

# **MOBILIZE.ORGANIZE.RESIST**

**IMMIGRANT ADVOCATES RESPONSE COLLABORATIVE**



**I-ARC Conference**  
**Mobilize, Organize, Resist: Immigrant Justice Lawyering in New York**

**October 26-27, 2018**

**John Jay Community College**  
**524 W 59th St, New York, NY 10019**

**Schedule**

	<b>Friday October 26, 2018</b> <b>Registration Opens: 12 PM</b>		
<b>12:45 PM - 1:00 PM</b>	<b>Welcome</b> <i>Room L.63</i>		
<b>1:00 PM - 2:30 PM</b>	<b>OPENING PLENARY</b> <i>Room L.63</i>		
	<b>Track 1:</b> <b>Advocating for All by Advocating For One</b>	<b>Track 2:</b> <b>Challenging Federal and Local Laws</b>	<b>Track 3:</b> <b>Making Administrative Law Work For Us</b>
<b>2:40 PM - 3:55 PM</b>	Introduction to Federal Litigation  <i>Room L2.84</i>	Public Charge Issues & Consular Processing  <i>Room L.63</i>	Making the Record Before Judges  <i>Room L2.85</i>
<b>4:00 PM - 5:15 PM</b>	Federal Litigation Collaborations  <i>Room L2.84</i>	Unique Issues Faced by Upstate Immigrants  <i>Room L.63</i>	Everything But Convictions / Innocent Until Proven Guilty  <i>Room L2.85</i>
	<b>Resiliency Series</b>		
<b>5:30 PM - 6:30 PM</b>	Being Your Best Advocate  <i>Room L2.84</i>	Creating & Maintaining Boundaries for Sustainable Practice  <i>Room L.63</i>	Trauma Exposure – Now What?  <i>Room L2.85</i>
<b>7:00 PM - 10:00 PM</b>	<b>Optional Happy Hour</b>		

	<b>Saturday October 27, 2018</b> <b>Registration/Breakfast Opens: 8:30 AM</b>		
	<b>Track 1:</b> <b>Advocating for All by</b> <b>Advocating For One</b>	<b>Track 2:</b> <b>Challenging Federal and</b> <b>Local Laws</b>	<b>Track 3:</b> <b>Making Administrative</b> <b>Law Work For Us</b>
<b>9:00 AM -</b> <b>10:15 AM</b>	Gutsy Lawyering  <i>Room L2.84</i>	Challenging Police Collaborations  <i>Room L.61</i>	FOIA / FOIL Requests: Now More Than Ever!  <i>Room L2.85</i>
<b>10:20 AM -</b> <b>11:35 AM</b>	Protecting Access to Courts  <i>Room L2.84</i>	ICE In Courts  <i>Room L.61</i>	Retroactivity And Other Challenges to Agency Decisions  <i>Room L2.85</i>
<b>11:35 AM -</b> <b>1:00 PM</b>	<b>LUNCH</b> <i>Dining Hall</i>		
<b>1:00 PM -</b> <b>3:00 PM</b>	Breakout 1: Advocating For All By Advocating For One  <i>Room L2.84</i>	Breakout 2: Challenging Federal and Local Laws  <i>Room L.63</i>	Breakout 3: Making Administrative Law Work For Us  <i>Room L2.85</i>
<b>3:00 PM -</b> <b>5:00 PM</b>	<b>Report back and next steps</b> <i>Room L.63</i>		

**I-ARC Conference**  
**Mobilize, Organize, Resist: Immigrant Justice Lawyering in New York**  
**Program**

**Friday Plenary**

**Track 1: Advocating for All By Advocating For One**

[Panel 1: Introduction to Federal Litigation](#)

[Panel 2: Federal Litigation Collaborations](#)

[Panel 3: Gutsy Lawyering](#)

[Panel 4: Protecting Access to Courts](#)

**Track 2: Challenging Federal and Local Laws**

[Panel 1: Public Charge Issues & Consular Processing](#)

[Panel 2: Unique Issues Faced by Upstate Immigrants](#)

[Panel 3: Challenging Police Collaborations](#)

[Panel 4: ICE in Courts](#)

**Track 3: Making Administrative Law Work For Us**

[Panel 1: Making the Record Before Judges](#)

[Panel 2: Everything But Convictions/Innocent Until Proven Guilty](#)

[Panel 3: FOIA / FOIL Requests: Now More Than Ever!](#)

[Panel 4: Retroactivity And Other Challenges to Agency Decisions](#)

**Building Resiliency Series**

[Resilience 101: Being Your Best Advocate](#)

[Resilience 102: Creating & Maintaining Boundaries for Sustainable Practice](#)

[Resilience 103: Trauma Exposure – Now What?](#)

# Opening Plenary: Protecting Access to Justice for Immigrant New Yorkers

Moderator: Camille J. Mackler

The opening plenary panel will examine current efforts throughout New York State to preserve access to justice for our immigrant neighbors. Elected and Administration officials will discuss efforts to increase legal representation in immigration and court settings, to adopt policies that protect immigrants from current enforcement trends, and to protect immigrants' access to the court system.

*CLE credit: Approximately 1.0 credit in Areas of Professional Practice. This course provides transitional credit for newly admitted attorneys and non-transitional credit for experienced attorneys.*

## Track 1: Advocating for All By Advocating For One

### Introduction to Federal Litigation

Moderator: Carmen Rey

Panelists: Ray Brescia, Julie Dona, and Heather Axford

The Introduction to Federal Litigation session will help practitioners identify issues that may be ripe for federal litigation, and outline methods by which to access federal court review of agency action, (PFRs, Habeas, Mandamus/1447(b), 1503, FTCA/Bivens, FOIA litigation, class actions).

*CLE credit: Approximately 1.5 credits in Areas of Professional Practice. This course provides transitional credit for newly admitted attorneys and non-transitional credit for experienced attorneys.*

### Federal Litigation Collaborations

Moderator: Danielle Alvarado

Panelists: Natalia Aristizabal, Jessica Rofe, and Kate Meyer

The Federal Litigation Collaborations session will explore ways in which lawyers can ensure that litigation is accountable to communities. We will discuss best practices for collaborations between community organizers, immigration attorneys, impact litigators, pro bono attorneys, and

affected community members. We will also touch on ways that litigators and community lawyers can provide immigration-related support for pro se individuals impacted by litigation.

*CLE credit: Approximately 1.5 credits in Skills. This course provides transitional credit for newly admitted attorneys and non-transitional credit for experienced attorneys.*

## Gutsy Lawyering

Moderator: Camille J. Mackler

Panelists: Avidah Moussavian, Matthew Archambault, and Jennifer Williams

Gutsy Lawyering will focus on how to think outside the box, push the envelope, and engage in creative advocacy on behalf of your clients. The panel will also cover identifying impact litigation ideas, engaging with allies such as elected officials and media, and what to do when they come looking for you instead.

*CLE credit: Approximately 1.5 credits in Skills. This course provides transitional credit for newly admitted attorneys and non-transitional credit for experienced attorneys.*

## Protecting Access to Courts

Moderator: Lorilei Williams

Panelists: Bryan MacCormack, Marika Dias, and Jose Abrigo

The Protecting Access to Courts panel will discuss strategies for protecting non-citizens' access to civil courts for a range of proceedings including housing court proceedings, name and gender marker changes, and Article 81 matters.

*CLE credit: Approximately 1.5 credits in Areas of Professional Practice. This course provides transitional credit for newly admitted attorneys and non-transitional credit for experienced attorneys.*

## Track 2: Challenging Federal and Local Laws

### Public Charge Issues & Consular Processing

Moderator: Claire Thomas

Panelists: Brendan O'Malley, Jackie Vimo, and Corina Bogaciu

Immigration law in the United States at the state and federal level has long sought to exclude the poor. Poverty-based immigration control has been part of the story of U.S. immigration since colonial times. Codified within Section 212(a)(4) of the Immigration and Naturalization Act (INA), “public charge” is a type of inadmissibility category that is used to categorize an intending immigrant who is “likely to become dependent upon the government for subsistence.” Under the Trump Administration’s war on the poor, changes to who may be considered a public charge have already gone into place with the State Department’s Foreign Affairs Manual, impacting how immigrant visas are issued. On September 22, 2018, the Department of Homeland Security posted draft regulations to fundamentally alter which type of health and nutrition benefits would make the recipient a public charge. This panel will provide a historical overview of public charge, address changes which have already happened, discuss the proposed public charge regulations, and finally offer suggestions for strategies to combat these changes.

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## Unique Issues Faced by Upstate Immigrants

Moderator: Meredith Fortin

Panelists: Sarah Rogerson, Nicole Hallett, and Beth Lyon

In this session panelists will discuss the unique issues faced by immigrants in upstate New York. We will improve our understanding of challenges involving access to justice in more rural landscapes. We will address northern border issues and local cooperation with ICE and CBP. We will also discuss the challenge of unrepresented children, the Buffalo children’s docket, and the pressing need for immigration courts. Finally, we will provide an update on the Batavia Federal Detention Facility.

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## Challenging Police Collaborations

Moderator: Lindsay Nash

Panelists: Paige Austin, Nermeen Arastu, and David Brotherton

ICE strategically teams with local law enforcement to broaden their enforcement reach in immigrant communities. In this panel we’ll examine the ways that ICE and other federal law enforcement collaborate with local law enforcement to recruit informants, get access to school disciplinary hearing allegations of gang-affiliation, and detain immigrants for the purpose of ICE arrests. Advocates will talk about how they investigate collaborations and strategies for

challenging those collaborations through objections to the introduction of evidence, constitutional claims in immigration, state, and federal courts, and advocacy for legislative and executive restrictions.

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## ICE in Courts

Moderator: Terry Lawson

Panelists: Lee Wang, Elizabeth Kocienda, and Oren Nimni

This session will investigate the status of advocacy and legal efforts regarding the presence of ICE in NY Courts. The discussion will address key questions such as: What information is needed and what is the best way to leverage collective strength moving forward? What possible class actions are available against ICE and their enforcement mechanisms? What is ICE's actual authority to arrest? We will also touch on termination and suppression motions in cases deriving from ICE's presence in courts.

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## Track 3: Making Administrative Law Work For Us

### Making the Record Before Judges

Moderator: Sarah Borsody

Panelists: Andrea Saenz and Sarah Gillman

This panel will address the importance of and strategies for making the record before immigration judges. We will discuss challenges inherent with visiting judges and other calendaring issues, as well as ways to make a record on IJ bias, IJ neutrality and DOJ political pressure. Panelists will provide an overview of BIA case law on IJ bias, prosecutorial misconduct and improper considerations. We'll review how to build a record for federal appeal, and how and when to file federal appeals.



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## Everything But Convictions/Innocent Until Proven Guilty

Moderator: Marrie Mark

Panelists: Cheryl David, Isaac Wheeler, and Conor Gleason

In this panel we will confront the challenge of immigration judges considering non-convictions in the context of removal proceedings and issues of IJ discretion as it relates to dismissed cases and violations. We will address strategies for challenging the use of open criminal cases in bond hearings. We will also hear strategies for challenging ICE detention while facing federal criminal charges and updates about federal prosecution of migration offenses in New York.

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## FOIA / FOIL Requests: Now More Than Ever!

Moderator: Liz Markuci

Panelists: Melissa Crow, Bridget Kessler, and Ghita Schwarz

This session will focus on Freedom of Information Act (FOIA) and Freedom of Information Law (FOIL) requests. We will review how to file FOIAs and FOILs, relevant exemptions, and how FOIA and FOIL are being used for impact work. We will also examine one case closely and have a discussion on how to creatively use FOIA in our advocacy.

*CLE credit: Approximately 1.5 credits in Areas of Professional Practice. This course provides transitional credit for newly admitted attorneys and non-transitional credit for experienced attorneys.*

## Retroactivity And Other Challenges to Agency Decisions

Moderator: Jill E. Family

Panelists: Andy Ayers and Trina Realmuto

This panel will provide a primer on concepts of administrative law and spend some time specifically addressing how to challenge BIA and other immigration decisions in federal courts. The panel will also identify recent agency decisions primed for challenge, in particular discussing strategies for challenging retroactivity of BIA decisions, new rules, and new legislation.

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## Building Resilience Series

\*Resilience: the process of adapting well in the face of adversity, trauma, tragedy, threats or significant sources of stress - such as ... workplace and financial stressors. It means "bouncing back" from difficult experiences.

*-American Psychological Association*

The Building Resilience series offers sessions engineered to arm attendees with the ability to identify work-related factors causing significant stress in their lives and develop strategies to contain and address that stress according to where they fall on the "resilience spectrum." Some attendees may be aware (or not!) that they are exhibiting symptoms or behaviors related to the stress they face at work, but be unable to describe exactly what feels out of balance. Others may be familiar with these concepts but chronically struggle with setting appropriate boundaries in personal and professional settings. Still a third group may now experience the stress caused by exposure to severe trauma for the first time. While members of this third group likely recognize that, if left untended, exposure to trauma can cause harm, they may lack the language to articulate their experiences, and seek the foundational knowledge and practical tools to change course.

This series allows you to explore your own level of resiliency and seeks to provide context, understanding, compassion, community, tools and hope. It is a difficult time for immigration attorneys and advocates, and this series strives to make you feel seen, supported and empowered to prioritize yourself and your long-term well-being.

### ***Resilience 101: Being Your Best Advocate***

This panel will explore the importance of developing and nurturing resilience to ensure emotional well-being and career success. Resilience 101 is for any attendee who wants to explore these issues at an introductory level.

This conversation will address:

- Recognizing and identifying signs of burnout
- Identifying your resilience and developing the tools to nurture it, including identifying and managing the stressors that negatively impact it
- Creating appropriate boundaries to support your resilience (with clients, employer and others)
- Developing a philosophy of lawyering, and other strategies to help you ensure that you maintain your resilience during challenging times

### ***Resilience 102: Creating & Maintaining Boundaries for Sustainable Practice***

This panel dives deeper into concepts around creating and maintaining boundaries for professional growth and success. Resilience 102 is for any attendee who struggles with this challenging balance, at home or at work (read: all of us!)

This conversation will address:

- What does it mean to have “boundaries” and why are they important
- Creating personal and professional boundaries
- Client boundaries: “staying in your lane” and recognizing client strength
- Employer boundaries and navigating “Do as I say, not as I do”
- Developing a sustainable boundary plan

### ***Resilience 103: Trauma Exposure – Now What?***

In her book, *Trauma Stewardship*, author Laura Van Dernoot Lipsky invites readers to consider the idea that trauma exposure is a part of life. “Anyone who interacts with the suffering, pain, and crises of others or [the] planet” is exposed to trauma, and must grapple with its effects, large and small.

This panel will focus on trauma exposure and its effects, and will encourage attendees to pursue an individualized self-inquiry to assess their own trauma exposure response. Resilience 103 is for any attendee who seeks a deeper understanding of trauma-related issues, including how trauma impacts advocates on a daily basis, and how to respond meaningfully, both individually and organizationally.

This conversation will address:

- What is trauma?
- Types of trauma exposure: personal, organizational, societal
- Assessing trauma exposure response – “What are the signs that things feel different to me?”
- Self-inquiry and rediscovering agency – “Why am I doing what I’m doing? Is it working for me?”
- Strategies for surviving and thriving
- Navigating client trauma when it arises