ILLINOIS STATE BAR ASSOCIATION

NOVEMBER 2018 VOL 56 NO. 3

The Globe

The newsletter of the Illinois State Bar Association's Section on International & Immigration Law

Editor's comments

BY LEWIS F. MATUSZEWICH

In the third issue of *The Globe* for this year, we mentioned that Patrick M. Kinnally of Aurora had provided, as of that date, 97 articles for various ISBA publications since 2000. In this issue, he has provided two additional articles: *Denaturalization: A new government foray* and *Foreign students/maintenance of status: A primer*.

Since October 2009 we have on occasion included within *The Globe* a feature called "Meet the Section Council." This feature has given us an opportunity to introduce the members of the section to the background and practice of current and past section council members, by providing brief biographies on one or two at a time. In this issue we are meeting section council member Susan Brazas Goldberg.

David Aubrey is vice-chair of the section council. He has been leading the section's efforts to present panel discussions explaining career opportunities to law students. His article describes the panel held in September at The John Marshall Law School in Chicago.

The International and Immigration Law Section has scheduled its Annual Immigration Law Update, a one-and-a-half-hour webinar on December 6, 2018.

Continued on next page

Denaturalization: A new government foray

BY PATRICK M. KINNALLY

Article I, clause 8 of the United States Constitution requires a uniform rule for naturalization. Since this declaration is not a new phenomenon created by the press, it should not take us by surprise. Do not let it. This has happened because the United States government has established a new bureau. The United States Citizenship and Immigration Services (USCIS) now will investigate and apparently prosecute naturalized United States citizens who are suspected of lying on the applications when they claimed they were entitled to, and were granted, United States citizenship. It is called denaturalization.[1] A naturalized citizen may lose citizenship through criminal proceedings.[2] Also, civil proceedings can seek to revoke naturalization.[3]

Applying for naturalization to become a United States citizen is a significant legal act. Basically, it is a declaration where the applicant says to a federal court, "I meet the requirements of Article I." For example, if USCIS fails to adjudicate a naturalization application within 90 days, the applicant may file his/her application—it is called "calendaring" with the federal district court in the district where the application was filed for a decision on his/her application. In other words an application for United States Citizenship is a serious undertaking. In our do-it-yourself world this can prove to be a mistaken venture, if not performed with consideration.

The process for naturalization begins with an N-400 application submitted to

Continued on next page

Editor's comments

CONTINUED FROM PAGE 1

More information is included in this issue.

As always, thank you to our authors and contributors. ■

Lewis F. Matuszewich
Matuszewich & Kelly, LLP
Telephone: (815) 459-3120
(312) 726-8787
Facsimile: (815) 459-3123
Email: lfmatuszewich@mkm-law.com

Denaturalization: A new government foray

CONTINUED FROM PAGE 1

USCIS. The form in its current version spans 20 pages in length. The prerequisites are many, including five years of lawful permanent residence (LPR)[4] or three years of LPR for those married to United States Citizens.[5] There are different rules for those who have served in the Armed Services of the United States.[6] There is also a requirement of being a person of "good moral character," possessing knowledge of United States history, and being conversant in the English language.[9]

Lying betrays trust. Also, it can undo what has been given. This is the focus of the denaturalization program recently announced. USCIS is going to try to take away citizenship from those whom USCIS believes misrepresented their eligibility for U.S. citizenship originally. How will USCIS do this?

There are many questions on the N-400 that, if not considered with pause, can result in what appear to be falsehoods. The point being you must examine with your client all of the questions asked: what is a spouse, a common law marriage, a civil union, a child born out of wedlock. The answers to these questions have legal consequences. This article cannot cover them all, but only the ones that are most prevalent.

So here are eight questions on the N-400 of which you as an advocate must be mindful.

- Did you EVER sell, give, or provide weapons to any person, or help another person sell, give, or provide weapons to any person?
- Have you EVER committed, assisted in committing, or attempted to commit, a crime or offense for which you were NOT arrested?
- Have you EVER been charged with committing, attempting to commit, or assisting in committing a crime or offense?
- Have you EVER been convicted of a crime or offense?
- Have you EVER been placed in an alternative sentencing or a rehabilitative program (for example, diversion, deferred prosecution, withheld adjudication, deferred adjudication)?
- Have you EVER voted, registered to vote in a state, local or federal election?
- Have you EVER claimed to be a United States citizen in any way?
- Have you EVER given any U.S. government official any information or documentation that was false, fraudulent, or misleading?

Weapons

All of the above questions largely call for legal conclusions. On this menu, let's look at a few. What is a weapon? Most would think about a firearm with a firing pin. A BB gun? How about a knife? What type? Are nunchucks weapons? How do you provide a weapon to a person by not

The Globe

This is the newsletter of the ISBA's Section on International & Immigration Law. Section newsletters are free to section members and published at least four times per year. Section membership dues are $30 per year.

To subscribe, visit www.isba.org/sections or call 217-525-1760.

OFFICE
ILLINOIS BAR CENTER
424 S. SECOND STREET
SPRINGFIELD, IL 62701
PHONES: 217-525-1760 OR 800-252-8908
WWW.ISBA.ORG

EDITOR
Lewis F. Matuszewich

PUBLICATIONS MANAGER
Sara Anderson
sanderson@isba.org

giving it or selling it? These are questions you need to address with your client. Concealed carry handgun regulations exist. In most states, this is a discussion you should be having with every naturalization applicant.

Crimes and Offenses

If there is any factor that can create distrust it is the failure to disclose criminal activity. Full disclosure is paramount. It is not enough just to obtain criminal convictions, but also charged crimes or offenses. Be certain whether your client is or has been the subject of a criminal investigation. Grand jury proceedings occur for a variety of reasons. Attach to your application the results of all criminal inquiries. You need not say whether these are crimes or offenses. Let the government make that adjudication. Do your own research. If you determine that a crime has occurred which makes your client ineligible then do not file for naturalization. It is that basic.

In this area you must dig a deep trench. Let's face it: most people, immigrants or otherwise, want to forget past misdeeds. This is a human condition that is understandable. To inculcate trust you must inform your client of the attorney client privilege. Tell the client it is his/her privilege, not yours. They can tell you everything unless they are going to commit harm to another person. If you are not getting the complete history then your ability to advocate for the client cannot happen. Be persistent. Probe.

There are many deferred prosecutions and alternative sentencing models that are still criminal convictions for immigration purposes. Expungement proceedings are commonplace and en vogue in many venues. They may be easy to get. Their efficacy is doubtful in the immigration /citizenship context.

Expungements are largely ineffective for immigration purposes. This is because a conviction for immigration purposes is a function of federal immigration law. Here is the USCIS playbook:

> A record of conviction that has been expunged does not remove the underlying conviction. For example, an expunged record of conviction for a controlled substance violation or any crime involving moral turpitude (CIMT) does not relieve the applicant from the conviction in the immigration context. USCIS Policy Manual Vol. 12 Part F. (08/15/2018). Matter of Marroquin 23 I&N Dec. 705 (AG 2005).
>
> The Board of Immigration Appeals (BIA) has held that a state court action to "expunge, dismiss, cancel, vacate, discharge, or otherwise remove a guilty plea or other record of guilt or conviction by operation of a state rehabilitative statute" has no effect on removing the underlying conviction for immigration purposes. Matter of Calcano De Milan 26 I&N Dec. 904 (BIA 2017)
>
> USCIS Policy Manual Vol. 12 Part F (Aug 2018)

The officer will require the applicant to submit evidence of a conviction even if the record of the conviction has been expunged. It remains the applicant's responsibility to obtain his or her records regardless of whether they have been expunged or sealed by the court.

Be circumspect. The Illinois supervision statute is a conviction. First offender probation for a drug offense is a conviction[10] even though it is not under Illinois law. Domestic violence offenses can be convictions and possibly violations of orders of protection.[11]

Voting or Registering to Vote: Falsely Claiming Citizenship

The ground for inadmissibility as to unlawful voters states:

> * * * Any alien who has voted in violation of any Federal, State or local constitutional provision, statute, ordinance or regulation is inadmissible.

The Act as to false claims to United States citizenship says:

> Any alien who falsely represents or has falsely represented himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including Section 274A (8 U.S.C. 1324(a) or any other federal or state law is inadmissible.

Both of these statutes relate to acts, conduct or declarations that occurred after September 30, 1996. For many grounds of inadmissibility, waivers can be sought depending on the applicant's relationship to a United States citizen or lawful permanent resident alien, hardship considerations and the positive and negative factors, which attach to every applicant's immigration history.[12] For unlawful voting and falsely claiming United States citizenship, there are no waivers.

A similar result can occur with unlawful voting. This inadmissibility provision is a problem, since years ago when motor-voter laws were in political vogue, applicants for state driver's licenses often signed up to vote. They may have been told they were eligible when they were not.[13]

In *Kimani v. Holder*, Anthony Kimani came to the United States from Kenya as a tourist in 2000. His visa expired. He never sought permission to extend his authorized period of stay. He married a United States citizen. He filed for AOS. During his interview, it was learned he registered to vote and voted in the 2004 Federal election. This was a violation of 18 U.S.C. 611. In his voter registration application, he declared, unmistakably, that he was a United States citizen.

In *Keathley v. Holder*, Elizabeth Keathley, a Philippine national, married a United States citizen. She was married in the Philippines in 2003. She entered the United States as K3 non-immigrant. She was admitted in that status to live with her husband, John. At some point in applying for a driver's license, Keathley told Illinois officials she was a Philippine citizen residing here on K3 visa, legally. The Illinois official asked her if she wanted to vote and she said she did. She stated she never claimed to be a United States citizen. A box checked "yes" on her voter's registration form said otherwise. And, she voted in the 2006 election. Later, she asked that her name be stricken from the voter registration roll once she learned she was not eligible to vote.

In both, *Kimani* and *Keathley*, an immigration law judge and the Board of Immigration Appeals (BIA) found each violated the unlawful voting law. In both cases, the appellants argued they were the

victims of entrapment by estoppel. This justification defense, the seventh circuit court of appeals said, should be named the official authorization defense. In a nutshell, it can occur when a public official directs a person to perform an act with the assurance the act is lawful under the circumstances. In such an instance, if proved, the alleged perpetrator cannot have the required intent for a conviction. Also, it applies in civil cases.

In *Kamani*, however, the court found the doctrine inapplicable. Mr. Kimani never claimed any official gave him any assurance about anything. Kimani's declaration as to his claimed citizenship status was his own, not a statement due to encouragement of a government actor.

As to *Keathley*, the seventh circuit court of appeals saw it differently. It reversed the BIA and sent the case back for further evidentiary hearings. The court found that Ms. Keathley's actions could support an official authorization defense. This was so, because she had no recollection of whether she or the state official filled out the voter registration form, which indicated she was a citizen. The facts surrounding the supposed misrepresentation were more important than the fact of the apparent misstatement. The immigration courts would not even permit the entrapment by estoppel or official authorization defense. The seventh circuit ruled this was error.

Claiming U.S. Citizenship

You may think this is not a big deal. It is. Making a false claim to citizenship can occur in a wide variety of contexts. From owning a shotgun, to obtaining a teacher's certificate, borrowing money to mortgage a house or start a business, or completing an I-9 form where a person seeks private employment.[14] The I-9 form in one provision clearly indicates that a person claims to be a citizen or non-citizen national of the United States.[15] False claims to citizenship can prevent naturalization. More importantly they can cause removability. You must explore the facts surrounding any false claim citizenship in all contexts.

Lying

Lying to the federal government is serious. The FBI has made this a main course of its prosecutorial diet. And, with good reason: not only is it wrong; it is a crime.[16]

Maslenjak and prior Supreme Court precedent K*ungys v. United States*, 485 U.S. 759 (1988), tells us that misrepresentation for denaturalization purposes must be material. Apparently, there can be an innocuous lie. The test is tripartite. Also, it's a presumption. A material misrepresentation occurs where the government proves: The fact misrepresented was directly disqualifying in attempting to obtain citizenship (i.e., lying about an aggravated felony conviction under immigration law); the untruth would be enough to make reasonable government actors conduct further inquiry; and, that investigation would more likely than not disclosed a legal disqualification, and that such misrepresentation procured naturalization.[17] The presumption may be rebutted by a preponderance of the evidence that the applicant met the statutory requirements for naturalization.

Conclusion

The purpose of this article is advisory. It is to alert you to those areas that are often overlooked by those who seek citizenship without counsel. With the new USCIS bureau charged with denaturalizing U.S. citizens perhaps these remarks may help avert denaturalization or alert you to defenses in criminal and possibly revocation of citizenship proceedings. With a greater significance, it may help you realize your client should not even file for naturalization.

Patrick Kinnally concentrates in general and commercial litigation, immigration and citizenship and administrative, environmental and local government law. Pat, immediate past Chair of the International and Immigration Law Section Council, can be reached at Kinnally Flaherty Krentz Loran Hodge & Masur PC by phone at (630) 907-0909 or by email to pkinnally@kfkllaw.com.

Patrick M. Kinnally
Kinnally Flaherty Krentz Loran Hodge & Masur PC
2114 Deerpath Road
Aurora, IL 60506-7945
Pkinnally@kfkllaw.com

1. http.www.thenation.com/article/trumps-denaturalization-taskforcematters/.
2. 18 U.S.C. 1425, *Maslenjak v. United States,* 582 U.S. ___ (Maslenjak).
3. 8 U.S.C. 1451.
4. 8 CFR 316.5.
5. 8 CFR 319.1.
6. 8 U.S.C. 1440(a).
7. 8 U.S.C. 1427(a)(3).
8. 8 U.S.C. 1423(a).
9. 8 U.S.C. 1423(a) (1).
10. *Gill v. Ashcroft*, 335 F. 3d 574 (74th Cir. 2003).
11. Patrick Kinnally, *A Red Flag: Orders of Protection and Deportability for Resident Aliens*, Kane County Bar Association Bar Briefs (June 2016).
12. See The Waivers Book, American Immigration Lawyers Association 16-17 (2011), citing Matter of Tijam (BIA 1998), 22 I&N Dec. 408.
13. *Kimani v. Holder*, 695 F.3d 666, 2012 WL 3590816, C.A.7, 2012, ("Kimani"); Keathley v. Holder, 696 F.3d 644, 2012 WL 3590818, C.A.7, 2012, ("Keathley").
14. See *Hassan v. Holder*, 604 F.3d 915, 928-29 (6th Cir. 2010) ("Hassan").
15. *Theodoros v. Gonzalez*, 490 F.3d 396 (5th Cir. 2007).
16. 8 U.S.C. 1001, 1451(a).
17. In essence this is a causation requirement. Did the defendant's illegal conduct cause her naturalization. Maslenjak reversed the trial court because the jury was not instructed in any way about causation.

Foreign students/maintenance of status: A primer

BY PATRICK M. KINNALLY

In July 2017, the number of international students in the United States was 1.18 million. Largely, the nonimmigrant classifications for this group are F-1, M-1, or J-1 individuals. Seventy-five percent of these students were from Asia, with the largest groups coming from China and India; coming in third was South Korea with 71,000 students, followed by Saudi Arabia.[1] Foreign student education is a large, meaningful business for United States Universities and colleges.[2]

In 2018, the number of international students issued F-1 visas to study in the United States decreased by 17 percent. According to Earl Johnson a vice president for student services at the University of Tulsa, this fact has caused a sharp decline in the university's revenue.[3] Mr. Johnson attributes the decline to several factors: the increasing cost of a college education; the current federal administration's "America First" declaration, which he believes is causing anxiety in some would be students as to whether they will welcome in the United States; and new guidance issued by the State Department to consulates that issue F-1 visas. That revision now emphasizes that consulates "must refuse" any F-1 visa applicant if the consular official is "not satisfied that the applicant's present intent is to depart the United States at the conclusion of his or her study." Perhaps, a fairly subjective standard when the prospective student has not even arrived on United States soil.

The Immigration and Nationality Act (INA) lists many types of nonimmigrants who are foreign nationals seeking admission to the United States for a specific purpose. Some classifications allow the nonimmigrant's spouse and children to accompany the principal nonimmigrant to the United States. Once the specific purpose for the nonimmigrant has ended s/he must leave, or change to another permitted immigration status. During the time the nonimmigrant is in the United States s/he must maintain the status they were granted upon admission. If status is not maintained the nonimmigrant falls out of status and may be removed.

F-1 nonimmigrants (and F-2 spouses or children) are foreign nationals coming to the United States to pursue a full course of study at a school that is approved under the Student and Exchange Visitor Program (SEVP), including English language study. Such a program may include a university, college, high school, private elementary school, seminary, conservatory, or other academic institution.[4]

An M-1 nonimmigrant (and M-2 spouse and children) are foreign nationals coming to the United States to pursue a full course of study in a technical program at a SEVP approved vocational or other recognized non-academic institution.[5]

SEVP is a Department of Homeland Security (DHS) program that administers the Student and Exchange Visitor Information System (SEVIS). It can track essential information related to foreign students whom have entered the United States. It was created to preserve national security. SEVP provides approval for all F-1 and M-1 programs.

SEVIS is a nationwide internet system for maintaining information on all international foreign students and J-1 visitors. For example, the foreign student is first entered into the SEVIS system when the I-20 form is issued to the eligible foreign student to obtain an F-1 Visa. The I-20 certificate of eligibility form is issued by a designated school official (DSO) at the approved school and forms the basis for the foreign student obtaining and F-1 visa at the United States consulate abroad. An F-1 visa is primarily issued based on the I-20 among other factors.

The I-20 comes with a code and SEVIS ID number. The idea behind SEVIS is to determine whether the foreign student once admitted into the United States as an F-1 student is maintaining his/her nonimmigrant status. It does this by tracking where the student lives, whether the student has registered for classes, whether the student is carrying a full course of study, has transferred to another school without permission,[6] or if the student has been terminated. Each of these factors are conditions of the student's F-1 status. Breaches of any of these elements may result in the failure of the F-1 student to maintain status, which could lead to being removed or deported.[7]

Another area of concern for foreign students is whether a foreign student has incurred unlawful presence and concomitantly a ground of inadmissibility or removal.[8]

Here is how this problem can unfold. Historically F-1 students are admitted into the United States with a Form I-94 for what is called duration of status (D/S). No temporal limit exists. This means the student can stay in the United States for the duration of the program, course of study, work authorization or any other grace period allowed after completion of the program. If the foreign student completes his/her studies at the approved program the student is expected to depart. If s/he does not, or does not change status, the following new interpretations (8-9-18) are being used.

F, J, or M nonimmigrants who failed to maintain their nonimmigrant status before Aug. 9, 2018, started accruing unlawful presence based on that failure on Aug. 9, 2018, unless they have already started accruing unlawful presence on the earliest of the following:

- The day after DHS denied the request for the immigration benefit, if DHS made a formal finding that the individual violated his or her nonimmigrant status while adjudicating a request for another immigration benefit;
- The day after the Form I-94, Arrival/Departure Record expired, if the F, J, or M was admitted for a date certain; or
- The day after an immigration judge ordered them excluded, deported, or removed (whether or not the decision is appealed).

An F, J, or M nonimmigrant begins accruing unlawful presence, due to a failure to maintain his or her status on or after Aug. 9, 2018, on the earliest of any of the following:

- The day after the F, J, or M nonimmigrant no longer pursues the course of study or the authorized activity, or the day after he or she engages in an unauthorized activity;
- The day after completing the course of study or program (including any authorized practical training plus any authorized grace period, as outlined in 8 CFR 214.2);
- The day after the I-94 expires, if the F, J, or M nonimmigrant was admitted for a date certain; or
- The day after an immigration judge orders them excluded, deported, or removed (whether or not the decision is appealed).

Note: If USCIS relies solely upon information provided in the Student and Exchange Visitor Information System (SEVIS) to make an unlawful presence determination, the applicant will be given an opportunity to rebut evidence provided in SEVIS before a final decision is made. (Final Guidance)

This new regime is quite strict. More importantly, it appears USCIS is going to use the SEVIS template as the basis for deciding this issue. Where apparent breaches of the SEVIS regime are made by USCIS this is going to place a premium on whether the F-1 student can obtain reinstatement of status.

This reinstatement procedure (see USCIS Form I-539) is purely regulatory.[9] The criteria for foreign students are: (1) has not been out of status for more than 5 months, or exceptional circumstances exist and the request for reinstatement was filed as promptly as possible; (2) the student is not a repeat or willful immigration violator; (3) currently is pursuing a full course of study, or intends to do so: (4) has not engaged in unauthorized employment; (5) is not deportable on any other ground other than being out of status (e.g. unlawful presence); or, (6) proves the violation resulted from circumstances unforeseen or beyond one's control such as serious illness or injury, program termination, or inadvertence, or neglect by the DSO or inaction by USCIS.[10]

With respect to all of these rules it seems the most significant is that the student must show that failure to grant reinstatement will result in extreme hardship. The test is discretionary in nature.[11]

Young Dong Kim v. Holder is a good example of how reinstatement works. In this case it did not.

Young Do Kim (Kim) and his wife Jung O. Ko (Ko) entered the United States as tourists in 2004. Ko was granted a change of status to F-1 to attend Goal Training Inc. (GTI). Kim accordingly was granted F-2 status as her spouse.

In January 2006 the district director of USCIS terminated Ko's F-1 status because she stopped attending classes at GTI on November 6, 2005. Ko submitted an application to reinstate her F-1 status on May 9, 2006. She claimed she stopped attending classes due to serious illness. Her physician's letter stated Ko was under care from December 17, 2005, through January 2005, not before. The district director of USCIS denied the reinstatement application and request for reconsideration filed on July 7, 2006. The director, after contacting GTI, concluded Ko never informed GTI why she was not attending class and that she failed in her curriculum requirements (i.e., attending classes).

While Ko's request for reinstatement was pending Kim became the beneficiary of an employment based immigrant visa petition. He applied to adjust his status to lawful permanent resident (LPR). That application was denied because he failed to maintain lawful nonimmigrant status. Specifically, USCIS concluded Kim lost his F-2 status in January 2006 when Ko lost her F-1 status. Since Kim failed to maintain lawful status for more than 180 days before applying to adjust his status he was ineligible to seek permanent residence (LPR). An immigration judge and the Board of Immigration Appeals (BIA) affirmed that decision. So did the Seventh Circuit.

At Kim's removal hearing Ko had a different story. She said she stopped attending classes because GTI wrongfully terminated her as a student for nonpayment of tuition. Kim argued his failure to maintain F-2 status was due to circumstances beyond his control, were for technical reasons and should be legally excused.

The seventh circuit panel found this argument unpersuasive. Basically, it concluded that neither the Immigration Judge nor the BIA had any authority to reinstate Ko's F-1 status and correspondingly Kim's F-2 student status. It concluded that decision was within the sole province of USCIS.[12]

Finally, it held that Kim's failure to maintain status could be excused if the failure occurred through no fault of Kim's. Such failure might happen where the DSO failed to act; or due to USCIS inaction.[13] Neither was present in this case. Kim's order of removal and Ko's was affirmed.

Maintaining nonimmigrant student status need not be difficult if the person who has achieved such recognition observes the specific purpose for why s/he came to the United States. With new rules relating to unlawful presence and heightened scrutiny with SEVIS the fact of increased enforcement is likely.

Reinstatement of F nonimmigrant status may be an option. But it can only be so, if the record you make is clear and made persuasively at the first outset based on the true facts presented at the administrative level. Review in the circuit court may prove to be illusory. ■

Patrick Kinnally concentrates in general and commercial litigation, immigration and citizenship and administrative, environmental and local government law. Pat, immediate past Chair of the International and Immigration Law Section Council, can be reached at Kinnally Flaherty Krentz Loran Hodge & Masur PC by phone at (630) 907-0909 or by email to pkinnally@kfkllaw.com.

Patrick M. Kinnally
Kinnally Flaherty Krentz Loran Hodge & Masur PC
2114 Deerpath Road
Aurora, IL 60506-7945
Pkinnally@kfkllaw.com

1. https://thepienews.com/news/usa-international-students.
2. https://www.immigrationpolicy.org.
3. https:/money.cnn.com/2018/03/12.
4. INA 101(a)(15)(F).
5. INA 101 (a)(15)(M).
6. Matter of Yadzani, 17 I&N Dec. 626 (BIA 1981).
7. See generally, *Kurzban's Immigration Sourcebook*, 16th ed. at. 1049.
8. USCIS Final Guidance on Unlawful Presence for Students and Exchange Visitors (AILA. No. 18081001 (08-10-18) (INA 212(a)(9)(B)(i)(I)(II), 212 (a)(9)(C)(i)(I)). (Final guidance).
9. See 8 C.F.R. 214.2(f)(16).
10. *Sourcebook*, at 1065.
11. *Young Dong Kim v. Holder*, 737 F.3d. 1181 (7th Cir. 2013) (Kim).
12. See also Desousa v. Demore, 169 F. Supp 2d 1169 (N.D. Cal. 2001).
13. 8 CFT 214.2 (f); 8 CFR 1245.1 (d)(2).

Meet the section council: Susan Brazas Goldberg

The International and Immigration Law Section Council brings to the ISBA a wide range of experiences and interests. Following is an introduction to section council member Susan Brazas Goldberg.

Susan Brazas Goldberg is a managing attorney for the United Auto Workers (UAW) Legal Services Plan in Belvidere, Illinois. She earned B.S. and M.B.A. degrees from Bradley University and a J.D. from the University of Illinois. Susan is licensed in state and federal courts in Illinois and Wisconsin.

Susan is the immediate past chair of the Illinois Bar Foundation (IBF) Fellows Committee, is a past member of the IBF Board, and is a Gold Fellow of the IBF. Susan is in her ninth year as the author of state court digests for the daily ISBA E-Clips, and is a writer for LexisNexis. Susan is currently on the ISBA's Child Law Section Council and International and Immigration Law Section Council. She is a past chair of the ISBA Civil Practice and Procedure Section Council, the General Practice Section Council, and the Committee on Women and the Law.

Susan was previously a solo practitioner in Rockford, and has worked at firms in northern Illinois and southern Wisconsin. Her practice areas have included family law, employment law, general civil litigation, personal injury, medical malpractice, probate, and administrative proceedings such as DCFS appeals, school law, and election law. Susan is a volunteer with the Justice for Our Neighbors immigration law clinic, a member of the Winnebago County Bar Association, the University Club of Rockford, and Womanspace of Rockford, and serves on the Board of the Center for the Arts and Spirituality in Rockford, where she organized a free community screening of the acclaimed documentary "Minding the Gap", filmed in Rockford. She has served as a volunteer GAL for Boone County CASA for 12 years. Her interests include theatre, choral music, jazz, and writing.

Student outreach to The John Marshall Law School

BY DAVID W. AUBREY

A critical part of the council's work is to engage with future lawyers by meeting with and speaking to law students. Typically, this happens through group presentations, which offer law students advice on careers in international and immigration law. On September 18, 2018, members of the International & Immigration Law Section Council met with law students at The John Marshall Law School in Chicago to present on careers in international and immigration law. The presenters were Shama Patari, Professor William Mock, Professor Mark Wojcik, and David Aubrey.

The format for the presentation was a moderated question and answer program with questions by Paul Johnson from the law school's career services office and questions from students. More than 50 students attended the event, which makes this one of best-attended student outreach events ever.

rofessor Mock spoke about his career with Baker & McKenzie, the United Nations, the American Bar Association, and as a professor. His contributions were fascinating and the students easily could have spent more time asking questions about his work in international law.

Professor Wojcik shared with the group about his recent work in the Kingdom of Bhutan establishing the first law school there. Professor Wojcik offered the students practical advice on how to network by participating in bar associations, like the Illinois State Bar Association and the American Bar Association.

Shama Patari is the section council chair and is in house counsel for Lenovo Group, a technology company, with its principal place of business in China. Ms. Patari recounted how she transitioned from working as a partner in a law firm to the role as in-house counsel. She also had real insight on how the current U.S. trade policies impact multinational businesses.

David Aubrey spoke about international tools for discovery in civil litigation and the challenges of determining the proper jurisdiction for lawsuits against foreign entities. He also gave an overview to the students about the section council's activities and how the students could become involved with the Illinois State Bar Association.

In conclusion, the fall student outreach event was a genuine success. With four speakers offering a wide variety of experience combined with enthusiastic student participation, the only shortcoming was that the program was just an hour long. Hopefully, events like this will create a culture of participation in the section council with the next generation of Illinois attorneys.

David W. Aubrey primarily represents clients diagnosed with mesothelioma and their families. In addition, David represents those injured in commercial trucking accidents, whistle blowers in qui-tam actions, and prisoners in civil rights cases. David is currently Vice Chair of the International and Immigration Section Council of the ISBA.
Gori Julian & Associates, P.C.
156 North Main Street
Edwardsville, Illinois 62025
Phone: 618-659-9833
Fax: 618-659-9834
E-Mail: David@gorijulianlaw.com
www.gorijulianlaw.com

Immigration law update

The International and Immigration Law Section Council will present a webinar on December 6, 2018 providing a review of current developments in immigration law:

- Increased scrutiny of business visa applications under the Buy American Hire American Executive Order.
- Changes to public charge determinations under the administration's proposed notice of rule making.
- Proposed rulemaking around the detention of children to supersede the Flores settlement.
- Issues related to the independence of immigration judges.
- "Chain migration" and attempts to limit family based immigration.
- Changes to immigration enforcement standards and new executive orders on interior security and border enforcement.
- Changes related to refugees, asylum and special immigrant juveniles.
- Case law update, including Pereira v. Sessions.

The program moderator and coordinator is Juliet Boyd of Boyd & Kummer, LLC in Chicago. The panel members include Patrick M. Kinnally of Kinnally Flaherty Krentz Loran Hodge & Mascur PC in Aurora, Tejas Shah of Franczek Radelet in Chicago, and Cindy G. Buys with Southern Illinois University School of Law in Carbondale.

The webinar will start at noon and is scheduled to run for an hour and a half. Further information concerning the program and registration information will be distributed by the ISBA prior to the webinar.