



*Celebrating 20 Years of NAFTA
Immigration. . .*

**CANADA/U.S.
BORDER IMMIGRATION:
SIXTH ANNUAL FALL
CONFERENCE**

*October 17, 2014
The Buffalo Club – Buffalo, New York*

REGISTER AT <http://conta.cc/1pb6k0i>

CANADA/U.S. BORDER IMMIGRATION: 6th ANNUAL FALL CONFERENCE

20 Years of NAFTA Immigration: The Perspective from Both Sides of the Border



When Canadian and American immigration laws intersect

A PROGRAM BY THE UPSTATE NY CHAPTER OF THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION
CO-SPONSORED BY THE ONTARIO BAR ASSOCIATION BRANCH OF THE CANADIAN BAR ASSOCIATION AND
THE ERIE COUNTY NY BAR ASSOCIATION



ONTARIO
BAR ASSOCIATION
A Branch of the
Canadian Bar Association

L'ASSOCIATION DU
BARREAU DE L'ONTARIO
Une division de l'Association
du Barreau canadien



BAR ASSOCIATION
OF ERIE COUNTY

IN COOPERATION WITH:



ABA Section of
International Law
Your Gateway to International Practice



WORLD TRADE CENTER®
BUFFALO NIAGARA

AT A GLANCE

DATE: October 17, 2014

PLACE: The Buffalo Club, 388 Delaware Ave.,
Buffalo NY 14202, (716) 886-6400



REGISTER AT: <http://conta.cc/1pb6k0i>

TIME: All day; registration 7-8:30AM

COST (Includes CLE/CPD credit, \$600 *Kurzban* Sourcebook raffle, breakfast, lunch & reception in US\$:)

- \$555 early bird general, incl. gov't. employee
- \$395 AILA/OBA/ECBA member
- \$295 private not-for-profit employee/law student
- \$195 pro bono commitment

NEARBY HOTELS

- *The Buffalo Club* (reserve on registration form)
- *The Mansion* (next door) (716) 883-3300
- *Hampton Inn*: (716) 855-2223
- *Embassy Suites*: (716) 842-1000
- *Holiday Inn*: (716) 886-2121
- *Best Western*: (716) 886-8333

Conference Summary: Leading immigration lawyers and other professionals discuss substantive and practical issues in Canada/U.S. border immigration. This year's focus is on the intersection of U.S. and Canadian immigration law and celebrates the 20th anniversary of NAFTA. The venue is the historic and celebrated Buffalo Club. Established in 1867, the Club is near Buffalo's business and government districts, on historic "Millionaire's Row," walking distance to the Peace Bridge.

THIS PROGRAM IS FOR:

1. *Immigration lawyers & paralegals*
2. *Any lawyer or cross-border professional representing a foreign national*
3. *Not for profit employees & volunteers*

HOST VENUE RULES:

1. *Buffalo Club dress code: Men: dress pants, coat and tie. Women: dresses, business suits, dress pants with blazers or formal pantsuits.*
2. *Cell phone use: permitted only in designated areas. (Please ask.)*



CLE for NY Lawyers: The Erie Institute of Law has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the state of New York. This CLE course may be used for NY MCLE by all attorneys, including those who are newly admitted (less than 24 months). This continuing legal education course has been approved in accordance with the requirements of the Continuing Legal Education Board for a maximum of 8.5 credit hours of which 1.5 can be applied toward Ethics, 4.5 toward Areas of Professional Practice and 2.5 toward Skills.



CPD for Ontario Lawyers: Accredited by the Law Society of Upper Canada for 1.5 hours of Professionalism and 7.0 substantive CPD hours.

CONFERENCE PROGRAM

7:00-7:45 AM

Yoga



- Optional all level Yoga Practice in Buffalo Club Fitness Center (Must register separately on registration form.) Full access to locker room.

Instructor: Kerry Mitchell, Himalaya Institute (Former political officer Canadian Consulate Buffalo.)

7:00-8:25

Registration, Full Breakfast, and Networking

8:25-8:30

Welcome

- Upstate AILA Chair, OBA Program Chair

Speakers: Joseph C. Grasmick, Law Office of Joseph C. Grasmick (Buffalo); Sergio R. Karas, Karas Immigration Law Professional Corporation (Toronto)

8:30-10:00

Canada/USA Border Update: Practice & Policy in the U.S.



- Why are more people turned away at the border? Changing eligibility because of new information sharing
- The future of “special treatment” for Canadians
- “Beyond the Border”-liberalization of “After Sales Service” safe harbor
- New trends/developments in border practice

Morning Keynote: Hon. William J. Hochul, Jr., U.S. Attorney, WDNY (Buffalo)

Panel Members/Leaders: Rosanna Berardi, Berardi Immigration Law, (Buffalo) & Danielle Rizzo, Law Office of James D. Eiss (Buffalo)

Speakers: Gregory Bennett, CBP Supervisory Border Security Officer (Buffalo); Diane Butler, Lane Powell PC (Seattle); Rose Hilmey, Port Director at Peace Bridge POE (Buffalo); Richard Misztal, CBP Program Manager (Buffalo)

10:00-11:00

Canada/USA Border Update: Practice & Policy on the Canadian Side

- Changing eligibility criteria, information sharing agreements
- Canadian equivalents to NAFTA work permits: Visitors, Professionals, Intra-Company Transferees
- The future of “special treatment” for Americans (has there ever been that?)
- Visitor “Beyond the Border”-the misunderstood “After Sales Service” category and its perils.
- New trends, emerging issues in border practice

Panel Leader: Sergio R. Karas, Karas Immigration Law Professional Corporation (Toronto)

Speakers: David Garson, Guberman Garson Segal LLP (Toronto); Naseem Malik, McCarthy Tétrault LLP (Toronto)

11:00-12:00

Criminal Inadmissibility: when old mistakes come back & haunt

- U.S. Immigration consequences of criminal convictions to Canadians
- Canadian immigration consequences to U.S. citizens

Panel Member/Leader: Matthew Kolken, Kolken & Kolken (Buffalo)

Speakers: Nancy M. Eraca (Elmira); Randolph Hahn, Partner Guberman Garson Segal LLP (Toronto); Mary Keefe, Immigration Officer (ret.) Canadian Consulate (Buffalo)

12PM-1:00

Lunch-Noon Keynote Speakers

- Free Trade and Immigration 20 Years Later: U.S. and Canadian Perspectives on the CFTA & NAFTA

Panel Member/Leader: Diane Butler, Lane Powell PC (Seattle);

Erin Cole, President/CEO World Trade Center Buffalo Niagara, (Buffalo);

Speakers: Scott Renner, Consular Section Chief, U.S. Consulate (Invited. Toronto); Michael Watts, Immigration Program Manager, Canadian Consulate (NYC)

12PM-1:00 (PARALLEL LUNCH SESSION)

Lunch-New Member Division

- “No intimidation” Q & A for newer professionals and law students

Panel Member/Leader: Richard Link, Law Office of Richard Link, AILA Chapter Secretary (Rochester); David Wilks, AILA New Member Division Liaison (Rochester)

Speaker(s): Matthew Kolken, Kolken & Kolken (Buffalo); Michael Marszalkowski PC, AILA Mentor of the Year (Buffalo)

1:00-2:00

Accidental Citizenship and Expatriation:

- Spot tax & financial reporting liability from a previously unseen dual citizenship claim.
- Consequences of expatriation or abandoning residence: can trigger severe immigration and tax sanctions.

Panel Member/Leader: Daniel P. Joyce, Hodgson Russ LLP (Buffalo)

Speakers: Nan Berezowski (Toronto); Kevin Hill, EFP Rotenberg LLP (Rochester); Jason Ubeika, BDO Canada LLP (Toronto)

2:00-3:00

Asylum & Refugee Update

- Who is eligible for which country? Is Canada still an option for an asylum seeker rejected by the U.S? Vice versa?
- Who do I send unsuccessful clients to, to try their luck on your side of the border?
- Political and legal differences between Canada and U.S. law
- Mandated similarities: international treaties

- *Why no unaccompanied minor crisis in Canada?*

Panel Member/Leader: Michael E. Marszalkowski, P.C., (AILA Chapter Mentor of the Year (Buffalo))

Speaker(s): Chantal Desloges (Toronto);
Karen Andolina Scott, Legal Director Journey's End
Refugee Services (Buffalo);

3:00-4:00

International Business Structures and Work Permits

- *Corporate options to allow intra-company transferees (senior Managers, executives and "specialized knowledge")*
- *Structuring the investment: Traders and Investors*
- *HR structure: organizational charts and job descriptions. Square pegs in round holes. Transferee management. Self-employed, independent contractors, & NAFTA status*
- *Is NAFTA really reciprocal?*

Panel Member/Leader: L.J. D'Arrigo, Whiteman, Osterman & Hanna, LLP, AILA Vice Chair (Albany)
Speakers: Jerry Kreindler, Kreindler Law (Toronto);
Eileen Martin, Hiscock & Barclay LLP (Buffalo)

4:00-5:30

Ethical Issues, Unauthorized Practice of Law, and Professional Responsibility When Delving Into the Other Side

- *Cross border work: ethics and professional responsibility*
- *Unauthorized practice of law: what can we do in each other's country?*
- *Immigration permission for lawyers-the Foreign Consultant, meeting a client over there*
- *Multi-jurisdictional practice and use of local counsel*
- *Future professional liability issues of handling an expatriation matter*

Panel Member/Leader: Barbara Brenner, Chapter Member (Albany)
Speakers: Philippe M. Capelle, Capelle Kane Immigration Lawyers (Ottawa)
Adjudicator, Law Society of Upper Canada Discipline Tribunal I (Toronto);
Sergio Karas (Toronto); Cyrus Mehta, Cyrus D. Mehta and Associates, chair AILA
National Ethics Committee (NYC); Reid Trautz, Director Practice & Professionalism
AILA National (DC)

5:30-7 :00

Cocktail and Hors D'oeuvre Reception (Guests with RSVP welcome)

- *Announce recipient of AILA Chapter's 2014 Pro Bono award*
- *Announce winner of \$600 Kurzban Sourcebook raffle. (Ticket included in registration fee.)*

Hosts: Joseph C. Grasmick and Sergio R. Karas



Q: WILL I UNDERSTAND THE MATERIALS?

A: YES. THIS PROGRAM IS "DING" ENABLED.

The "dinger" introduced in last years' program will good-naturedly remind speakers to explain complicated commentary. For example, we ask speakers to avoid or explain acronyms.

The usual "basic vs advanced" descriptor is less useful for this comparative law program. Much information will be new to even experienced practitioners, for two reasons:

1. *Attendees practice in different national legal systems.*
2. *Immigration law is notoriously specialized. E.g., a business immigration lawyer typically knows little about proving an asylum case.*

Moderator: Diane Chappell-Daly, AILA National 2014 winner, Michael Maggio Memorial Pro Bono Award (Syracuse)

Sponsors:

 <p>Hodgson Russ^{LLP} ATTORNEYS</p> <p>CELEBRATING 25 YEARS IN CANADA And decades more assisting Canadians and their businesses</p> <p>Practice restricted to U.S. law</p>	 <p>EFP ROTENBERG <i>what counts</i></p>
 <p>KARAS IMMIGRATION LAW Professional Corporation</p>	<p>❧</p> <p><i>THE GRASMICK FAMILY IN MEMORY OF CHAPTER FRIEND LAURA A. MONDELLO</i></p> <p>❧❧</p> <p><i>DANIELLE M. RIZZO</i></p> <p>❧</p>

Officers - Upstate NY Chapter of AILA, 2014-2015:

1. Joseph C. Grasmick, Chair (Buffalo)
2. Leonard J. (LJ) D'Arrigo, Vice Chair (Albany)
3. Richard J. Link, Treasurer (Rochester)
4. Brian M. Wang, Secretary (Albany)

JoAnn Lewandowski, Consultant, Conference Coordinator (Buffalo)
Matthew Kolken, Morning Moderator at-large (Buffalo)
Diane Chappell-Daly, Afternoon Moderator at-large (Syracuse)
Pierce McCleary, photographer (chrispierce.photo@gmail.com)

CLE/CPD for NY and Ontario Lawyers:



The NY CLE Board provisionally certifies the Erie County Bar Association as an accredited provider. (To be requested.) All attorneys may use this course for NY MCLE credit, including those newly admitted (<24 months) for up to **8.5** credit hours, of which **7** hours can be used for skills and **1.5** hour for ethics. Requested from the Law Society of Upper Canada: **1.5** hours of Professionalism CPD, and the program also includes **7** additional substantive hours.
