

# Georgia-Alabama Chapter August 2020 Family, Removal, Asylum Conference Program

## AUGUST 25TH LIVE PANELS

### 7:30am-1:00pm Vender Zoom Room

#### 8:30am - 9:30am Session:

##### **Immigration Law as a Calling: Professionalism in Trying Times**

This panel will conduct an in-depth conversation about what professionalism means in today's immigration landscape. Speakers will distinguish ethics from professionalism and discuss how they have managed to stay committed to the principles of the lawyer's creed in the wake of trying times. The conversation will include maintaining civility with regard to clients, opposing parties, the courts, colleagues, to the profession, to the public, and to ourselves. Panelists will invite discussion about how our community's professionalism's aspirational ideals may help ensure the survival of our practice. The discussion will be based on the Lawyer's Creed, the Aspirational Statement on Professionalism, and Georgia-specific written materials including hypothetical scenarios relevant to principles of professionalism in immigration law.

##### Speakers:

- Elizabeth Matherne, Adel, GA (DL)
- Layli Eskandari, Atlanta, GA
- Noemi Puntier, Norcross, GA
- Kazuma Sonoda, Atlanta, GA
- Eli A. Echols, Duluth, GA

#### 9:30am - 10:30am Session:

##### **COVID-19: Local Practice Updates and Hot Topics**

Whether it be court closures, USCIS closures, connecting with clients and staff virtually, or keeping up with new health and safety protocols, the uncertainty of the COVID-29 pandemic has significantly impacted immigration law. This panel brings together local voices to share how the global pandemic has changed their daily practice of law. Speakers from a variety of backgrounds will discuss the realities of the "new normal" and explore suggestions for updated best practices. The conversation will include issues unique to small firms as well as challenges faced by large-firm practitioners. The panel

is intended to serve as a starting point for a larger conversation about how to unite as a chapter and offer continued zealous representation to the communities we serve.

Speakers:

- Janora Hawkins, Atlanta, GA (DL)
- Palmer Lawrence, Atlanta, GA
- Clayton Cartwright Columbus, GA
- Pamela Peyando Alpharetta, GA
- Giovanni Diaz Atlanta, GA

### **10:30am - 10:45am**

Coffee Break

### **10:45am - 11:45am Session:**

#### **Ethics Hot Topics**

The panel will examine the ethical implications of a number of hot topics in family-based immigration law and removal defense. Topics will include how to deal with conflicts of interest and how to zealously and ethically represent individuals given the overwhelming pressures on our clients and on our practices. What are our obligations as lawyers in dual-representation situations should we learn of adverse facts from one party? How to give realistic expectations about case outcomes without over- or under-stating realities of immigration practice in this day and age?

Speakers:

- Reid Trautz, Washington, DC (DL)
- Joyce Booth, Norcross, GA
- Kamala Sessoms, Atlanta, GA

### **11:45am - 12:00pm**

Coffee Break

### **12:00pm - 1:00pm Session:**

#### **Public Charge: Policy and Application, and Push Back**

This panel will address basic requirements and public charge issues given the USCIS Public Charge Rule Implementation as of February 24, 2020 following the Supreme Court's lift on the nationwide injunction. This panel will discuss suggested strategies for success in the new public charge era, give tips for unified push back, and discuss how the public charge rules may affect not just stateside adjudications but also how it may impact removal proceedings and expand to overseas consular processing standards.

Speakers:

- Amy Haer, Atlanta, GA (DL)
- Carolina Antonini, Atlanta, GA
- Charles Wheeler, Oakland, CA

## **AUGUST 25TH PRE-RECORDED PANELS**

### **REMOVAL TRACK**

#### **Asylum: Affirmative Filings**

An overview of affirmative asylum filings in the wake of sweeping changes in asylum law and changes in leadership in the asylum office. Speakers will share experiences as well as tips and tricks for how to overcome new challenges in a changing landscape. The focus will be on how unaccompanied minors are faring in this new age and whether Venezuelan cases are successful.

Speakers:

- Rachel Efron Sharma, Atlanta, GA (DL)
- Maura Finn, Atlanta, GA
- Asiyah Sharifi, Norcross, GA

#### **Asylum: Defensive Filings**

A survey of asylum in Georgia Immigration Courts. Panelists will focus on the current state of common particular social groups, including gender-plus-nationality, gang-persecution cases, and family-based PSGs, including recent 11th Circuit decisions and alternative protected grounds. The panel also will discuss mental-health-based asylum claims, as well as cases involving incompetent respondents generally, including how to recognize and raise competency issues, request safeguards, and move for termination where the proceedings cannot be made fair. With the use of real-world hypotheticals, panelists will discuss how to anticipate and avoid adverse credibility findings and how to build and preserve the record for appeal.

Speakers:

- F. Evan Benz, Hillsborough, NC (DL)
- Eddie Lopez Lugo, Alpharetta, GA
- Joanna Gaughan, Durham, NC

## **Cancellation of Removal**

This panel will cover an overview of the law and requirements for cancellation of removal and discuss the exceptional and extremely and unusual hardship burden. Speakers will discuss how to avoid preemption and local practices and also give an update on the state of 42B litigation: Where does the recent AG decision in *Castillo-Perez* leave clients with multiple DUI convictions? The panel will also cover VAWA cancellation issues, NACARA litigation topics, and Cancellation of Removal for Lawful Permanent Residents (Form EOIR 42A).

### **Speakers:**

- Sarah Owings Atlanta, GA (DL);
- Eric Adams, Roswell, GA
- Karla Verma, Marietta, GA

## **Detention, Bond & Custody**

An update on best practices for bond motions before the Atlanta and Stewart Immigration Courts. This panel will provide a refresher on law applicable to custody determinations in light of the departure of some well-known judges and arrival of new permanent and temporary judges. The panel will also offer a review of recently-issued BIA decisions relevant to bond adjudications.

### **Speakers:**

- Helen Parsonage, North Carolina (DL)
- Jessie Calmes, Atlanta, GA
- Meredyth Yoon, Atlanta, GA

## **Grounds of Deportability**

Deportability Minefield – how to avoid stepping into a deportation ground. This panel discussion will include an overview of criminal and non-criminal deportability grounds with an emphasis on the most common grounds we see and ways to avoid them or waive them. Topics will include overstay or other violations of visas, conditional LPR status termination, alien smuggling, marriage fraud, CIMT within 5 years of admission, 2 or more CIMTs, aggravated felonies, drug offenses, drug abuser/addict after admission, firearms, convictions for domestic violence, stalking, child abuse, neglect, abandonment, violation of protective orders, false claims to US citizenship, and public charge

### **Speakers:**

- Emily Davis, Atlanta, GA (DL);
- Johanna Cochran, Atlanta, GA
- Michael Urbina, Marietta, GA

## **FAMILY TRACK**

### **Consular Processing A-Z**

This panel identifies the basic steps to the consular processing and is intended to give newer practitioners a framework of reference for how and what to expect during their client's legalization journey. The panel will give general guidelines for what is required at the NVC stage, how to prepare clients for consular interviews, and what remedies may be available in case of a denied visa application. Please note that affidavit of support issues will be covered in the separate Public Charge panel.

#### **Speakers:**

- Dustin Baster, Atlanta, GA (DL)
- Killa Marti, Marietta, GA
- Kathleen Hoyos, Atlanta, GA
- Fernanda Hottle, Fayetteville, GA

### **Form I-601 HOW**

This panel will discuss the ins and outs of I-601 waivers – when and where to file them, varying standards of proof depending on the type of waiver needed, what to do after the waiver has been filed along with tips and tricks for a successful waiver practice. Panelists will have real-world examples based on their experiences with consular processing and adjustment of status.

#### **Speakers:**

- Carrie Toth, Duluth, GA (DL)
- Juan Davalos, Atlanta, GA
- Sonal Shah, Atlanta, GA

### **Form I-751: Basics to Advanced**

What to do when USCIS administratively closes your case then refers to EOIR and then the immigration judge denies the I-751, what are the options at that point? Can Client re-file based on a different waiver with USCIS? What is the standard of adjudication once jurisdiction is transferred to the immigration judge. This panel will give a basic overview of joint I-751 filings, waivers to the joint filing requirement, and when it is appropriate to file naturalization applications during the I-751 pendency. Panelists will illustrate scenarios with hypotheticals.

#### **Speakers:**

- Joanna Delfunt, Cumming, GA (DL);
- Shirley Zambrano, Atlanta, GA
- Cherie E. Cookorinis, Sandy Springs, GA

## **Helping Kids and Immigration: SIJS and UAC**

This panel will cover SIJS basics from state court custody determinations to USCIS I-360 filings, dealing with requests for evidence, and how to handle the growing backlog of priority dates. It will also address options for unaccompanied minors and discuss the interplay between immigration court jurisdiction and USCIS jurisdiction over unaccompanied minor asylum petitions.

### **Speakers:**

- Hannah MacNorlin, Atlanta, GA (DL);
- Trineice Hill, Macon, GA
- Christina Iturralde, Atlanta, GA

## **Naturalization**

This panel will discuss recent adjudication trends at USCIS's Atlanta and Montgomery Field Offices. Some of the specific topics to be addressed will include the "death of discretion" and "triggers" for discretionary denials due to lack of good moral character. The panel will also discuss best practices for advising clients, including instances when the best advice may be not to file for naturalization.

### **Speakers**

- Sam Radin, Atlanta, GA (DL)
- Joseph Babalola, Marietta, GA
- Margaret Jo Reilly, Atlanta, GA

## **Strategies for VAWA self-petitions: How and when to use VAWA self petitions?**

This panel will offer strategies for how to talk to clients about emotional or physical abuse experienced at the hands of USC/LPR spouses, parents, or children to explore the possibility of a VAWA self-petition. We will also discuss USCIS adjudication standards, the effect of removal proceedings on VAWA self-petitioners, and VAWA Cancellation.

### **Speakers:**

- Tracie Klinke, Marietta, GA (DL);
- Kristen Shepherd, Duluth, GA
- Kyle Dandelet, New York, NY

## **U Visa: Basics to Advanced**

Over the course of the last year, we have seen an influx of RFEs issued by the Vermont Service Center. In the wake of the increased processing times and the influx of VSC RFEs ranging from simple photograph requests through updated U-visa certifications to detailed applicant affidavits, panelists will discuss most commonly-seen VSC RFEs in U-visa and I-485 applications and to offer tips for overcoming RFEs and communicating with VSC.

### **Speaker**

- Massiel Silva, Duluth, GA (DL)
- Rachel Binstock, Norcross, GA

- Paula Molano, Marietta, GA

## **CROSSOVER TRACK**

### **Adjustment of Status: Basics to Advanced**

This panel will discuss the basics of adjustment in the including 245(a) & 245(i) along with more advanced topics such as grounds of inadmissibility, vetting your client from the beginning, best practices on how to apply, the affidavit of support and the new public charge rules, and interview do's and don'ts at the three regional field offices. The panel will also address the impact of removal proceedings on jurisdiction as well as what to expect in an AOS merits hearing.

#### Speakers:

- Laine Posel, Atlanta, GA (DL)
- Richard Panachida, Norcross, GA
- Nikita Modi, Tucker, GA

### **Crimmigration**

This panel will look at the immigration impacts of criminal convictions. Panelists will address what the definition of a "conviction" and "confinement" are for immigration purposes. Panelists will address what a Crime Involving Moral Turpitude ("CIMT") is and what an aggravated felony is for immigration purposes. Panelists will give an update to the immigration consequences of Georgia criminal statutes, including theft by shoplifting, consequences of two or more DUI convictions, terroristic threats convictions, and battery and simple battery convictions. Panelists will discuss relevant BIA and Supreme Court cases and developments in post-conviction relief.

#### Speakers:

- Anna Erwin, Atlanta, GA (DL)
- Jessica Stern, Atlanta, GA

### **Inadmissibility: Basics to Advanced**

A 10,000 foot overview of INA 212(a) grounds of inadmissibility. This panel is designed for newer practitioners, who are looking to familiarize themselves with the grounds of inadmissibility. We will review the grounds of inadmissibility and offer real-world examples of how to screen clients for grounds of inadmissibility. We recommend attending the Waivers panel (immediately following) to learn strategies for overcoming grounds of inadmissibility.

#### Speakers:

- Eszter Bardi Johnston, Atlanta, GA (DO)
- Martha Garcia, Atlanta, GA
- Peter Tadeo, Duluth, GA

## **Misrepresentation: What it is, What it's not, and What you can do about it**

Misrepresentations and false claims can constitute pitfalls in one's immigration journey. This panel will discuss how to identify what actions rise to the level of inadmissibility due to the misrepresentation of a material fact. We will analyze the statutory standard – procuring a benefit under the act, false representations, and willfulness. What is the DOS 90-day rule and how do misrepresentations by agents affect our clients? Panelists will further discuss the effects of silence versus failure to volunteer, SAW and legalization fraud, fraudulent documents to obtain work authorizations and driver's licenses, and fraud in the context of minors. Last, the panel will cover strategies for overcoming fraud, including timely retraction and waivers.

### **Speakers:**

- Nicole Weitnauer, Atlanta, GA (DL)
- Alexis Ruiz, Atlanta, GA
- David Kennedy, Gainesville, GA

## **Surviving Solo**

Can you be a solo practitioner? This panel covers all topics relating to opening up your own law practice and how to run a small law practice. We will discuss running a practice while juggling managerial duties with multiple court dates, USCIS appearances, and being in more than one place at a time. Panelists will discuss lessons they have learned about operating their own firms, including things they wish they had known and how to avoid burnout whilst also offering zealous representation.

### **Speakers:**

- Luis Alemany, Roswell, GA (DL)
- Jeremy Love, Birmingham, AL

## **Waivers of Inadmissibility in Consular Processing and Adjustment of Status**

Your client is inadmissible: what are the next steps? Now that you have identified all grounds of inadmissibility, how do you help your client overcome them? Who can seek a stateside waiver? Who must do in-country waivers? What are the available waivers? This panel will discuss in detail the timing, procedures and legal considerations for filing waivers of inadmissibility both in the U.S. and abroad including waivers for unlawful presence, fraud & misrepresentation, and crimes.

### **Speakers:**

- Edivette Lopez Benn, Marietta, GA (DL);
- Marguerite Belline, Atlanta, GA
- Carrie Toth, Duluth, GA

## Wellness: The Challenge Of Finding a Work Life Balance

Come and talk with panelists about avoiding burnout in the face of a busy immigration practice. Panelists will talk about how they have personally overcome adversity and how they have balanced health, family, and other setbacks, while also remaining zealous in their field of practice.

### Speakers:

- Gergana (Gerry) Tzekova, Atlanta, GA (DL)
- Maria Angelova, CEO of Rebellious Intl., Sandy Springs, GA
- Ritu Gotuswamy, San Jose, CA

Many thanks to our Sponsors!

