



33rd ANNUAL IMMIGRATION LAW UPDATE SOUTH BEACH

FEBRUARY 9 & 10, 2012

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COURSE CLASSIFICATION:
INTERMEDIATE TO ADVANCE LEVEL

18 CLE CREDITS + 2.5 ETHICS CREDITS

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A certificate of attendance will be provided

CORPORATE SPONSORS:



CLE PROGRAM

Thursday, February 9, 2012

7:45 A.M. - 8:00 A.M.

Registration and continental breakfast

8:00 A.M. - 8:15 A.M.

Opening remarks

Kari Ann Fonte, Esq., President, South Florida AILA, Miami, FL

8:15 A.M. - 9:10 A.M.

When can your client use the B-1 visa?

- Is the B-1 visa in jeopardy?
- Increased scrutiny of B-1 entries
- Proper use of B-1 and suggested documentation to be carried by foreign nationals
- B-1 in lieu of H-1B and H-3: what visa is appropriate?
- B-1 for special purposes (boards, starting business, selecting a school, performing service)
- B-1 for start-up L companies
- Ethical considerations in using the B-1 visa

Maria Casablanca, Esq., Miami, FL (Moderator)
Denyse Sabagh, Esq., Washington, DC (AILA Past-President)
Tim Murphy, Esq., Miami, FL
H. Ronald Klasko, Esq., Philadelphia, PA (AILA Past-President)

9:10 A.M. - 10:00 A.M.

Strategies for choosing the L or E visa

- Is corporate ownership by the beneficiary a factor in L denials?
- Discussing business strategies for growth
- Is the beneficiary's goal residence?
- Can an L be converted to an E or vice versa?
- Can an L-1A be converted to L-1B?
- Is it still possible to obtain an L-1B?

Jeff Bernstein, Esq., Miami, FL (Moderator)
Jeffrey A. Devore, Esq., W. Palm Beach, FL (AILA BOG)
Chuck Kuck, Esq., Atlanta, GA (AILA Past-President)
Ed Beshara, Esq., Maitland, FL

10:00 A.M. - 10:15 A.M.

Coffee break

10:15 A.M. - 11:10 A.M.

Gems in the Adjudicator's Field Manual

- How much does USCIS pay attention to the AFM?
- What are the benefits/detriments of citing the AFM?
- Where is the AFM most helpful?
- Where is the AFM most detrimental?
- Is the AFM binding on the adjudicators?
- Can the AFM be cited in litigation?

George Newman, Esq., St. Louis, MO (Moderator)
Suzanne Seltzer, Esq., New York, NY
Jeanne Malitz, Esq., San Diego, C



11: 10 A.M. - 12:15 P.M.

EB-5: Where are we now?

- Considerations for investing in a Regional Center
 - Importance of attorney review of the Business Plan and Economic Methodology
 - Top reasons for denial of the petition to remove conditional residence
 - Ethical considerations in representing individuals and Regional Centers
 - Hot issues in the filing of the petition to remove conditions
- Tammy Fox-Isicoff, Esq., Miami, FL (AILA BOG) (Moderator)*
H. Ron Klasko, Esq., Philadelphia, PA (AILA Past-President)
Anthony Korda, Esq., Naples, FL



12:15 P.M. - 1:45 P.M

Lunch (included in registration fee)

Linda Swacina, District Director, Miami District

2:00 P.M. - 2:50 P.M

EB1 and EB2: is anyone Exceptional or Extraordinary?

- Determining if your client is Extraordinary or Exceptional
 - EB-1 after *Kazarian*: what has changed?
 - Do reference letters really matter and, if so, how to use them
 - Drafting labor certifications for EB-2 qualification
 - Demonstrating national interest
- Suzanne Seltzer, Esq., New York, NY (Moderator)*
Michael Work, Esq, Miami, FL
Maite Hoyos, Esq., Miami, FL
George Newman, Esq., St. Louis, MO

2:50 P.M - 3:45 P.M.

Developments in labor certification processing

- Dealing with alternative job requirements
 - What happens when the alternative requirement has a higher prevailing wage?
 - Perm denials: now what do I do?
 - Tips for drafting the labor certification
 - Update on audits and supervised recruitment
 - Processing times
- Jeanne Malitz, Esq., San Diego, CA (Moderator)*
Kari Ann Fonte, Esq., Miami, FL (President, S. Florida AILA)
Joel Stewart, Esq., Miami, FL

3:45 P.M. - 4:00 P.M.

Coffee break



4:05 P.M. - 5:00 P.M.

Government investigatory tools: What do they use?

- Accurint/VIBE/FCIC/NCIC/TECS/Interpol
 - How can you find out what the government knows?
 - How can you respond to inaccurate information?
 - Can you correct erroneous entries in government databases?
- Chuck Kuck, Esq., Atlanta, GA (Moderator) (AILA Past President)*
Denyse Sabagh, Esq., Washington, D.C. (AILA Past-President)
Michelle Estlund, Esq., Miami, FL

5:00 P.M. - 6:00 P.M

Burdens of proof and persuasion: Who has them and when do they shift?

- Removability and relief
 - Before USCIS and AAO
 - Before the BIA
 - Before the Federal Courts
 - How to argue that you have met your burden
- Jeff Joseph, Esq., Denver, CO (Moderator) (AILA BOG)*
Mary Kramer, Esq., Miami, FL
Anis Saleh, Esq., Miami, FL

6:00 P.M. – 7:00 P.M.

Cocktail Reception: Talk to the Experts.

Friday, February 10, 2012

8:30 A.M. - 10:00 A.M.

Criminal removal grounds

- Working with defense counsel in structuring a plea
- Is your client subject to mandatory detention?
- Strategies for expediting removal proceedings for clients in detention
- When can DHS look behind the record of conviction?
- What can be considered after *Silva Trevino*?
- When should you advise your client to travel?

Mary Kramer, Esq., Miami, FL (Moderator)

Antonio Revilla, Esq., Miami, FL

Michael Vastine, Esq., Miami, FL

The Honorable Kevin Mart, Immigration Judge, Miami, FL

10:00 A.M. - 10:15 A.M.

Coffee break

10:15 A.M. - 11:45 A.M.

Determining relief eligibility, filing motions to reopen, and bootstrapping applications

- Is your client eligible and, if not, should you apply anyhow?
- Managing judge nuances
- Packaging your client and presenting evidence
- Building a strong record

Anis Saleh, Esq., Miami, FL (Moderator)

Sui Chung, Esq., Miami, FL

Julie Ferguson, Esq., Miami, FL

John Pratt, Esq, Miami, FL

11:45 A.M. - 12:45 P.M.

Marriage fraud: What is it and how to fight it?

- What is marriage fraud?
- Combating USCIS pressure to declare marriage fraud
- What to do when your client "fails" a marriage interview?
- Does it make a difference at what juncture the fraud is alleged (prior to adjustment/after conditional residence)?
- Dealing with past allegations of marriage fraud in a subsequent petition
- Can marriage fraud be waived?

Xiomara Hernandez, Esq., Miami, FL (Moderator)

Matthew Weber, Esq, Miami, FL

Michael Shane, Esq., Miami, FL

Bruce Marmar, Senior Adjudications Officer, USCIS, Miami, FL



12:45 P.M. – 2:15 P.M.

Lunch (included in registration fee)

Peter Vincent, Principal Legal Advisor, U.S. Immigration & Customs Enforcement, Washington, DC

2:30 P.M. - 3:30 P.M.

Understanding the CSPA

- Tips for freezing a child's age under the CSPA
- Do you want to receive an RFE?
- Unique issues involving VAWA
- CSPA litigation
- Advanced CSPA family issues

Jeff Joseph, Esq., Denver, CO (Moderator)

Carl Shusterman, Esq., Los Angeles, CA

Bruce Marmar, Senior Adjudications Officer, USCIS, Miami, FL

3:30 P.M. - 4:30 P.M.

Complicated asylum issues

- Gender based claims
- Special social group issues
- Considerations when representing prior member of questionable group
- Past persecution but no likely future persecution

John Willshire Carrera, Esq., Cambridge, MA (moderator)

David Berger, Esq., Miami, FL

G. Yasmin Jacob, Esq., Miami, FL

Erin Fatica, Director, Miami Asylum Office, USCIS, Miami, FL

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

ELECTRONIC REGISTRATION for the “33rd Annual Immigration Law Update - South Beach” available at:
<http://www.sofaila.org>

EARLY BIRD REGISTRATION DISCOUNT FOR AILA MEMBERS REGISTERING ON LINE ON OR BEFORE JANUARY 9, 2012

AILA member registering on or before January 9, 2012 - \$425

ADVANCE REGISTRATION ON LINE ON OR BEFORE FEBRUARY 7, 2012

AILA member - \$495

Non-AILA member - \$525

Full-time college faculty or full-time law student - \$400

Persons attending under fee remission policy - \$200

(Requires attendee to be employed by IRS Section 501(c)(3) pro-bono organization. Limit of 3 admissions per pro-bono agency.)

A \$35 SERVICE FEE IS ADDED TO MAILED IN REGISTRATIONS

Mail in registrations to the Law Office of Jacob Ratzan. 150 S.E. 2nd Ave. #701, Miami, FL 33131. **Make Checks Payable to:** AILA South Florida Chapter, Inc.

ON SITE REGISTRATION

Add \$50

MATERIALS ONLY

\$100

REFUND POLICY Registration fees are refundable only if your refund request is received in writing on or before JANUARY 29, 2012 at the Law Office of Jacob Ratzan 150 S.E. 2nd Ave. #701, Miami, FL 33131.

FEES ARE NON-TRANSFERABLE: A \$35 service fee applies to refund requests.

Registration includes two continental breakfasts, two lunches, four coffee breaks, one cocktail reception, and conference materials. Taxis are accessible from all hotel venues to the conference location. The conference venue has excellent parking facilities and charges a modest conference fee.

CLE COMMITTEE

*Xiomara Hernandez

*Miriam Acosta-Castriz

*John Pratt

*Jacob Ratzan

*Elaine Weiss

*****Special thanks to Tammy Fox-Isicoff for her many years of dedication to the CLE, and for developing an outstanding model program for our Chapter.*****