **MORNING TRACK**

8:00

#### **Hot Topics**

- **Paul Zulkie (DL)**, former AILA National President, current AIC President, Chicago, IL
  - **Benjamin Johnson**, Executive Director, American Immigration Lawyers Association, Washington, DC\*
  - **Melissa Crow**, Legal Director, American Immigration Council, Washington, DC
  - **Juan Osuna**, Executive Director of Executive Office for Immigration Review, Falls Church, VA
- \*Invited not yet confirmed

8:45

#### **USCIS Conversation**

- The tools used in the adjudicative process.
- Role of interpretative documents such as the Adjudicator’s Field Manual and Policy Memorandums.
- Steps to resolve issues in a case when there is a difference in interpretation.
- The tools available by the agency to inquire and resolve cases or issues.
- What happens behind the scene after an inquiry (online, mail, email, phone)?
- How to escalate?

- **Carlina Tapia-Ruano**, former AILA National President, Chicago, IL (DL)
  - **Thomas Cioppa**, District Director, Chicago District Office, U.S. Citizenship and Immigration Services, Chicago, IL
  - **Debra Gordon**, Associate Counsel, Chicago District Office, Chicago, IL\*
  - **Tracie Klinke**, AILA, Chair or Committee of Field Office Liaison, Marietta, Georgia
  - **Daniel Renaud**, Associate Director, Field Operations Directorate, Washington, D.C.
- \*invited not confirmed

9:30

#### **CBP/DOS Conversation**

- The tools used in the adjudicative process.
- Role of the interpretative documents such as the Field Manual and Policy Memorandums.
- Steps to resolve issues in a case when there is a difference in interpretation
- The tools available by the agency to inquire and resolve cases or issues.
- What happens behind the scene after an inquiry (website online, email, phone)?
- How to escalate?

- **Nell Barker (DL)**, AILA, Chicago, IL
- **Joseph Kolb**, Program Manager, U.S. Customs and Border Protection, Chicago, IL
- **Matthew S. Davies**, Port Director, U.S. Customs and Border Protection, Chicago, IL
- **Michael Katula**, Visa Chief, U.S. Dept of State, U.S. Consulate General, Ciudad Juarez, Chihuahua, Mexico
- **Leonard D.M. Saunders**, AILA, Blaine, WA

10:15

**BREAK**



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**10:30 Service Center Updates – What goes on behind the scenes to move a case to final decision.**

- **Betsy Lawrence (DL)**, Director of Liaison, AILA, Washington, DC
- **Lorna De Bono**, Chair, AILA Nebraska Service Center Liaison Committee, Los Angeles, CA
- **Dagmar Butte**, Chair, AILA Service Center Operations Committee, Portland, OR
- **James Pack**, Chair, AILA California Service Center Liaison Committee, Irvine CA,

**11:15 To 12:00 The Ethics of Reporting Professional Misconduct**

- Prosecutorial Misconduct
- *Himmel* Obligation in Illinois
- Adjudicative vs Adversarial

- **Leah Duckett (DL)**, Chicago, IL
  - **Annalisa Padilla**, AILA National Vice President, La Habra, CA
  - **Lea Gutierrez**, Senior Litigation Counsel, Illinois ARDC, Chicago, IL
  - **Assistant U.S. Attorney**, U.S. Attorney's Office, Chicago, IL \*
- \*invited not confirmed

12:15

**DELICIOUS BOX LUNCH TO ENJOY AN  
OPTIONAL DISCUSSION WITH THE EXPERTS, OR SIMPLY ENJOY  
DINING HALL AT ROUND TABLES**

Business Round Tables (2 of 10)

Family Round Tables (2 of 10)

Litigation Round Tables (2 of 10)

## AFTERNOON TRACKS

	<b>EMPLOYMENT TRACK</b>	<b>FAMILY/HUMANITARIAN TRACK</b>	<b>LITIGATION TRACK</b>
<b>1:15</b>	<p><b>1:15 to 2:15 pm</b>  <b>Emerging Issues in Nonimmigrant Status – <i>The Bar Has Changed!</i></b>  <b>H-1B and worksites post-Simeio</b></p> <ul style="list-style-type: none"> <li>• <i>Simeio Solutions</i></li> <li>• LCAs for multiple positions – how to meet compliance requirements for public access and I-129 petitions</li> <li>• Change of Work Sites – How to plan for changes?</li> </ul> <p><u>L-1 visas and PED</u></p> <ul style="list-style-type: none"> <li>• Tracking PED &amp; I-129S dates</li> <li>• Advising clients on travel entry issues</li> <li>• Dealing with Service Center filing vs visa renewals for Blanket L’s</li> </ul> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> <li>• <b>Jennifer Minear</b> – (dl), Richmond, VA</li> <li>• <b>Rob Cohen</b>, Columbus, OH</li> </ul>	<p><b>1:15 to 2:15 pm</b>  <b>Where Do I Stand? Cutting Edge Issues in Adjustment of Status and Consular Processing Issues</b></p> <ul style="list-style-type: none"> <li>• New Visa Bulletin Dates: Timing and Child Status Protection Act (CSPA)</li> <li>• Opting out of the CSPA</li> <li>• NVC Issues: "Communication," Improper Terminations, Fee Bill Payments, One Year Contact Deadline and Supervisory Review Requests</li> <li>• Using Congressional and Ombudsman Liaison Inquiries</li> <li>• Inconsistent Findings regarding Inadmissibility for Medical and Mental Health Grounds</li> <li>• False US Citizen Claims on I-9 Forms being used as grounds of</li> </ul>	<p><b>1:15 to 2:15 pm</b>  <b>Responding to USCIS NOIDs and Use of Derogatory Information in Preparation for Litigation – Employment and Family Based Cases</b></p> <ul style="list-style-type: none"> <li>• FOIA requests and regulatory requests for the derogatory evidence</li> <li>• Challenging USCIS' use of informants and factual allegations</li> <li>• USCIS' use of boilerplate language</li> <li>• Burden of Proof and Burden of Persuasion</li> <li>• Best Practices for Evidentiary Submissions</li> </ul> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> <li>• <b>Saadia Siddique</b> (dl), Chicago, IL</li> <li>• <b>Michael Davis</b>, Minneapolis, MN</li> <li>• <b>Raymond Bolourtchi</b>, St. Louis, MO</li> <li>• <b>Kathryn Weber</b>, Chicago, IL</li> </ul>



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<ul style="list-style-type: none"> <li>• <b>Elise Fialkowski</b>, Philadelphia, PA</li> <li>• <b>Teri Simmons</b>, Atlanta, GA</li> </ul>	<p>inadmissibility</p> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> <li>• <b>Bethany Hoffman</b> (dl), Rockford, IL</li> <li>• <b>Kathleen Walker</b>, El Paso, TX</li> <li>• <b>Michael Katula</b>, Visa Chief, DOS, U.S. Consulate General, Ciudad Juarez, Mexico</li> <li>• <b>Cathy Higgins Mora</b>, Chicago, IL</li> <li>• <b>Stacy Mactaggert</b>, Senior Advisor, National Visa Center, Portsmouth, NH</li> </ul>	
<p><b>2:15 to 3:15 pm</b>  <b>When the Government Comes Knocking - Pushing back the Veil of Secrecy;</b></p> <p><b>Probing or Otherwise Infringing Upon Privacy Rights– FDNS, ICE, I-9 compliance</b></p> <ul style="list-style-type: none"> <li>• When does an employer have to give up an I-9 to the government and when can they say no way?</li> <li>• What about the privacy of employee records?</li> <li>• Providing I-9 Forms to vendors and/or customers – why and how to refuse.</li> <li>• E-Verify – how to register, the MOU, what are the pitfalls, how to withdraw from using</li> <li>• Managing over-reaching FDNS inquiries at employer site visits.</li> </ul> <p><u>Speakers</u></p> <ul style="list-style-type: none"> <li>• <b>Mike Nowlan</b> – (dl), Detroit, MI</li> <li>• <b>Marketa Lindt</b>, Chicago, IL</li> <li>• <b>Richard Gump</b>, Dallas, TX</li> <li>• <b>Sharon R. Mehlman</b>, San Diego, CA</li> </ul>	<p><b>2:15 to 3:15 pm</b>  <b>Practice Skills in Immigration Court</b></p> <ul style="list-style-type: none"> <li>• Client and Case Management: Preparing Evidence and Testimony</li> <li>• Communication Efforts with ICE Office of Chief Counsel</li> <li>• Communication with USCIS and ICE for <i>prima facie</i> determinations for petitions</li> <li>• Motions Practice and Deadlines</li> <li>• Preserving Due Process Issues for Judicial Review at the Trial Level and BIA</li> </ul> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> <li>• <b>Erin Cobb</b> (dl), Chicago, IL</li> <li>• <b>Jeff Joseph</b>, Denver, CO</li> <li>• <b>Rekha Sharma-Crawford</b>, Kansas City, MO</li> <li>• <b>Davorin John Odrdic</b>, Milwaukee, WI</li> </ul>	<p><b>2:15 to 3:15 pm</b>  <b>Use of Expert Witnesses</b></p> <ul style="list-style-type: none"> <li>• Identifying When An Expert Witness is Crucial</li> <li>• Who Qualifies to Be an Expert Witness</li> <li>• Finding and Working with Expert Witnesses</li> <li>• Drafting Expert Witness Affidavits</li> <li>• Dealing with ICE and Use of Experts in Detained Cases</li> <li>• Mock <i>Voir Dire</i> of an Expert Witness</li> </ul> <p><u>Speakers:</u></p> <ul style="list-style-type: none"> <li>• <b>Maria Baldini-Potermin</b> (dl), Chicago, IL</li> <li>• <b>Kimberly Gauderman</b>, University of New Mexico, Albuquerque, NM</li> <li>• <b>Raha Jorjani</b>, Berkeley, CA*</li> <li>• <b>Geoff Heeren</b>, University of Valparaiso Law School, Valparaiso, IN</li> </ul>

3:15  
to  
3:30

**BREAK**



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## 3:30 to 4:15 pm

### **PERM Challenges in a New Age – *The Bar Keeps Rising!***

#### Audits: Adapting to new audit requirements & educating the client

- Business necessity – how to document need.
- Feasibility to Train – what does it mean and how to document

#### Prevailing Wage: Drafting, defending and challenging DOL on determinations

- Private Wage Surveys –How To Present To DOL And Challenge If Rejected?
- Skipping past BALCA – Federal Court options if BALCA is taking three years to review.

#### Speakers:

- **Sharon Cook Poorak** – Atlanta, GA (DL)
- **Sarah Peterson Stensrud**, Minneapolis, MN
- **Kevin Miner** – Atlanta, GA

4:15

## 4:15 to 5:00 pm

### **Managing F-1 Employees – The expanding universe of OPT – *The Bar Is Influx***

- New rules for STEM OPT based on new regulation – Will the rule be challenged again?
- Travel Issues for students on OPT – regular and STEM extended
- H-1B and Green Card interplay and strategies
- Dual Intent problem and guarding against fraud allegations.

#### Speakers

- **David Ware** – Metairie, LA
- **Kristen Harris** – Chicago, IL
- **Amy Erlbacher-Anderson** –Omaha, NE
- **Amy Benck**  
Director, International Center  
Illinois Institute of Technology

## 3:30 to 4:15pm

### **ASYLUM – What to Know Given EOIR priorities for C.A. & Mexican Arrivals.**

#### **Primer Basics: Applications before the USCIS Asylum Office and the Immigration Court**

- Drafting the Affidavit and Form I-589
- Creating the Record: Documentation and Use of Expert Witnesses
- Interviews before the Asylum Office
- Delays and Expedite Requests
- Lodging and EAD Clock Issues before the Immigration Court
- One Year Filing Deadline Exceptions
- Firm Resettlement Issues and Internal Relocation

#### Speakers:

- **Michael Jarecki** (dl), Chicago, IL
- **Sioban Albiol**, Chicago IL
- **Sarah Brenes**, St. Paul, MN\*

## 4:15 – 5:00pm

### **Advanced Asylum**

- Post-Interview Briefing before the Asylum Office
- Reconsideration before the Asylum Office
- Motions to Reopen Expedited Removal and Reinstatement Orders
- Cutting-edge Asylum Theories

#### Speakers:

- **Ashley Huebner** (dl), Chicago, IL
- **Jennifer Rotman**, Portland, OR\*
- **KiKi Mosley**, Chicago, IL\*

\*Invited not yet confirmed

## 3:30 to 5:00pm

### **You're Not As Far From U.S. District Court as You May Think – A Bird's Eye View of the Options & Strategies**

- New Rules of Federal Rules of Civil Procedure
- Grounds for Drafting the Complaint: APA, Habeas, Declaratory Action, Naturalization, FOIA, *Bivens*, Federal Tort Claims Act
- Plaintiffs and Defendants, Jurisdiction, and Venue
- Strategy Calls: Motions for Summary Judgment and Opposition to Government Motions to Remand
- Negotiations with US Attorney's Office and DHS Before and During the Lawsuit
- Settlement and EAJA fees

#### Speakers:

- **Richard Hanus** (dl), Chicago, IL
- **Byron M. Large, Sr.**, Denver, CO
- **Trina Realmuto**, Boston, MA
- **Andrew Free**, Nashville, TN



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5:00  
to  
7:00

**Post-Conference AILA Chicago and American Immigration Council Celebration!!  
Reception, Program, Entertainment and Networking**