



Select Issues in Family-Based Immigration Manchester, NH

Tuesday, July 23

8:30-9:00 **Coffee and Registration**

9:00-9:15 **Welcome/Agenda Review**

9:15-10:30 **Marriage-Based Immigration**

Marriage-based immigration imposes special rules and procedures that often present distinct challenges for the practitioner. We will cover such topics such as establishing bona fide marriages, meeting higher standards of proof in some cases, conditional residency, fiancé adjustment, and anticipating potential ethical issues in representing multiple parties.

10:30-10:45 **Break**

10:45-12:00 **Documenting Family-Based Petitions**

Family-based immigration is the primary route to residency, but sometimes the path to establishing a qualifying relationship can be complicated. Unavailability of documents, birth out of wedlock, marriages in proceedings, and birth certificates with errors are all examples of the kinds of circumstances that can make filing an approvable I-130 petition challenging. In this session we will review a series of family-relationship scenarios to identify the legal requirements that apply in each situation and the related supporting documents to support petition approval.

12:00-1:30 **Lunch** (on your own)

1:30-3:00 **Q & A with USCIS Service Centers**

USCIS Service Center representatives will appear virtually to provide updates and developments on adjudication of family-based petitions and related applications.



- 3:00-3:15 **Break**
- 3:15-4:30 **Death of the Petitioner: Remedies for Survivors**
The law allows surviving family members to immigrate despite the death of the petitioner in certain circumstances. We will analyze the eligibility criteria and filing requirements for each of the various remedies and discuss the practical aspects of:
- Widow(er) petitions
 - Section 204(l) reinstatement
 - Humanitarian reinstatement
 - Eligibility for a provisional waiver
 - Substitute sponsors and exceptions to the affidavit of support
- 4:30-5:00(optional) Join us for this optional session to discuss the recent announcement to establish a new parole process for certain spouses and children of U.S. citizens.
- Wednesday, July 24**
- 8:30-9:30 **Dealing with Delays and Challenges**
With the ever-growing immigration backlog, clients are experiencing more delays than ever before. This session will discuss ways to check your clients' case status, strategies to expedite cases, and ways to elevate issues with the agencies or through other avenues.
- 9:30 – 10:45 **Common Waivers in Family-Based Cases**
Many of the most common grounds of inadmissibility are waivable: unlawful presence, prior removal orders, fraud, crimes of moral turpitude, and smuggling. This workshop will summarize the eligibility requirements for these waivers, review the relevant standards, including extreme hardship, and suggest strategies for documenting and packaging the waiver application. It will also look at ways to achieve a positive exercise of discretion.
- 10:45-11:00 **Break**



11:00-12:30

Q & A with NVC

An opportunity to hear from NVC representatives about the DS-260 online immigrant visa application, documentation submission through the Consular Electronic Application Center (CEAC), termination of registration for a visa, and other issues or concerns on consular processing.

12:00-1:30

Lunch (on your own)

1:30-2:30

Select Issues in VAWA Self-Petitions

This session will cover select issues in VAWA self-petitions including evidentiary requirements for establishing the citizenship status of the abuser, stepparent/stepchild relationships, clarification of requirements relating to residence with the abuser, the definition of battery and extreme cruelty and good moral character determinations. The presenters will explore what these issues mean in terms of preparing successful VAWA self-petitions for your clients.

2:30-4:00

Select Issues in Adjustment of Status

For family members who reside in the United States and satisfy other eligibility requirements, adjustment of status provides an avenue to gain permanent residence without having to travel abroad. This session will cover strategies and challenges in establishing eligibility for adjustment under INA §§ 245(a) and 245(i), including:

- Proof of admission for 245(a) eligibility: border crossing cards, Canadians, waive-throughs
- Maintaining lawful immigration status for preference category applicants
- TPS recipients who return on a TPS travel document
- DACA recipients who travel on advance parole
- Qualifying for 245(i) adjustment as a grandfathered or after-acquired derivative beneficiary
- Overcoming the public charge ground of inadmissibility
- CSPA and the effect of the petitioner's naturalizing
- Anatomy of an adjustment interview