



Three-Part Telephone & E-mail Seminar:

Consular Processing Tips for Experts

*Speakers: Jan Pederson, Evan Green, Paul Isel, Warren Janssen
Karin King, Pilar Peralta-Mihalko Laurel Scott, Gerald Seipp, Elaine
Witty*

Available online

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Seminar Outline

FIRST Phone Session on May 27: Non-Immigrant Visa Processing

- Nonimmigrant Visa Hurdles
 - Hot Topics in NIV Processing from the Department of State (Tiered Fee Situation as of June 4, 2010, U.S. visas valid for Mexico, Return of Drop Box Procedures, DS-160 and Biometrics, PIMS Clearances, Facial Recognition Clearances, Administrative processing, DUI Issues, Drug Offenses)
 - Where to apply for a visa? (General Considerations, Third Country or Home Country, Canada, Mexico, Home Country)
 - Petition approval by USCIS - never an assurance of visa issuance
 - Tracking down returned petitions and obtaining expeditious reaffirmation of approval
- 214(b)
 - Visiting cousins in Chicago?
 - Disneyworld?
- Preparing client for NIV interview
 - Best practices for B-1, H-1B and L-1 processing in India (Visas Mantis Clearances, Petitioner Checks)
 - Best practices in E cases in London, Canada and Mexico (Solid business plan, Investment completed, Business activity and employees, Well prepared cases)
- What to do when the consul says no!

SECOND Phone Session on June 17: Immigrant Visa Processing

- Immigrant Visa Processing
 - Unlawful presence
 - Re-adjudication of Labor certifications, visa petitions, and qualifications of applicant
 - Following to join issues
 - Considerations in family-based petitions
- What to do when the consul says no!

THIRD Phone Session on July 8: Waivers of inadmissibility

Nonimmigrant Visa Waivers of Inadmissibility

- General Issues:
 - Who is eligible for a 212(d)(3) waiver?
 - Which grounds cannot be waived?
 - How long does an NIV waiver last?
- Procedures for requesting a 212(d)(3) waiver?
 - Request made to consular officer after NIV refusal
 - Consul officer can either refuse to recommend or recommend to the CBP ARO office in Washington, DC that a waiver be granted.
 - CBP has authority to grant or deny waiver.
 - What to do if consular officer refuses to recommend a waiver: De Novo DOS review, Winning strategies
- Criteria considered in NIV waiver adjudications—theory and practice.
 - Matter of Hranka effect?
 - How big, how bad and how long ago was the lie or the misrecancy?
 - Evidence of reformation and remorse: Eagle Scouts, church elders and other saints.
 - Purpose of trip: Does lifesaving medical treatment trump a trip to Disney?
 - Adjudications officers directed to balance the positives and negatives.
 - Google the client and do other background research. DOS and ARO do the google, laugh and political ramifications tests.

Immigrant Visa Waivers of Inadmissibility

- General issues
 - Who is eligible?
 - Which grounds cannot be waived: False claims to citizenship, Re-entry after deportation or removal (must be outside U.S. for ten years before applying for waiver), NSEERS violations, Other Sleepers for the Unwary.
- Procedures for requesting a waiver
 - Form I-601: Processes and Procedures in Mexico, Procedures at other posts.
- Key factors and winning strategies
 - Important factors,
 - Less important factors,
 - Psychiatric report—essential document?

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CD May 27 CD June 17 CD July 8 2.00pm to 3.00pm ET (11.00am to 12.00pm PT)

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(→ see next page for speaker bios)

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ABOUT THE SPEAKERS

Jan Pederson (Discussion Leader) is the founder of Pederson Immigration Law Group, P.C. in Washington, D.C. and has practiced law in the Washington, D.C. since 1980. Recognized by The Washington Post as one of "seven leading lawyers" in Washington, D.C., Ms. Pederson has been dedicated to the practice of immigration and nationality law for over twenty years. She has successfully represented thousands of clients and is masterful at resolving complex immigration issues. She is a frequent national lecturer on the topic of consular processing and has authored many papers on the topic. She served as president of the Washington, D.C. Chapter of the American Immigration Lawyers Association (AILA); and as an elected director of the national Board of Governors of AILA for eighteen years. She served as a chairperson of the Physicians Task Force of AILA and has also served as chairperson of the AILA Visa Office Liaison Committee and Refugee Committee. She was the recipient of the prestigious national award, The Edith Lowenstein Award, in 1997 for excellence in the advancement of the practice of immigration law. Ms. Pederson graduated with honors from the University of Washington with a Bachelor of Arts degree in Economics and from Howard University with a Juris Doctor degree.

Evan Green is partner at Evan Green LLB. Mr. Green practices corporate immigration to Canada on a permanent and temporary basis and he works extensively with consular processing at the American consulate in Toronto. He also deals with NAFTA applications at ports of entry. He has spoken at numerous AILA annual and regional conferences and is currently a Chair of the AILA's Northern Border Task force.

Paul Ise is an immigration law practitioner licensed in California. Based in Los Angeles, his practice is limited to the area of NIV processing at consular posts around the world. He has appeared as a panelist at meetings and conventions for AILA, the Federal Bar Association, and NAFSA.

Warren Janssen is Field Office Director for the USCIS office in Ciudad Juarez, Chihuahua, Mexico.

Karin King joined the U.S. Foreign Service in 1991 and currently serves as the Chief of the Non-Immigrant Visa (NIV) unit at Embassy Mexico City. She has also served overseas tours as the Visa Chief at Embassy Warsaw, the Consular Section Chief at Embassy Nassau, and entry-level tours in Port-of-Spain and Bonn. Karin has also served multiple tours in the State Department's Bureau of Consular Affairs in Washington, including in the Bureau's Executive, Visa, and Overseas Citizens Services Offices. A native of Cleveland, Karin received her undergraduate degree from the College of Wooster and her Master's Degree from Georgetown University. She currently lives in Mexico City with her husband, two children, and dog.

Pilar Peralta-Mihalko is the Branch Chief of the International Adjudications Support Branch (IASB); she has held this position since the IASB's creation in May 2009. The IASB is a branch of the headquarters office of the International Operations Division of USCIS's Refugee, Asylum, & International Operations Directorate (RAIO). Ms. Peralta joined legacy INS in 1999. She has held several positions with the USCIS working on adjudications, supervision, training and policy. Ms. Peralta received her law degree in 1983 from Boston College School of Law and is admitted to the practice of law in New York State.

Laurel Scott is the Founding Attorney at Scott and Associates. She received a BA from Simon's Rock College, a Master's Degree from Duke University, and a Law Degree from Temple University where she completed the Temple University Immigration Law Clinical. She spent a year studying at the Queen's University of Belfast and completed an internship at the European Parliament. She started work on her first waiver of inadmissibility in 2003 and quickly realized that waivers were an ideal niche for her new firm. Over the years, she emerged as one of the nation's leading experts in this type of case, publishing numerous articles on the subject and speaking at many events for immigration lawyers. She currently volunteers on AILA's Refugee, Asylum and International Programs Committee, a group that advocates for improvements in CIS' procedures and policies. She travelled extensively prior to having children, spending over two months in each of the following countries: Belgium, Bolivia, France, Germany, Guatemala, Israel, Jamaica and the United Kingdom. She is the single mother of two children, Isaac (born 03/16/2001) and Anita (born 06/12/2003).

Gerald Seipp practices immigration law with the Dilip Patel Law Firm in Clearwater, Florida. He has more than 24 years of experience practicing immigration law and he taught the Immigration Law course at the State University of New York at Buffalo Law School for 15 years. Gerald has published many articles on immigration law topics. He currently writes the federal court summaries for immigration law issues for Interpreter Releases, a weekly Thomson West publication. He is a 1972 graduate of the University of Michigan Law School and a member of the New York and Florida bars. He also is a member of the American Immigration Lawyers Association. Gerald has achieved Martindale-Hubbell's highest rating for legal ability and ethical standards. He is also listed in "The Best Lawyers in America" for immigration law.

Elaine Witty is founding partner of Witty Law Group, PLLC located in New York City. She is former Senior Counsel to AV rated national immigration law firm Siskind Susser in Memphis, TN. Ms. Witty is past Executive Director of the Office of Refugee and Immigrant Affairs at the Human Resources Administration under Mayor Michael R. Bloomberg. She also served as Director of Legal Affairs for Citizenship New York City, a mayoral citizenship initiative, developed by Mayor Rudolph W. Giuliani. Ms. Witty is currently a member of the Executive Board of the Federal Bar Association's Immigration Law Section and Chair of the Legislative Committee of the Tennessee Bar Association's Immigration Committee. She is past Chapter Chair of the New York Chapter of the American Immigration Lawyers Association. Ms. Witty is the recipient of the Brooklyn Bar Association Volunteer Lawyers Pro Bono Award in recognition of her tireless work on behalf of low-income Brooklynites. Ms. Witty has taught immigration law seminars at New York Law School, City University of New York, City Bar Association, Federal Bar Association Immigration Law and Labor Law Sections, and the American Immigration Lawyers Association's National, Mid-South Chapter, New York Chapter, and Rome District Chapter Conferences. She is the author of numerous articles on immigration law including: overview of immigration law, consular processing, waivers of inadmissibility, religious worker eligibility, and immigration law for the family law practitioner. Ms. Witty is a graduate of the Benjamin N. Cardozo School of Law and Yeshiva University, Stern College for Women. She is admitted to practice in the states of New York, New Jersey, and Tennessee. Ms. Witty is admitted to the



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Federal Courts: the Eastern District of New York, the Southern District of New York, the United States District Court for the District of New Jersey, the Western District of Tennessee, the United States Court of Appeals for the Sixth Circuit and, the United States Supreme Court. Her practice areas include employment based immigration, litigation and deportation defense, family based immigration with a specialty in waivers of inadmissibility, naturalization and derivative citizenship, and religious worker cases. She can be reached at elaine@wittylaw.com
