AILA Paralegals Online Course
~ Course Outline ~

MODULE 1: BASICS

CORE MATERIALS

- **Video**: Welcome – Speaker: Lisa Helen York, NSC Liaison Committee Chair/Paralegals Online Course Committee Chair, Englewood, CO
- **Reading**: How to Take This Course
  - Different Attorneys and Firms Have Different Preferences
  - Choose Someone in Your Office to Review Coursework
  - A Note on Unauthorized Practice of Law (UPL)
- **Reading**: Key Definitions and Concepts
- **Video**: Mastering the Language of Immigration Law – Speaker: James W. Austin, AILA NBC Liaison Committee Chair/Paralegals Online Course Committee, Kansas City, MO
  - Exact Language Avoids Errors
  - “Terms of Art”
  - Common Terms and Acronyms
  - Everyone in the United States Has an Immigration Category
    - U.S. Citizens
    - Immigrants
    - Nonimmigrants
    - Others
- **Document**: Categories of Most Persons in the U.S. Chart
- **Video**: Description of Practice Areas: Humanitarian and Family – Speaker: Ally Bolour, AILA Board of Governors, Los Angeles, CA
  - Asylum, Temporary Protected Status (TPS), Deferred Action for Childhood Arrivals (DACA)
  - Family Immigrants
  - Naturalization
- **Video**: Description of Practice Area: Business – Speaker: Cora Tekach, Paralegals Online Course Committee, Washington, DC
  - Nonimmigrant Categories
  - Immigrant Categories
  - Investors
- **Video**: Description of Practice Area: Removal and Deportation Relief – Speaker: Jeremy L. McKinney, AILA Secretary, Greensboro, NC
  - Immigration Court Practice
  - Common Forms of Relief
- **Reading**: Agencies That Affect Immigration Law
- **Video**: The Main U.S. Government Agencies Involved with Immigration – Speaker: Cynthia B. Rosenberg, Baltimore, MD
  - U.S. Department of Homeland Security (DHS)
    - U.S. Citizenship and Immigration Services (USCIS)
    - U.S. Immigration and Customs Enforcement (ICE)
    - U.S. Customs and Border Protection (CBP)
  - U.S. Department of State (DOS)
  - U.S. Department of Labor (DOL)

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- Board of Alien Labor Certification Appeals (BALCA)
- U.S. Department of Justice (DOJ)
- Executive Office for Immigration Review (EOIR)

SUPPLEMENTAL MATERIALS

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MODULE 2: ETHICS AND PROFESSIONALISM

CORE MATERIALS

- **Reading**: Ethical Issues for Immigration Lawyers
- **Video**: Unauthorized Practice of Law – **Speaker**: Leslie Tuttle Ditrani, Boston, MA
  - American Bar Association (ABA) Model Rule 5.3
  - Limitations on Paralegal Work
  - Lawyer’s Duty Not to Assist in UPL
  - Paralegal Training and Education
- **Reading**: AILA Ethics Compendium – LIVE: Model Rules 5.5, 1.7, and 1.5
- **Video**: Client Confidentiality – **Speaker**: Kenneth Craig Dobson, AILA Ethics Committee Vice Chair, New York, NY
  - ABA Model Rules 1.6 and 1.10
  - Using Email, Instant Messaging, and Social Media
  - The Health Insurance Portability and Accountability (HIPAA) and Protected Health Information (PHI)
- **Video**: Files and Document Controls – **Speaker**: Kirby Gamblin Joseph, Denver, CO
  - ABA Model Rule 1.15
  - Client as the Owner of the File
- **Video**: Fees, Payments, and Interest on Lawyer Trust Accounts (IOLTAs) – **Speaker**: Alan B. Goldfarb, AILA Ethics Committee Chair, Minneapolis, MN
  - Fiduciary Responsibility
  - Limits on Fee Sharing
  - Interest on Lawyers Trust Accounts (IOLTAs) Primer for Paralegals
- **Video**: Conflicts of Interest – **Speaker**: Allen Orr, AILA Treasurer, Washington, DC
  - ABA Model Rules 1.7 and 1.8 for Current and Former Clients
  - Conflicts Checks
- **Video**: Case Management – **Speaker**: Jodi Goodwin, Harlingen, TX
  - Duty to Keep Clients Informed
  - Calendaring Controls
- **Video**: Responsibilities as a Pro Bono/Volunteer – **Speaker**: Alex Alvarado, Paralegal, Englewood, CO
  - Restrictions on Advertising
  - Responsibility to Identify
- **Video**: Paralegals – A Critical Part of a Detained Removal Dream Team– **Speaker**: Aminta Menjivar, Paralegal, Denver, CO
- **Video**: Being a Translator – **Speaker**: Alex Alvarado, Paralegal, Englewood, CO
  - Responsibility to Identify as a Non-Lawyer
  - Limiting Role as a Translator vs. Paralegal

SUPPLEMENTAL MATERIALS

- All course materials are subject to change.
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**MODULE 3: RESEARCH SKILLS**

**CORE MATERIALS**

- **Video**: Legal Research 101 – Speaker: Ira J. Kurzban, AILA Author, Kurzban’s Immigration Law Sourcebook, AILA Past President, Miami, FL
  - Primary vs. Secondary

**Government Agency Websites**

- **Video**: Navigating the USCIS Website – Speaker: Tracie L. Klinke, AILA Georgia-Alabama Chapter Chair/Membership Committee Chair, Marietta, GA
  - Forms, Filing Locations, Fees, and Instructions
- **Video**: Navigating the EOIR Website – Speaker: Sarah Weston Hayes Owings, AILA Board of Governors/EOIR Liaison Committee, Atlanta, GA
  - Forms, Filing Locations, Fees, and Instructions
- **Video**: Navigating the DOL Website – Kevin W. Miner, AILA Board of Governors/DOL Liaison Committee, Atlanta, GA
  - Forms, Filing Locations, Fees, and Instructions
- **Video**: Navigating the DOS Website – Speaker: Allen Orr, AILA Treasurer, Washington, DC
  - Visa Bulletin
  - Consular Visa Instructions
  - Fee

**Additional Resources**

- **Video**: Immigration Law Software – Speaker: Reid Trautz, AILA Director of Practice and Professionalism, Washington, DC
- **Video**: AILALink – Speaker: Sarah Loor, AILA Online Legal Publishing Specialist, Washington, DC
- **Reading**: What’s the Difference Between AILA’s Website, Fastcase, and AILALink/Fastcase Premium?
- **Video**: InfoNet – Speaker: Laura Embry-Lowry, AILA Online Editorial Associate, Washington, DC

**SUPPLEMENTAL MATERIALS**

**MODULE 4: HUMANITARIAN AND ASYLUM**

**CORE MATERIALS**

- **Reading**: Asylum and Related Claims for Relief
- **Video**: Definition of Refugee [INA §101(a)(42)] – Speaker: Jonathan Willmoth, Kansas City, MO

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• “Outside of Country of Residence …”
• “Unable to Avail Themselves of Protection …”
• “Well-Founded Fear of Persecution …”
• On Account of Race, Religion, Nationality, Political Opinion, Particular Social Group, and Coercive Population Control Programs
• Distinguishing Refugees from Asylees
• “Asylum,” Not “Political Asylum!”

- Video: What Is a “Particular Social Group?” – Speaker: Dree K. Collopy, AILA Author, AILA’s Asylum Primer, 7th Ed., AILA Asylum and Refugee Committee Chair, Washington, DC
  • Immutable Characteristics
  • Family Relationship
  • Domestic Violence
  • Sexual Orientation
  • Gang-Related Claims

- Video: Withholding of Removal and CAT – Speaker: Lisa R. Green, Boulder, CO
  • Distinguishing Withholding from Asylum
  • CAT

- Video: The Role of a Paralegal in Documenting the Claim – Speaker: Dree K. Collopy, AILA Author, AILA’s Asylum Primer, 7th Ed., AILA Asylum and Refugee Committee Chair, Washington, DC
  • Affidavits
  • The REAL ID Act
  • Country Reports
  • Use of Experts and Forensic Evidence
  • Other Sources of Evidence
  • Working with Clients Who Have Post-Traumatic Stress Disorder (PTSD)

Deferred Action

- Video: DACA – Speaker: Alex Alvarado, Englewood, CO
  • Eligibility Requirements
  • Current Status of DACA
  • The Dream Act and Other Legislative Updates

- Video: Military Parole in Place – Speaker: Margaret Deborah Stock, AILA Author, Immigration Law & the Military, 2nd Ed., Anchorage, AK
  • What Is “Parole in Place?”
  • How Does It Work?
  • Update on the Current Situation

- Video: TPS – Speaker: James W. Austin, AILA NBC Liaison Committee Chair/Paralegals Online Course Committee, Kansas City, MO
  • Purpose, Scope, and Countries Covered
  • Initial Registration and Re-Registration Process

- Document: Temporary Protected Status Countries as of 6/1/18 List

- Video: Violence Against Women Act (VAWA) – Speaker: Robin Dalton, AILA VAWA, Us, and Ts Committee Co-Chair, Madison, WI
  • Requirements for VAWA
  • Inadmissibility Issues
  • I-360 Petition and Request for Evidence (RFE) Trends

- Video: Special Immigrant Juvenile Status (SIJS) – Speaker: Annaluisa Padilla, AILA President, La Habra, CA
  • Process for State Orders

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- **Document**: Inadmissibility Chart
- **Video**: Unlawful Presence – *Speaker: Kelli Jo Stump, AILA EOIR Liaison Committee Chair, Oklahoma City, OK*
  - Provisional Unlawful Presence Waiver
  - Qualifying Relatives
  - Hardship Factors and Tips
- **Video**: Other Waivers – *Speaker: Laurel Scott, Philadelphia, PA*

### SUPPLEMENTAL MATERIALS

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#### MODULE 6: COMMON NONIMMIGRANT VISAS

### CORE MATERIALS

#### H-1B Visas

- **Reading**: H Nonimmigrants
- **Video** - Basics of H-1B Visas - *Speaker: Lisa Helen York, AILA NSC Liaison Committee Chair/Paralegals Online Course Committee Chair, Englewood, CO*
  - H-1B Requirements
  - Definition of “Specialty Occupation”
  - The Occupational Information Network (O*Net), the *Occupational Outlook Handbook* (OOH), and Other Sources
  - Employer and Beneficiary Qualifications
  - Employer/Employee Relationship
    - Numerical Cap
- **Video** - Filing an H-1B Petition – *Speaker: Allyson O’Leary, Paralegal, Portland, OR*
  - Process
  - Forms, Fees, and Where to File
  - Labor Condition Application (LCA)
    - Form ETA 9035
    - Prevailing Wage Obligations
      - Using the Occupational Employment Statistics (OES) Online Wage Data and Private Surveys
- **Video**: Maintaining H-1B Status and Employer Obligations – *Speaker: William A. Stock, AILA Immediate Past President, Philadelphia, PA*
  - When to File an Amended Petition
  - Creating and Maintaining a Public Access File
  - Site Visits
  - Duration of Stay/Six-Year Limit/American Competitiveness in the 21st Century Act of 2000 (AC21)/Recapture
- **Video**: Case Management – *Speaker: Susan S. Im, AILA USCIS Service Center Operations Liaison Committee Vice Chair, Grand Rapids, MI*
  - Calendaring, Deadlines, and Checklist
  - Fees: Including Responsible Parties for Filing Fees
- **Document**: Checklist for H-1B Applications

#### L-1 Visas

- All course materials are subject to change –
- Listed speaker affiliations are based on the 2017-2018 committee year.
Reading: Updated Overview of the L-1 Visa

Video: Basics/Definitions – Speaker: Jonathan Grode, AILA Law Student Outreach Committee Chair/Paralegals Online Course Committee, Philadelphia, PA

- Qualifying Corporate Relationships
- Qualifying Employment Abroad
- Managerial vs. Executive (L-1A)
- Specialized Knowledge (L-1B)

Video: Preparing/Filing an L-1 Petition – Speaker: Sheila Mahadevan, AILA New Members Division Steering Committee Chair, Washington, DC

- Blanket vs. Individual L-1 Petitions
  - I-129 and Supplements
  - I-129S

Video: H-1B1 Singapore/Chile and E-3 Australia – Speaker: Yuah Jessica Choi, Philadelphia, PA

- Requirements
- Process

Video: TN-1/TN-2 – Speaker: Jerome G. Grzeca, Milwaukee, WI

- Requirements
- North American Free Trade Agreement (NAFTA) Occupations
- Process

SUPPLEMENTAL MATERIALS

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MODULE 7: EMPLOYMENT-BASED PERMANENT RESIDENCE

CORE MATERIALS

Overview of Employment-Based Preference Categories

EB-1 Visa

- Video: Individuals of Extraordinary Ability – Speaker: Neena Dutta, AILA Board of Governors/USCIS Service Center Operations Liaison Committee Chair, New York, NY
  - Brief Overview of Criteria
  - Matter of Kazarian: Two-Part Analysis

- Video: Outstanding Researchers and Professors – Speaker: Ari Sauer, AILA Paralegal Online Course Committee, Memphis, TN*
  - Brief Overview of Criteria
  - Matter of Kazarian: Two-Part Analysis

- Video: Multinational Managers and Executives – Speaker: Jonathan Grode, AILA Law Student Outreach Committee Chair/Paralegals Online Course Committee Chair, Philadelphia, PA
  - Brief Overview of Criteria

EB-2 Visa

- Video: National Interest Waivers (NIWs) – Speaker: Lisa Helen York, NSC Liaison Committee Chair/Paralegals Online Course Committee Chair, Englewood, CO
  - Brief Overview of Criteria

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The New Standard (Matter of Dhanasar) vs. the Old Standard (Matter of New York State Department of Transportation (NYSDOT))

- Reading: Employment-Based Immigration – The First Three Preferences
- Video: Advanced Degree – Speaker: Jeffrey Zimskind, Allentown, PA*
  - Definition of Master’s or Equivalent
  - Three-Year Bachelor’s Degrees
  - Credential Evaluations and The Electronic Database for Global Education (EDGE)

EB-3 Visa

- Video: Religious Workers and Other Special Immigrants – Speaker: Scott D. Pollock, Chicago, IL
  - Criteria for Religious Workers
  - Other Workers
- Reading: EB-5 Immigrant Investor Program

PERM (Program Electronic Review Management System)

- Video: Overview of PERM Process – Speaker: Lisa Helen York, AILA NSC Liaison Committee Chair/Paralegals Online Course Committee Chair, Englewood, CO
  - Three Steps to Permanent Residence: Labor Certification, I-140, and I-485
  - Labor Certification
    - (1) Pay Prevailing Wage (PW)
    - (2) Not Stealing Job from Qualified, Able, or Willing U.S. Citizen (USC)/Other Authorized Worker
  - I-140 – Employer Ability to Pay/Beneficiary Qualified for Position
  - I-485 – Prior Immigration Violations, Medical, Security Checks, Criminal Issues
- Document: Overview of EB Permanent Residence through Labor Certification
- Video: Preparing for the I-140: Documenting an Employee’s Educational Background and Work Experience – Speaker: Neena Dutta, AILA Board of Governors/USCIS Service Center Operations Liaison Committee Chair, New York, NY
  - Documenting the Employee Meets the Educational Requirements
  - Documenting Training and Experience Requirements
  - Brief Introduction to Degree Equivalency Issues
- Document: PERM Prefiling Diagram
- Video: Recruitment – Speaker: Tiffany Martinez, AILA New Members Division Steering Committee, San Francisco, CA
  - Professional vs. Non-Professional
  - Recruitment Steps: Job Order, General, Alternative
  - Drafting and Placing the Advertisements
  - Notice of Filing and In-House Media
  - Timing and Tracking Deadlines
  - Preparing the Recruitment Report and Audit File
- Video: Post-Filing Issues, Including Audit Notifications – Speaker: Neena Dutta, AILA Board of Governors/USCIS Service Center Operations Liaison Committee Chair, New York, NY
  - Five-Year Files
  - Responding to Audits

SUPPLEMENTAL MATERIALS
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MODULE 8: ADJUSTMENT OF STATUS AND CONSULAR PROCESSING

CORE MATERIALS

- **Video**: Considerations When Evaluating Adjustment of Status (AOS) vs. Consular Processing (CP) - Speaker: Ceridwen Koski, AILA Distance Learning Committee Chair, Denver, CO*
  - What Are the Differences Between AOS and CP?
  - Discuss Advance Parole and Employment Authorization Documents
- **Reading**: Adjustment of Status for Beginners
- **Reading**: The Fundamentals of Consular Posts
- **Video**: Differences in Family-Based vs. Employment-Based Petitions - Speaker: Breanna Cary, Oklahoma City, OK
- **Video**: Visa Bulletin Format - Speaker: Randi R. Saba, Paralegal, Denver, CO*
- **Video**: Overview of Admissibility/Ineligibility/Waiver Issues - Speaker: Laurel Scott, Philadelphia, PA
- **Video**: Consular Electronic Filings and Timelines - Speaker: Randi R. Saba, Paralegal, Denver, CO*
- **Video**: Adjustment Filing Tips and Tricks - Speaker: Elizabeth L.A. Garvish, Atlanta, GA
  - Documentation Requirements
    - Original Birth Certificates
    - Original Marriage Certificates
    - Original Divorce Decrees
    - Original Court and Prison Records
    - Original Police Certificates
    - Two Passport-Style Photographs Taken Within 30 Days
  - Where Can I Go to Learn How to Obtain These Documents and Additional Country-Specific Requirements?
    - Foreign Affairs Manual (FAM)
    - U.S. Embassy’s Website
    - Medical Examinations
- **Video**: Follow-to-Join, Dependents - Speaker: Farshad Owji, AILA Board of Governors, San Francisco, CA

SUPPLEMENTAL MATERIALS

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MODULE 9: REMOVAL AND RELIEF

CORE MATERIALS

- **Reading**: Introduction to Removal Proceedings
- **Video**: Terminology and Itinerary of Removal Proceedings – Speaker: Hudaidah Bhimdi, Fairfax, VA
  - Vocabulary
  - Process: Anatomy of a Removal Proceeding
  - Immigration Court and Board of Immigration Appeals (BIA) Practice Manuals

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▪ Preparing Client for Reality of Processing Times, Fees, Etc.
▪ Maintaining a Good Relationship While Avoiding UPL
  ○ **Reading:** Understanding the Needs of Your Clients and Your Role as an Advisor: It’s Not Just Filling Out the Forms
  ○ **Video:** Documenting Client Communications and Keeping the Attorney Informed – **Speaker:** Brian Bernhard, Paralegal, Denver, CO*

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**Online Course Committee**

Lisa H. York, Online Course Chair, AILA NSC Liaison Committee Chair, Denver, CO
James W. Austin, AILA NBC Liaison Committee Chair, Kansas City, MO
Jonathan A. Grode, AILA Law Student Outreach Committee Chair, Philadelphia, PA
Philip Eichorn, Cleveland, OH
Margret Ann C. Gonzales, San Francisco, CA
Ari Sauer, Memphis, TN
Cora Tekach, Washington, DC
Jacqueline Watson, Austin, TX

Kate Molski, AILA Learning and Development Specialist, Washington, DC

**Special Thanks to:**
Brian Bernhard, Paralegal, Denver, CO

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