



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

2025 AILA Fall CLE Conference and Webcast: Business Immigration Hot Topics Track and Worksite Enforcement Track

Welcome to the business tracks of the 2025 AILA Fall CLE Conference and Webcast! Day One will explore the profound impact of the current administration's policies on the filing and adjudication of employment-based immigration petitions and applications. Expert business immigration practitioners from across the country will explore the key changes in policy, priorities, and procedures at U.S. Citizenship and Immigration Services (USCIS), the U.S. Department of State (DOS), and U.S. Customs and Border Protection. Moreover, they will discuss current trends in Requests for Evidence (RFEs), heightened scrutiny of nonimmigrant and immigrant visa petitions, and the implications of "extreme vetting" protocols. Finally, they will carefully examine recent executive orders, policy memoranda, and regulatory changes affecting employment-based petitions. Day Two will focus on the crucial aspects of employer compliance, I-9 verification, and E-Verify in the face of increased enforcement priorities. AILA leaders and experts also will provide practical guidance on mitigating risks associated with worksite enforcement actions, audits, and potential penalties.

Attending this advanced program will help members build upon their experience by listening to the strategic and practical advice of business immigration and compliance experts, giving them added confidence as they traverse this challenging landscape under a new administration.

The Business Hot Topics and Worksite Enforcement tracks are two of the six tracks offered at the AILA Fall Conference and Webcast. In-person registrants will pre-select the track to attend on site but will receive webcast access and the recordings for all tracks. Webcast attendees can move between tracks for live sessions and will also receive the recordings.

September 11–12, 2025

**The Revere
Boston, MA**

Times listed on the program are Eastern Time (ET)

Note: All sessions and events are subject to change without notice.

Thursday, September 11, 2025
Business Hot Topics Track

(DL) = Discussion Leader

* = invited, not confirmed

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7:30 am – 5:05 pm	Registration and Exhibits
8:00 am – 8:05 am	Welcome and Remarks
8:05 am – 9:05 am	<p>Current Issues Facing International Students, Scholars, and Exchange Visitors <i>Recent concerns over visa revocations, SEVIS record management, suspension of visa appointments at consulates, and the implications of minor infractions have added layers of uncertainty for international student, scholar, and exchange visitor clients. Panelists will discuss these pressing issues, offering insights into the current landscape, providing an overview of litigation on these issues, and contemplate what to expect in the months and years ahead.</i></p> <ul style="list-style-type: none"> • Litigation strategies: First Amendment, Fifth Amendment, etc. • Travel ban/visa issues • Change of Status • Potential conflicts • Social media vetting
9:05 am – 9:35 am	Networking Break
9:35 am – 10:35 am	<p>Recent RFE Trends for Employment-Based Cases <i>Panelists will engage in a comprehensive discussion of the evolving landscape of Requests for Evidence (RFEs) issued by USCIS. They will examine the significant trends observed across various visa categories, including H-1B, L-1, O-1, and E-2, as well as employment-based permanent residence classifications. Finally, they will highlight how USCIS adjudication priorities and policy shifts have impacted petitioners and beneficiaries.</i></p> <ul style="list-style-type: none"> • Non-PERM based cases, including self-petitioned I-140s • PERM-based I-140s • H-1B, O-1A, O-1B, O-2, and other nonimmigrant classifications • RFEs requesting biometric appointments • Strategic responses and best practices
10:35 am – 11:05 am	Networking Break
11:05 am – 12:05 pm	<p>Ports of Entry and Consular Processing: Latest Trends and Challenges <i>Panelists will provide a comprehensive analysis of the latest trends and challenges affecting individuals seeking entry to the United States via ports of entry (POEs) and those undergoing consular processing of immigrant and nonimmigrant visas abroad. As U.S. policies and operational realities continue to shift, understanding these critical junctures in the immigration journey is more vital than ever.</i></p> <ul style="list-style-type: none"> • POE dynamics, including personal device searches • Consulate-specific issues, including current obstacles for extraordinary individuals and their support personnel • Parole and expedited removal • Canadian and Mexican nationals • The future of interview waivers

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- INA §212(d)(3) waivers and bars

12:05 pm – 1:05 pm **Lunch Break** *(included for in-person attendees)*

1:05 pm – 2:05 pm **Identifying Employment-Based Options for People in Humanitarian Status, and Vice Versa**

Panelists will focus on options for individuals who have been paroled or granted Temporary Protected Status (TPS) for one of the country-specific programs, Deferred Action for Childhood Arrivals (DACA) advance parole, or at the southern border. They also will advise on options to transition to green cards through employment-based categories, as well as for individuals in an employment-based status to obtain benefits through various humanitarian options.

- PERM, extraordinary ability, H-1B, and other options for paroled professionals
- Options for DACA recipients, TPS holders, and parolees
- Eligibility for asylees: PERM, etc.
- Importance of maintenance of status and lawful entry, whether INA §245(k) helps
- Managing conflicts
- Travel recommendations

2:05 pm – 2:35 pm **Networking Break**

2:35 pm – 3:35 pm **Managing Ethical Conflicts Under a New Administration in Employment-Based Cases**

The Trump Administration has ushered in significant shifts in immigration policy and enforcement, creating a dynamic and sometimes challenging environment for employment-based immigration. Panelists will examine the critical conflicts and complexities that may surface for employers and foreign national employees under the new presidential administration, offering proactive strategies for navigating these changes.

- Increased enforcement and compliance risks
- Managing conflicts when employers seek assistance with individuals whose humanitarian status is ending
- Ethical dilemmas in an era of increased enforcement
- Effectively counseling clients on risk mitigation and contingency planning
- Implications of potential litigation challenging new policies

3:35 pm – 4:05 pm **Networking Break**

4:05 pm – 5:05 pm **Navigating the Complexities of PERM: Current Trends and Practical Strategies**

Panelists will offer an in-depth exploration of the PERM labor certification process. They will focus on current trends and practical strategies, as well as audit trends and denials, all with the goal of equipping practitioners with the requisite knowledge to successfully navigate the complexities of this critical stage.

- Processing times and updates

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- Latest update on roving, telecommuting, and remote employees
- Current state of equal pay transparency laws
- Prevailing wage redeterminations
- Audit and request for information trends

Friday, September 12, 2025
Worksite Enforcement Track

7:30 am – 5:00 pm **Registration and Exhibits**

8:00 am – 9:00 am **Representing Clients During I-9 Audits and Wage and Hour Division and HSI Investigations: Don't Freeze!**

Join our distinguished panelists as they discuss the intricacies of advising a client through Homeland Security Investigations (HSI), Wage and Hour Division (WHD) investigations, and I-9 audits. Drawing on their extensive experience, panelists will provide best practices on preparing businesses for the possibility of HSI investigations and I-9 audits and advising in the aftermath of those investigations.

- Proactive measures to minimize risks
- Preparing clients on how to handle initial U.S. Immigration and Customs Enforcement (ICE) audits and HSI interactions
- Successful negotiation strategies after issuance of a Notice of Intent to Fine (NIF)
- Conflicts surfacing in the context of ICE audits and HSI investigations
- Representing employees of companies issued NIFs

9:00 am – 9:30 am **Networking Break**

9:30 am – 10:30 am **Appeals to OCAHO and Negotiating with the Government**

There has been a tidal wave of litigation questioning the legitimacy of many of the administrative tribunals used by the federal government to adjudicate various matters. Panelists will explore the current state of litigation at the U.S. Department of Justice's (DOJ's) Office of Chief Administrative Hearing Officer (OCAHO) and whether it was overcome by this tidal wave or remains standing. In addition, panelists will discuss tactics used to advocate for clients in front of OCAHO administrative law judges (ALJs), what defenses are available, and the processes for preserving those defenses.

- Impact of *SpaceX* and *Walmart* cases on OCAHO's authority
- "To challenge or not to challenge, that is the question"
- Status of recent OCAHO cases

10:30 am – 11:00 am **Networking Break**

11:00 am – 12:00 pm **I-9 and E-Verify: Post-election Immigration Compliance**

Panelists will delve into the anticipated changes and enduring requirements for I-9 and E-Verify compliance, equipping practitioners with tools and strategies to help their business clients mitigate risk and ensure uninterrupted operations.

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Attendees will learn actionable insights on maintaining robust I-9 audit readiness, responding to government inquiries, navigating “no-match” letters, and understanding the evolving legal and practical considerations for remote I-9 verification.

- Maintaining the audit trail
- Paper vs. electronic recordkeeping
- Transitioning from paper to electronic, and from one vendor to another
- Managing lists of acceptable documents and document abuse

12:00 pm – 1:00 pm

Lunch Break (On Own)

1:00 pm – 2:00 pm

Immigrant and Employee Rights: Understanding the Anti-Discrimination Provisions Triggered by Form I-9

The number one type of case pursued by DOJ’s Immigrant and Employee Rights Section (IER) is document abuse. IER defines document abuse as requesting specific and/or additional, unnecessary documents during the Form I-9 completion process, or refusing to accept valid documents for Form I-9 completion. Panelists will discuss the List of Acceptable Documents (LOAD) (or lack thereof of a complete list), employer rights and responsibilities, and potential risks during this process.

- The Off-LOAD: how to manage the ever-expanding LOAD establishing employment authorization
- TPS tips from the experts
- Representing clients and their employees in IER investigations: What is the proper role of counsel?

2:00 pm – 2:30 pm

Networking Break

2:30 pm – 3:30 pm

Form I-9 and Other Compliance Issues in Mergers, Acquisitions, and Divestitures: Doing the Deal

For decades, acquiring companies have conducted due diligence on target acquisitions to determine if there are any “landmines” that may “blow up” the deal or incur additional liability that must be mitigated during the sale process. In recent times, Form I-9 and E-Verify compliance has become a mandatory part of this process. Attendees will learn how Form I-9 issues manifest themselves in these contexts, as well as practical ways to mitigate them and advocate for your client, regardless of whether they are buying, selling, or divesting.

- Retention vs. replacement: when to assume responsibility for existing Form I-9s and when to replace them
- “Successors in interest” in various contexts
- Due diligence: tips and tricks from the experts
- Indemnification provisions for Form I-9 liability

3:30 pm – 4:00 pm

Networking Break

4:00 pm – 5:00 pm

Emerging Issues in Drafting Corporate Immigration Policies: “Would You Like an Exception with That?”

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Corporate immigration policies have become an integral part of human resources (HR) strategy for employers in today's operations environment. In many industries, these policies serve as an important recruitment and retention tool for noncitizen labor and are often critical to meeting key business goals. Our panel of experts will provide an overview of emerging issues practitioners should consider when advising corporate clients on their immigration policies.

- Mandatory provisions that must be in every corporate immigration policy
- Reimbursement provisions/liquidated damages clauses
- Making policy exceptions work for employers and employees
- Emerging trends and how to "future-proof" your policies
- Written guidelines for handling internal investigations
- Attorney-client privilege

5:00 pm

Conference Concludes

Program Committee

Ian D. Wagreich, Conference Program Committee Chair, Chicago, IL

Bruce Buchanan, Nashville, TN

Elizabeth Chatham, Phoenix, AZ

Aimee Clark, Atlanta, GA

MyungJin "MJ" Lee, Boston, MA

Eileen Morrison, Newton, MA

Douglas Penn, Stamford, CT

Asafu Suzuki, Bexley, OH

Jacqueline L. Watson, AILA First Vice President, Austin, TX

JJ Area, AILA Education Program Manager, Washington, D.C.

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