



**2023  
UPPER MIDWEST  
IMMIGRATION LAW  
CONFERENCE**

**FRIDAY MAY 19 | 8AM-5PM | ZOOM**



## Registration

\$125 attorneys | paralegals  
\$25 current students

## CLE Information

Approved for 7 live Minnesota CLE credits &  
28 on-demand Minnesota CLE credits  
Live Event Code 484522 | On-Demand Code 484523

Certificates of attendance provided to attendees from  
other jurisdictions

[Register for the 2023 Upper Midwest Immigration Law Conference](#)

Four full-day practice tracks | Six off-the-record practice workshops | Firm management  
morning mini-track | Lunch plenary session

Earn up to 7 live CLE credits + up to 28 on-demand CLE credits

### Practice Workshops

#### *Live CLE Only*

Bring your case questions to  
these small-group practice  
workshops

1. **Practice Makes Perfect – How Not to Get A-NOID when Responding to RFEs, NOIDS & Denials on Employment Based Cases** (Jennifer Bouta Mojica & Matthew Webster)
2. **Avoiding and Responding to Family Based RFEs, NOIDs and Denials** (Elizabeth Holmes)
3. **Everything Asylum** (Mackenzie Heinrichs)
4. **Mastering the Mandamus: A Guide to Filing Successful Mandamus Complaints with Federal District Court** (Marc Prokosch)
5. **Removal & Bond Hearings** (Alyssa Nguyen)
6. **The Nutz and Boltz of Natz: Navigating Complex Citizenship Cases** (Rachel Kohler)

### Lunch Plenary Session:

**20 Years in the Making – Preparing for Implementation of Driver's Licenses for All**

**After Conference Happy Hour**

Hosted by the New Members Division and Paschal Nwokocha & Chukwu Law Offices

\*Note that session schedule is subject to change.

# Day at a Glance

8:00am Conference Hub Opens for Coffee & Registration | 8:15am Opening Welcome

	Employment-Based Practice	General Practice	Humanitarian Practice	Removal & Family-Based Practice	Practice Workshops	Firm Management Morning
8:30-9:30	Immigration Options for Entrepreneurs	Challenges and Strategies in Inadmissibility Waivers	Appellate Court Updates on Humanitarian Claims	Advanced Consular Issues in Family Cases	Practice Makes Perfect – How Not to Get A-NOID when Responding to RFEs, NOIDS & Denials on <u>Employment Based Cases</u> *	TRUST Your Knowledge: Manage & Maintain Your IOLTA Account (Ethics)
Post-Session Q&A and Break						
9:45-10:45	Tough EB Issues for Even the Most Seasoned Practitioners	Adjustment of Status v. NVC Consular Processing (ETHICS)	Pathways to Transition from Asylum to Permanent Residence	Developments in the Categorical Approach	Avoiding and Responding to <u>Family Based</u> RFEs, NOIDS and Denials*	Attorney and Paralegal Relationships: Practical Tips for a Successful Immigration Practice for Firms of all Types
Post-Session Q&A and Break						
11:00-12:00	Advanced H-1B Topics	Consular Processing Hot Topics - Nonimmigrant Visas	Updates and Practice Tips for SIJS	Advanced Naturalization Issues	Practice Workshop: Asylum Application*	Practical Tips/Ethical Challenges with Hybrid Practice (Ethics)
Post-Session Q&A and Break						
<b>12:15-1:15 Lunch Plenary</b> <b>20 Years in the Making: Driver's License for All</b>						
1:15-2:15	Oh Canada! Considerations for processing at Canadian POEs and Consulates	Hot Topics in Federal Litigation	T/U Updates and Trends (EOB)	Status of Prosecutorial Discretion and Alternative Relief	Mastering the Mandamus: A Guide to Filing Successful Mandamus Complaints with Federal District Court*	
Post-Session Q&A and Break						
2:30-3:30	Advanced Issues in PERM Practice	How Border Policies Impact Your Cases	VAWA Inadmissibility & Adjustment Issues	The Intersection of Crimmigration, Mental Health, and Competency (ETHICS)	Removal and Bond Hearings*	
Post-Session Q&A and Break						
3:45-4:45	Employer Compliance in Post-Pandemic World	Tips & Tricks with USCIS	Updates on Emerging Humanitarian Protections: TPS, Parole, Ukraine, Afghanistan, CHNV	Strategies to Prepare, Prevent, and Preserve Issues in your Cancellation Cases	The Nutz and Boltz of Natz: Navigating Complex Citizenship Cases*	
Post-Session Q&A and Break						

## Employment-Based Practice

8:30am	<b>Immigration Options for Entrepreneurs</b> (Ian Scott, George Maxwell, Zhu “June” Cheng)	<ul style="list-style-type: none"> <li>• Nonimmigrant visa options, including Treaty Investors (E-2), Extraordinary Ability concept in the business (O-1); and Intracompany Transfer (L-1)</li> <li>• International Entrepreneur Parole (IER)</li> <li>• Permanent residency options for investors, including Multinational Managers and Executives (EB-1C); National Interest Waiver for Entrepreneurs; and Investment-based immigration (EB-5)</li> </ul>
9:45am	<b>Tough EB Issues for Even the Most Seasoned Practitioners</b> (Cyrus Mehta, Craig Peterson, Debra Schneider)	<ul style="list-style-type: none"> <li>• AOS portability/change of basis issues</li> <li>• AOS advance parole and related travel issues</li> <li>• Corporate restructure issues and impact on NIV and IV processes</li> <li>• H4, L-2, E-2 employment and EAD issues</li> <li>• I-140 ability to pay updates</li> </ul>
11:00am	<b>Advanced H-1B Topics</b> (Marit Gurley, Renée Mueller Steinle, Vincent Lau)	<ul style="list-style-type: none"> <li>• Specialty occupation - finding the appropriate SOC classification, degree field(s)</li> <li>• Beneficiary qualification issues – field, licensure, and credential evaluations</li> <li>• Post-filing changes - worksite, job duties, and corporate changes</li> <li>• Layoffs and terminations</li> </ul>
1:15pm	<b>Oh Canada! Considerations for processing at Canadian POEs and Consulates</b> (Rebecca Desnoyers, Jessica Jensen, Rosanna Berardi)	<ul style="list-style-type: none"> <li>• Jurisdiction – who can do what where? Introduction to Processing for Canadians</li> <li>• L-1A/L-1B adjudication and Intermittent Ls</li> <li>• Trends at different POEs</li> <li>• E-1/E-2 options and delayed processing at Toronto Consulate</li> <li>• What to do if CBP difficulties, refusals, challenges</li> <li>• Hot topics</li> </ul>
2:30pm	<b>Advanced Issues in PERM Practice</b> (Alan Goldfarb, Alexander Dgebuadze, Beth Carlson)	<ul style="list-style-type: none"> <li>• Recent PERM trends, including audits, denials, processing times and other considerations</li> <li>• Layoffs</li> <li>• Identifying challenges and proactively addressing remote work benefits, office closures and other issues with the COVID pandemic</li> <li>• Strategies and common errors in recruitment, including discussion regarding state laws requiring employers to include salary ranges in job postings</li> <li>• Wage transparency laws</li> </ul>
3:45pm	<b>Employer Compliance in Post-Pandemic World</b> (Anu Jaswal, Amy Peck, Rebecca J. Bernhard)	<ul style="list-style-type: none"> <li>• I-9 compliance and COVID-19 virtual review update</li> <li>• Where are we with the new I-9?</li> <li>• Challenges with remote or hybrid work environment</li> <li>• List of Acceptable Documents (LOAD) and Unofficial LOAD— what’s on it</li> <li>• What’s new with the IER: technology-related investigations and more Facebook-type settlements?</li> </ul>

## General Practice

8:30	<b>Challenges and Strategies in Inadmissibility Waivers</b> (Nico Ratkowski, Angela Bortel, Daniel Parisi)	<ul style="list-style-type: none"> <li>• Nonimmigrant visa waivers at U.S. consulates and with USCIS</li> <li>• Determining the necessary waiver(s) for your client: I-212, I-601, and I-601a waivers</li> <li>• Challenges and remedies after waiver denials</li> </ul>
9:45	<b>Adjustment of Status v. NVC Consular Processing (Ethics)</b> (Michael Davis, Jennifer Kowski-Dahlberg, Mai Neng Moua)	<ul style="list-style-type: none"> <li>• General process and what goes into each filing</li> <li>• How to advise your client on the best option</li> <li>• Preconceived Intent and the 90-day Rule</li> <li>• Form I-824 – practical tips</li> <li>• Recent updates on NVC delays</li> <li>• Ethical issues of advising someone who wants to enter the US on a single-intent visa and adjust status</li> </ul>
11:00	<b>Consular Processing Hot Topics - Nonimmigrant Visas</b> (Jay Gairson, Anna Kerner Andersson, Fuji Whittenburg)	<ul style="list-style-type: none"> <li>• Updates re: NIV processing worldwide at high-volume posts such as India, UK, etc.</li> <li>• Visa appointment issues – DS-160 issues, visa wait times, how to make expedite requests, etc.</li> <li>• Third-country national (TCN) processing – is TCN processing possible and how to change venue.</li> <li>• Practice tips on how to prepare your client for the visa interview.</li> <li>• Potential inadmissibility issues and how to address them at the interview.</li> <li>• Strategies for after the interview – practice tips on what to do for cases in administrative processing, visa refusals, and/or consular returns</li> </ul>
1:15	<b>Hot Topics in Federal Litigation</b> (Jesse Bless, Alexis Dutt, Harvey Reiter, Camila Pacheco-Fores)	<ul style="list-style-type: none"> <li>• Using federal litigation to challenge arbitrary agency action and inaction</li> <li>• Notice and comment rulemaking and its litigation</li> <li>• Use of APA on a class-wide or mass-action basis</li> <li>• Strategies for working with government attorneys on federal cases</li> </ul>
2:30	<b>How Border Policies Impact Your Cases</b> (Chelsea Sachau, Briana Perez, Amy Grenier)	<ul style="list-style-type: none"> <li>• Family separation &amp; detention</li> <li>• Asylum processing rule</li> <li>• Asylum transit ban NPRM</li> <li>• Parole at the Border and Title 42 Exemptions</li> </ul>
3:45	<b>Tips &amp; Tricks with USCIS</b> (Erin Lins, Megan Galasso, Rebecca Dodson, Michelle Gonzalez)	<ul style="list-style-type: none"> <li>• The basics of USCIS processing, USCIS accounts, E-filing, and inquiry information on the USCIS website</li> <li>• Tips and tricks for USCIS interviews, calling the contact center, and using the virtual assistant (EMMA)</li> <li>• Troubleshooting with USCIS liaisons and how liaisons can be a resource to practitioners</li> </ul>

## Humanitarian Practice

8:30	<b>Appellate Court Updates on Humanitarian Claims</b> (Rebecca Scholtz, Hanne Sandison, Nadia Anguiano-Wehde)	<ul style="list-style-type: none"> <li>• Litigation updates related to Children's cases</li> <li>• Reminder! TPS &amp; Carecen settlement agreement</li> <li>• Obtaining judicial review: updates on reviewability</li> <li>• When you don't want to litigate: seeking termination</li> <li>• Local updates on asylum/WH/CAT</li> </ul>
9:45	<b>Pathways to Transition from Asylum to Permanent Residence</b> (Ismail Shahtakhtinski, Andrea Canona, Jennifer Stohl Powell)	<ul style="list-style-type: none"> <li>• Current state of the affirmative asylum backlog</li> <li>• Options for family members of refugees abroad</li> <li>• Alternative options to adjusting status</li> <li>• The affirmative interview</li> </ul>
11:00	<b>Updates and Practice Tips for SIJS</b> (Cathleen Sykes, Kim Boche, Amanda Bahena)	<ul style="list-style-type: none"> <li>• How to properly screen for SIJS eligibility</li> <li>• How to avoid issues in family/immigration court</li> <li>• SIJS AOS and visa bulletin updates</li> <li>• The new At-Risk guardianship petitions in MN and filing issues in SD family courts</li> </ul>
1:15	<b>T/U Updates and Trends (Elimination of Bias in the Legal Profession)</b> (Lindsey Greising, Terja Bouvin Larsen, Lisl Zamora)	<ul style="list-style-type: none"> <li>• Updates on changes and trends for Us and Ts with a focus on protections for labor violations and practitioner tips</li> <li>• Discussion of screening best practices for Us and Ts, including tips for eliminating biases and ethically representing your clients to understand and avoid retraumatization</li> <li>• Best practices for choosing the right agency to report to, understanding trauma and its impact as relates to reporting, as well as ways to limit retraumatization</li> </ul>
2:30	<b>VAWA Inadmissibility &amp; Adjustment Issues</b> (Kathy Klos, Xavier Borjas, Michelle Saenz-Rodriguez)	<ul style="list-style-type: none"> <li>• Eliminating bias regarding criminal issues related to trauma</li> <li>• Working to eliminate USCIS' bias</li> <li>• How to screen for VAWA and when it might be the best option (especially as opposed to a U visa)</li> <li>• How to set up VAWA applicants for success at adjustment</li> </ul>
3:45	<b>Updates on Emerging Humanitarian Protections: TPS, Parole, Ukraine, Afghanistan, CHNV</b> (Zack Albus, Malinda Schmiechen, Anne Carlson)	<ul style="list-style-type: none"> <li>• Defining terms: What is parole, TPS, asylum, SIV, refugee status, and what are the distinctions?</li> <li>• What are the options for different communities?</li> <li>• Pitfalls, lessons, and strategies</li> </ul>

## Removal & Family-Based Practice

8:30	<b>Advanced Consular Issues in Family Cases</b> (Monica Nevin, Nysha Operana, Brittany Bakken)	<ul style="list-style-type: none"> <li>• Navigating Challenges at Consulates Post-COVID: Overcoming Backlogs, Old Cases, and Communication Hurdles to Move Your Visa Forward</li> <li>• When Things Go Wrong at the Consular Interview</li> <li>• K-1 vs. Spousal vs. K-3?</li> </ul>
9:45	<b>Developments in the Categorical Approach</b> (John Bruning, Benjamin Bergmann, Lisa Chun)	<ul style="list-style-type: none"> <li>• Impacts from recent court decisions and state legislative changes: <i>Pereida v. Wilkinson</i>, <i>Matter of Velasquez-Rios</i></li> <li>• Update on CA-8 decisions on MN meth and cocaine convictions</li> <li>• Dealing with marijuana possession</li> </ul>
11:00	<b>Advanced Naturalization Issues</b> (Ana Siscar, Paschal O. Nwokocho, Steven C. Thal)	<ul style="list-style-type: none"> <li>• Common RFE and denial trends for N-400</li> <li>• Best practices and tips with N-648s</li> <li>• Issues with Selective Service Registration</li> <li>• Resolving USCIS errors in the adjustment of status stage</li> <li>• Revocation of status?</li> <li>• N-336 issues</li> <li>• Current trends when clients are NTA'd at N-400 stage</li> <li>• 237 (a) (1) (h) cases 319 (b) cases</li> <li>• False claims to citizenship</li> <li>• Clarifying the physical presence and continuous residency requirements</li> </ul>
1:15	<b>Status of Prosecutorial Discretion and Alternative Relief</b> (Kelsey Allen, Carnell Johnson, Kevin Heinz)	<ul style="list-style-type: none"> <li>• Litigation and latest updates related to enforcement priorities</li> <li>• Changes to Standard Operating Procedures and trends in various jurisdictions</li> <li>• Strategies for other forms of prosecutorial discretion, such as stipulations to relief</li> <li>• Practical considerations in prosecutorial discretion requests</li> <li>• Updates on OPLA trends related approved I-360s/SIJS, U petitions with bona fide determinations, etc.</li> <li>• Trends with OPLA appeals on DV cases</li> <li>•</li> </ul>
2:30	<b>The Intersection of Crimmigration, Mental Health, and Competency (Ethics)</b> (Meg Hennessy, Kathleen Moccio, Hena Mansori)	<ul style="list-style-type: none"> <li>• How is competency determined in immigration court?</li> <li>• What additional options are there for clients who are found incompetent?</li> <li>• What ethical issues arise when clients may have competency issues?</li> <li>• Who can I turn to for evidence/help in preparing my client's case?</li> <li>• Challenges of representing someone with severe mental health issues?</li> </ul>
3:45	<b>Strategies to Prepare, Prevent, and Preserve Issues in your Cancellation Cases</b> (Kerry McGuire, Danielle Hendrickson, Abdinasir Abdulahi)	<ul style="list-style-type: none"> <li>• Hardship and working with clients - Standards and factors for hardship - Interview clients and build rapport - Considerations for detained clients - Develop a theme and tell your client's story</li> <li>• Litigation Strategy - Crimmigration Issues – Eligibility and Discretion - Witness Preparation and Presentation - Communications with OCC and stipulations and PD</li> <li>• Case Law Updates and Trends</li> </ul>

## Practice Workshops

8:30	<p><b>Practice Makes Perfect – How Not to Get A-NOID when Responding to RFEs, NOIDS &amp; Denials on <u>Employment Based</u> Cases</b> (Jennifer Bouta Mojica &amp; Matthew Webster)</p>	<ul style="list-style-type: none"> <li>• Current RFE/NOID/Denial trends (H-1B, O-1s, EB-1s, NIW, AOS, L-1B/A,TN)?</li> <li>• How to avoid an RFE/NOID/Denial</li> <li>• Sample RFEs/NOIDS</li> <li>• How to prepare a response from start to finish • Alternatives to responding</li> <li>• Setting client expectations and developing contingency plans</li> </ul>
9:45	<p><b>Avoiding and Responding to <u>Family Based</u> RFEs, NOIDS and Denials</b> (Elizabeth Holmes)</p>	<ul style="list-style-type: none"> <li>• Preparing an application to avoid problems</li> <li>• Responding to common RFEs &amp; NOIDS</li> <li>• Approaches to handling a denial</li> </ul>
11:00	<p><b>Practice Workshop: Asylum Application</b> (Mackenzie Heinrichs)</p>	<ul style="list-style-type: none"> <li>• Asylum application overview</li> <li>• Bars</li> <li>• Case examples</li> </ul>
1:15	<p><b>Mastering the Mandamus: A Guide to Filing Successful Mandamus Complaints with Federal District Court</b> (Marc Prokosch)</p>	<ul style="list-style-type: none"> <li>• Understanding mandamus</li> <li>• Preparing mandamus</li> <li>• Filing mandamus</li> <li>• After filing</li> </ul>
2:30	<p><b>Removal and Bond Hearings</b> (Alyssa Nguyen)</p>	<ul style="list-style-type: none"> <li>• Learn the basics of removal and bond hearing procedures</li> <li>• Get tips on best practices for requesting bond</li> <li>• Discuss landmines and how to handle negative factors in your cases</li> <li>• Q&amp;A with case examples or filing review</li> </ul>
3:45	<p><b>The Nutz and Boltz of Natz: Navigating Complex Citizenship Cases</b> (Rachel Kohler)</p>	<ul style="list-style-type: none"> <li>• A step-by-step guide for legal professionals who are newer to analyzing complex citizenship cases</li> <li>• Will discuss deportable issues, permanent and temporary bars to good moral character, and USCIS discretion</li> <li>• Will provide guidance on preparing clients for potentially difficult interviews</li> </ul>

Join expert practitioners and colleagues in a small group, participatory setting to workshop your challenging cases.

Bring your cases and questions.

These sessions are not recorded.



## Firm Management Morning

8:30	<b>TRUST Your Knowledge: Manage &amp; Maintain Your IOLTA Account (Ethics)</b> (Misti Allen Binsfeld, Sue Swanson, Sheila Stuhlman)	<ul style="list-style-type: none"> <li>• Review of the rules surrounding lawyer trust account</li> <li>• Recent updates, issues, and examples with violations regarding use of your trust accounts</li> <li>• Practical tips to avoid violations</li> </ul>
9:45	<b>Attorney and Paralegal Relationships: Practical Tips for a Successful Immigration Practice for Firms of all Types</b> (Alison Griffith, Caroline Ostrom, Jenny Brooks, John Medeiros, Matt Cefalu, Obi E. Chukwu, Sonya Chechik)	<ul style="list-style-type: none"> <li>• Recruitment and retention strategies.</li> <li>• Legal training.</li> <li>• Supporting practice efficiency and staff wellness.</li> </ul>
11:00	<b>Practical Tips/Ethical Challenges with Hybrid Practice (Ethics)</b> (Greg McLawsen, Miki Kawashima Matrician, Henry Evans)	<ul style="list-style-type: none"> <li>• Data Security (including cybersecurity)</li> <li>• Firm Technology, Automation, Case Management Software: the "short version"</li> <li>• Ethically Managing Communication with clients and with staff</li> </ul>

### Lunch Plenary 12:15-1:15

### 20 Years in the Making: Driver's License for All

- **History of Driver's Licenses in Minnesota:** overview of the legislative process that led us to the new law, and an overview of the new Minnesota Driver's License law, including what the law will impact.
- **Minnesota Driver and Vehicle Services:** What is the agency structure? How is the DVS preparing for the new law to go into effect? What other considerations should immigration attorneys keep in mind about the organization?
- **Troubleshooting Driver's License Issues:** How and when to use variances, and how to contact DVS if you think that your client needs a second opinion.
- **Resources**

#### After Conference Happy Hour

Hosted by the New Members Division and Paschal Nwokocha & Chukwu Law Offices  
 Location: Crown Roller Mill Building 105 5<sup>th</sup> Avenue South, Minneapolis, MN 55401 (Second Floor Atrium/Patio) Time: 5:00pm- 8:00pm