



45th ANNUAL IMMIGRATION LAW UPDATE

FEBRUARY 8-9, 2024

Hilton Miami Downtown
1601 Biscayne Blvd, Miami, FL 33132

CLE CREDITS FOR FLORIDA

15.0 Florida Bar Credits

General 15.0, Ethics 3.0, Technology 1.0
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CONFERENCE PROGRAM

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CONFERENCE PROGRAM

WEDNESDAY, FEBRUARY 7, 2024

5:30pm – 7:30pm

CONFERENCE KICK-OFF HAPPY HOUR presented by the AILA South Florida LGBTQIA+ and New Member Division Committee

Please join the AILA South Florida LGBTQIA+ Committee for a lively Happy Hour to kick off the 44th Annual AILA South Florida Immigration Law Update! Good times, drinks, and interesting discussions... it's the perfect way to start a Wednesday night in Miami and to kick off the annual AILA South Florida Conference! This is a *Safe Zone* event open to all AILA members, CLE attendees, Sponsors and Exhibitors. The LGBTQIA+ Committee thanks you for your support!

Location: Klaw Miami (1737 N Bayshore Drive, Miami, FL 33132)

Attire: Resort casual attire is encouraged.

THURSDAY, FEBRUARY 8, 2024

8:00am - 8:30am **Registration and Continental Breakfast**

8:30am - 8:45am

Opening Remarks

Speaker: Laura Kelley, AILA South Florida Chapter Chair

8:50am - 9:40am

Agency Updates

This panel will review the latest agency developments with a focus on local updates. What's going on with the dedicated docket? What's going on with scheduling at the consulates? What's going on with the DMV in Florida? This panel will get you up to date on the news you missed this year, including:

- DMV: acceptable documents table; out of state drivers licenses.
- USCIS: online infopass scheduling; rescheduling biometrics; virtual appearances; premium processing.
- DOS: visa backlog; non-functioning consulates; administrative processing procedures; new/reopening offices.
- ICE: status of PD; joining motions.
- CBP: students being returned.
- EOIR: rocket docket; new judges / transfers.
- BIA: "off calendar" cases; timelines.

*Panelists: Alexis Axelrad, New York, NY
Anthony Drago, Boston, MA
Gina Fraga, West Palm Beach, FL*

9:40am - 9:50am **Coffee Break**

9:50am -10:40am **DUAL TRACK PROGRAM**

Thinking Outside of the Box: Strategies in Business Immigration

As companies grow across the globe they need to post key employees and talented personnel abroad. At the same time, limitations of the H-1B lottery and backlogs in the visa bulletin as well as increasing processing times across the board limit the options available to foreign nationals. During this panel, experts will discuss creative solutions to roadblocks within the immigration system.

- Solutions and workarounds for individuals who were not chosen in the H-1B lottery, including placing individuals in third countries such as Canada to increase their options, O-1s for recent graduates, J-1s, and other NIV options
- Dealing with H-1B and L-1 max outs and visa bulletin backlogs across the categories including options for religious workers
- Aging out issues & CSPA, and EADs for compelling circumstances
- When to re-file, when to appeal, and when to sue in federal court

*Panelists: Andrea Canona, Miami, FL
Tammy Fox-Isicoff, Miami, FL
William A. Stock, Philadelphia, PA*

Working with Both Domestic and International Convictions and Accusations

Navigating immigration issues when your clients have convictions or accusations can be difficult. Understanding the consequences is essential as the results could have serious implications for both removal cases and business/family cases. This panel will discuss the impact of criminal accusations, arrests, and convictions both in the US and abroad.

- Interpol notices: What to do when your client has one; red vs. blue notices.
- Analyzing international criminal convictions and arrests
- Updates in marijuana case law
- Florida-specific strategies in working with drug convictions - motions to reopen, motions to terminate, etc.
- Domestic Violence accusations/arrests and trends with bond hearings
- Implications of DUI when obtaining or keeping visas

*Panelists: Mary Kramer, Miami, FL
Riah Ramlogan, Miami, FL
Cory Forman, New York, NY*

10:45am -11:35am **DUAL TRACK PROGRAM**

Advanced PERM Issues and DOL Updates

In June 2023, DOL implemented a new version of the ETA9089 in the FLAG system. Months into using the new form, practitioners are still developing best practices and dealing with the fallout from the update. Panelists will also dive into audit trends, issues involving telecommuting and wage transparency laws, as well as other hot button issues.

- Remote work/telecommuting, wage transparency laws, and other complex and hot button issues - where are we now?

- Updates and best practices for preparing the new version of the ETA9089 through FLAG
- Updates from DOL Liaison
- Current processing times and strategies for dealing with H-1b and L-1 max outs
- Audit trends and timing issues

*Panelists: Allen Orr, Washington, DC
Laura Mazel, San Francisco, CA*

In Court De Novo Review of I-751s

How to address USCIS termination of conditional lawful permanent status by seeking de novo review of the I-751 in immigration court.

- Who has the burden of proof and what's the standard for approval?
- How I-751 waivers impact the case
- The impact of a 204(c) finding.
- What rights do Respondents have to derogatory information in the A file
- How to obtain derogatory information from the A file in removal proceedings

*Panelists: Meghann LaFountain, Middletown, CT
Katie Vannucci, Chicago, IL
Jacqueline Watson, Austin, TX*

11:40am - 12:30pm **DUAL TRACK PROGRAM**

Complex issues for Investors, Entrepreneurs, and New Offices Executives and Managers

Panelists will discuss developing a strong game plan for individuals investing in the United States and navigating the best options for transitioning from temporary status to permanent residency. Panelists will also discuss updates to the EB-5 program and the current state of the program.

- Complex investment issues in new office L-1 petitions and E-2 applications
- O-1s for entrepreneurs and creative uses of evidence to document how individuals in business meet the regulatory standards
- Strategies for building an E-2 into an EB-5 and source of funds issues
- Identifying and developing EB-1 and EB-2 cases for entrepreneurs and top individuals in the business field
- Updates and current state of the EB-5 program
- Updates on legal requirements in Florida for businesses with over 25 employees

*Panelists: Cynthia Gomez, Miami, FL
H. Ronald Klasko, Philadelphia, PA
Jeff Joseph, Denver, CO*

Updates in Asylum Law

This panel will cover recent events in asylum, including executive orders and appeals court decisions. They also will discuss major recent decisions from the BIA and attorney general. The panelists will address some of the evolving issues relating to statutory bars to asylum and withholding of removal.

- Migrant Protection Protocols and family reunification
- Demographic changes in asylum: Venezuelan, Afghan, and Ukrainian contexts
- New developments in the formulation of Particular Social Groups

- The one-year filing deadline: unfiled Notices to Appear (NTAs), terminated removal proceedings, and the wind-down of the Mendez-Rojas litigation
- Persecutor of others and terrorism-related inadmissibility grounds (TRIG): exceptions and exemptions in the wake of Matter of Negusie

*Panelists: Ashley Hamill, Tallahassee, FL
John Gihon, Altamonte Springs, FL
Jill Grucan, Miami, FL*

12:30pm - 2:00pm

Lunch Served (included in registration fee)

12:50pm-1:20pm

AILA National Updates & Remarks

*Speakers: Farshad Owji, San Francisco, CA, AILA National President
Kelli Stump, Oklahoma City, OK, AILA National President-Elect
Jeff Joseph, Aurora, CO, AILA National First Vice-President
Alexis S. Axelrad, New York, NY, AILA National Second Vice-President
Jacqueline Watson, Austin, TX, AILA National Treasurer*

1:30pm – 2:00pm

Keynote Presentation

Speaker: Comedian Nery Saenz (<https://nerysaenz.com/>)

2:00pm – 2:10pm **Coffee Break**

2:10pm – 3:00pm **DUAL TRACK PROGRAM**

The Ever-Changing Removal Landscape

This panel will examine technical, procedural and substantive updates in removal proceedings, from start to finish.

- The latest on Motions to Reopen in the ever changing landscape of defective NTAs
- Tips on contesting an NTA after Matter of Fernandez and trying to define when “pleadings close”
- Subpoenas and stipulations: how and when to use them
- Pros and cons of Prosecutorial Discretion and Off Calendar Notices
- The ethics of proactively initiating removal proceedings to obtain relief
- Opposing and objecting to government dismissals

*Panelists: Michael Sharma-Crawford, Kansas City, KS
Lory Rosenberg, Asheville, NC
Erich C. Straub, Milwaukee, WI*

Options for Entertainers and Athletes

Join this action-packed panel as they delve into the nuances of Os and Ps to understand how these visa types can help Amateur and professional athletes, Entertainers and culturally unique performers.

- Navigating the Agent Role: Benefits, Pitfalls & Best Practices
- Unveiling Recent Policy Changes in O-1A Visas
- Unlocking P-1A Classification: Athletes, Teams, and Support Personnel
- Professional and Amateur Athletes: Visa Options and Strategic Approaches
- Petition Filing Demystified: Special Considerations for Agent-Filed Petitions
- Lessons from Matter of Skirball Cultural Center
- Disney Visa: Can they be used to bring in Entertainers?

*Panelists: Ksenia Maiorova, Orlando, FL
Maite Hoyos, Miami, FL
Gisele Ambrosio, Los Angeles, CA*

3:00pm -3:15pm Cafecito Carts Break

(The carts for Cuban coffee will be open from 3 P.M - 4 P.M.)

3:15pm - 4:05pm DUAL TRACK PROGRAM

Nuances of Ineffective Assistance of Counsel Arguments

Unlike any other area of law, immigration attorneys are required to comply with procedural requirements when they raise claims of ineffective assistance of counsel. Those requirements include the filing of a bar complaint. This panel discusses the toll such a requirement has on the practice and the profession.

- The difference between ethics and error
- Trauma caused, trauma inflicted
- Strategies for complying with Lozada
- Preserving arguments for litigation
- Lozada Arguments at USCIS
- Lozada and the Unlicensed Practice of Law
- Collegiality within the profession and the future of Lozada - what would be an ideal scenario?

*Panelists: Josh Altman, San Diego, CA
Sui Chung, Miami, FL
Sarah Owings, Atlanta, GA*

Navigating Threats to Lawful Status & Presence in the Pursuit of Immigrant Visas

In a shaky immigration system marred by processing backlogs, unreliable paths of recourse, and hard-to-reach agency representatives, empaneled experts stress the critical interplay between lawful status and lawful presence in the non-immigrant and immigrant contexts.

- Unlawful presence and maintaining lawful status considerations
- How premium processing and other timing techniques can be a saving grace
- Handling I-485 transfer requests: when permissible/impermissible and/or inadvisable
- Status and presence warnings in contexts of appeal, refiles, or litigation

- Benefits, limitations, and updates on automatic visa revalidation for certain visa categories
- Tips for taming logistical issues and client anxieties around visa bulletin cutoffs and immigrant visa backlogs

*Panelists: Kari Ann Fonte, Coral Gables, FL
Jacob Ratzan, Miami, FL
Brittany Thomas Faith, Chattanooga, TN*

4:10pm -5:00pm

Embrace the Future: Navigating Pricing Changes, Remote Workers, Safety Concerns, and AI Advancements

This panel will help you prepare your practice to embrace AI Advancements and the Rise of Remote Workers to Stay Ahead.

- Unlocking ChatGPT's Potential in Immigration Practice
- Analyzing AI's Accuracy: Ethical Implications
- Crafting Effective Prompts, and Paving the Way for Future Applications in Similar Programs
- Labor trends in Hiring Remote Workers
- Ensuring Client Confidentiality and Data Security through Technology
- Exploring Ethical Conundrums in Employing Remote Workers

*Panelists: Sharadha Kodem, Irving, TX
Nicholas Mireles, Los Angeles, CA
Greg Siskind, Memphis, TN*

5:00pm - 7:00pm

Cocktail Reception

with special thanks to our Sponsor:



CMB Regional Centers

7:30pm - 9:30pm

Speakers' Dinner (By invitation only)

with special thanks to our Sponsor:



CanAm Enterprises
EB-5 U.S. Immigration

FRIDAY, FEBRUARY 9, 2024

8:30am - 9:00am

Registration and Breakfast

9:00am – 9:50am **DUAL TRACK PROGRAM**

The Not-So-Straightforward Family-based Cases

This panel will explore challenging and cutting edge family based cases. How do you handle non-traditional relationships? How do you plan for sudden changes and unexpected reveals?

- Section 204(L) Relief for Surviving Relatives
- Complications in VAWA cases, such as cross-filed TROs, inconsistencies, and criminal record of the victim
- Evolving case law and lawsuits regarding affidavits of support
- Polyamory - when three's company
- Transgender and gender identity issues on documentation
- Proxy marriages and proxy divorces

*Panelists: Annelise Araujo, Boston, MA
Julie Kruger, Buffalo, NY
Evan Shane, Fort Lauderdale, FL*

Maintaining Your Sanity in an Otherwise Crazy Immigration World

Boundaries are tools that we use to protect ourselves in personal and professional settings. This panel will help you determine what boundaries can help you have the law firm culture that is in line with your values for a successful and sustainable practice.

- What are healthy professional boundaries?
- How to communicate boundaries?
- Avoiding emotional overinvolvement while still caring
- Using your retainer agreement to reinforce boundaries
- The difference between what feels urgent and what's an emergency
- Cultivating a sustainable law firm culture through inclusivity and DEI
- Providing the entire firm with the tools for wellness

*Panelists: Laura Kelly, Doral, FL
Andrea Reyes, Jacksonville, FL
Christine Alden, Miami, FL*

10:00am – 10:50am **DUAL TRACK PROGRAM**

Making the Temporary Permanent with Humanitarian Options

This panel will cover alternative humanitarian options and creative combinations to find your clients long term solutions. How can you bridge the gap? What should be your backup plan?

This panel will help you strategize and analyze the big picture.

- Navigating the intersection between humanitarian options like TPS or asylum and employment-based solutions
- TPS Litigation update, ZRZC, and the Carecen Case
- Recent developments on ROR I-220 release and ability to Adjust Status

- Family Reunification Program
- Humanitarian parole program
- Screening applicants for Ts and Us as alternative forms of relief

*Panelists: Randy McGroarty, Miami, FL
Linda Osberg-Braun, Miami, FL
Brian Murray, Fairfax, VA*

Avoiding Bar Complaints

This panel will discuss practice management concerns for the solo/small firm practitioners who are barred and/or practice in Florida. Panelists will focus on practical solutions to ethical dilemmas.

- Clauses you should have in your legal agreements
- How to have frequent client communication to avoid bar troubles
- How to set your fees.
- How to answer public grievances, such as reviews and social media backlash
- Update to the ethical advertising rules
- Setting client expectations from consult, to contract, to conflicts, to conclusion.
- Firing difficult clients.

*Panelists: Miriam Acosta Castriz, AILA South Florida Chair-Elect, West Palm Beach, FL
Juan Carlos Arias, Fort Lauderdale, FL
Reid Trautz, AILA National Practice Management Advisor, Annandale, VA*

10:50am – 11:10am **Coffee Break**

11:10am -12:00pm **DUAL TRACK PROGRAM**

Waiving It All Away

Waivers are one of the more complicated areas within immigration law. Examination of technical and procedural aspects of filing, practical considerations, increasing delays in adjudications and changes in the interpretation of the law.

- Managing processing delays with I-601 and the ever growing backlog.
- Updates on current federal litigation related to waivers and adjudication delays
- TPS, I-601, I-601a and I-212: When, how, and which to use.
- Reinventing the 212(c) waiver
- Navigating immigration judges' jurisdiction for certain waivers: Hranka Waiver under 212(d)(3)? U visa waiver?
- Status update on vaccine waivers: on what grounds are they being approved?

*Panelists: Susan G. Roy, Princeton Junction, NJ
Bridgette Bennett, Orlando, FL
Kelli Stump, Oklahoma City, OK*

J-1 Visa Hot Topics

This session explores J-1 visa challenges, including lesser-known application issues, sponsorship concerns, and compliance challenges. Panelists will provide updates on J-1 visa regulations, policy changes, and their potential implications for both visa applicants and sponsoring organizations.

- Selecting the right type of J-1
- Issues surrounding J-1 visa sponsorships and designated program sponsors
- Regulatory compliance and enforcement challenges
- Impact of J-1 visa policies on international exchange and cultural programs
- Obstacles in avoiding two-year home country physical presence requirement
- Considerations for J-1 visa holders' rights and protections while in the United States

*Panelists: Tania Carswell, AIC, Washington, D.C.
Marisa Casablanca, Miami, FL
David A. M. Ware, Metairie, LA*

12:05pm – 1:35pm

Lunch (included in registration fee)

12:30pm - 12:40pm

Immigrants' List Presentation

Speaker: Ira Kurzban, Coral Gables, FL

12:45pm – 1:35pm

Case Law Updates (SCOTUS, Federal Case Updates, AAO, BIA, Congressional)

An annual highlight, the distinguished panel summarizes cases that shaped immigration practice during the prior year.

*Panelists: Ira Kurzban, Coral Gables, FL
Gianna Borroto, Chicago, IL*

1:45pm - 2:35pm **DUAL TRACK PROGRAM**

Addressing Consular Process Delays in Out Post-Covid Era

Join our distinguished panel of experts for an enlightening discussion on pressing immigration challenges being faced at the consular posts and invaluable strategies to overcome them. Some of these challenges are spillovers from Covid times.

- Navigating 214(b) and 221(g) Visa Delays/Denials: Strategies and Insights
- Unlocking the Power of Expedite Requests: Making Them Effective
- Mastering Communication with NVC: Tips for Prompt and Effective Responses
- LegalNet Best Practices: Streamlining Immigration Processes
- Understanding the 212(d)(3) Waiver: Leveraging it Wisely
- Mandamus and Consular Non-Reviewability: Why They Matter
- Harnessing 28 USC §1657: A Powerful Tool in Your Arsenal

*Panelists: Jessica Jensen, Winnipeg, Canada
Dominique Pando-Bucci, Miami, FL
Farshad Owji, San Francisco, CA*

SIJs - Obtaining Predicate Orders in Florida State Courts

Special Immigrant Juvenile Status (SIJS) helps certain undocumented children in the state juvenile system to become Lawful Permanent Residents (LPR). Children involved in adoption or guardianship proceedings who have been abandoned, abused or neglected may be able to obtain Special Immigrant Juvenile Status and, based on that, apply to become an LPR. This panel

will discuss best practices for obtaining Special Immigrant Juvenile Status predicate Orders in Florida State Courts in order to ensure a successful USCIS filing.

- Florida-specific eligibility requirements
- Process for State Court Filings
- Common pitfalls
- Jurisdictional issues
- Age-out concerns

*Panelists: Wendi J. Adelson, Miami, FL
Maggi Caselli, Miami, FL
Tatiane M. Silva, Miami, FL*

2:40pm – 3:30pm **DUAL TRACK PROGRAM**

EB-2 NIW Advanced Topics – Avoiding Pitfalls & Solidifying Strategy

In this advanced EB-2 NIW session, panelists will discuss key themes, limitations, and pitfalls relating to NIW petitions, helping attorneys take up-front measures in avoiding irreparable technical blunders, all the while, lending insights on how to keep officer discretion aligned with the applicable burden of proof:

- Reinforcing the NIW foundations
- Electing Self-Petition vs. Employer-Sponsor when both may appear feasible
- Avoiding technical pitfalls in classifying your client - Advanced Degree vs. Exceptional Ability
- Technical and creative strategies derived from foresight of common USCIS arguments, including those involving “national importance”
- Post-denial options and status-related considerations
- Ethical considerations and intake musts
- Visa Bulletin predictions, Premium Processing decision trends, and general updates

*Panelists: Karin Wolman, New York, NY
Ellen Freeman, Pittsburgh, PA
Heather Frayre, El Paso, TX*

Unraveling Citizenship: The Denaturalization Dilemma

Civil Denaturalization, the process of suing a naturalized citizen in federal court to remove their citizenship, can be a complicated and lengthy process. This panel will prepare immigration practitioners for how to spot possible denaturalization cases before they start and how to handle them once they do.

- Common situations that lead to the initiating of denaturalization proceedings
- The government’s burden of proof when attempting to revoke
- Negotiating settlement options
- Available defenses and creative ideas for moving to dismiss
- Post-denaturalization – options in removal proceedings and wrestling with res judicata

*Panelists: John Pratt, Miami, FL
Matthew Hoppock, Kansas City, KS
Anis Saleh, Coral Gables, FL*

3:30pm -3:55pm

Cafecito Carts Break

(The carts for Cuban coffee will be open from 3pm-4pm)

3:55pm -4:45pm

Open Forum: Removal and Humanitarian Roundtable

Bring your question to this unscripted Q&A session where our panel of experts will help guide you in the right direction.

*Panelists: John Gihon, Altamonte Springs, FL
Michael Sharma-Crawford, Kansas City, KS
Lory Rosenberg, Asheville, NC
Erich C. Straub, Milwaukee, WI
Bridgette Bennett, Orlando, FL*

Open Forum: Business and Investment Roundtable

Bring your question to this unscripted Q&A session where our panel of experts will help guide you in the right direction.

*Panelists: Kari Ann Fonte, Coral Gables, FL
Dominique Pando-Bucci, Miami, FL
Andrea Canona, Miami, FL
John Pratt, Miami, FL
Tammy Fox-Isicoff, Miami, FL*

4:45pm – 5:00pm

Closing Evaluations and Networking

All panels will address ethical issues and considerations affecting their respective topics.

INCLUDED IN THE REGISTRATION FEE FOR THE ANNUAL IN PERSON

CONFERENCE: Two breakfasts, two lunches, continuous coffee, cocktail reception, pre-conference happy hour and conference materials.

TRANSPORTATION AND PARKING: Taxis and Lyfts/Ubbers are accessible from all Miami downtown hotels to the conference location. The conference venue has excellent parking facilities and charges a conference parking fee.

Validation for discounted parking can be obtained at the parking sponsor's booth. This year, we thank Gateway Medical for its support as our parking sponsor.



HOTEL ACCOMMODATIONS: There will be a ROOM BLOCK this year on site!

Please follow this link to book directly through the hotel with our discounted group rate:

<https://shorturl.at/hrKNV>