

Strategies and Tactics for Successful Immigration Appeals

Live Webcast

March 12, 2021

9:30 am – 1:00 pm (Pacific Time)

Why You Should Attend

Strong appellate advocacy skills have always been an important part of representing immigrants in removal proceedings. However, changes to immigration court procedures and the composition of the Board of Immigration Appeals (BIA) and immigration bench over the last four years have made appeals a critical part of all immigration practitioners' work. These changes have led to an increase in the number of appeals filed both by immigrants and government attorneys following decisions from the immigration court. Successful trial advocacy in immigration courts, now more than ever, requires attorneys to understand the basics of creating a trial record for appeal, how administrative appeals work, how to analyze an Immigration Judge's decision for appeal and the process for appealing a BIA decision to the U.S. Circuit Court of Appeals. This training will provide practice considerations for creating a trial court record, the nuts and bolts of a BIA appeal, strategies for analyzing an Immigration Judge's decision on appeal to the BIA, and an outline of the appellate process at the Circuit Court level.

What You Will Learn

- How to create a record before the Immigration Court that will set up a successful appeal to the BIA and Court of Appeals
- The nuts and bolts of a BIA appeal: what to file, how the timeline works, and what all BIA briefs should contain
- Multiple practical strategies for analyzing an Immigration Judge's oral and written decision to prepare an outline of an appellate brief filed with the BIA
- The framework for a circuit court appeal, including key filings, timelines and key components of an appellate brief
- Practical guidance regarding the relevant standards of review at the BIA and Circuit Court levels

Who Should Attend

This training is designed for all attorneys who practice before Immigration Judges. Participants should have a basic substantive knowledge of immigration law. This program will benefit both new

attorneys who have yet to file an administrative appeal or federal petition for review as well as seasoned practitioners with appellate experience.

AGENDA

9:30

Opening Remarks ***Anna Benvenue***

9:40

The BIA Appeal

This panel will provide an overview of what attorneys should expect from the BIA appeal process, including forms, filings, briefing schedules, motions, and timelines. Panelists will outline the structure a BIA brief should follow and how to organize a brief, including an explanation of the various required components, such as statement of facts, standard of review and relief sought. Finally, panelists will cover how to create a record before the trial court that will set up a successful appeal.

Anna Benvenue, Morgan Russell

10:40 Break

10:50

Anatomy of an Immigration Judge's Decision

Immigration Judge decisions can be either oral or written and can cover various issues, including credibility, pretermission of applications, due process concerns, and denial of relief on the merits. This panel will provide practical strategies for attorneys who are preparing to write a written brief on appeal to the Board of Immigration Appeals. The panelists will review sample decisions from real cases and offer various approaches for analyzing the issues on appeal, outlining in preparation for writing the BIA brief, and preserving arguments for possible Circuit Court review.

Aubra Fletcher, Morgan Russell

11:50 Break

12:00

Circuit Court Appeals

Following a dismissal from the Board of Immigration Appeals, the next step for noncitizens is to file a petition for review with the Circuit Court. This panel will offer a framework for the Circuit Court appeal, including an overview of the process and timeline, the most common

motions, and the mandatory components of all appellate briefs. Participants will leave this panel with an understanding of the basic rules and requirements for working within the Circuit Court system in the context of a petition for review and preserving arguments at lower levels of the process.

Shuting Chen, Trina Realmuto

1:00 Adjourn

Faculty:

Chair:

Anna Benvenue

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