



THE CANADIAN
BAR ASSOCIATION

CBA IMMIGRATION LAW CONFERENCE:

CANADA @ 150 
THE IMMIGRATION EXPERIENCE

#CBAimm2017

JUNE 8-10, 2017 | TORONTO, ON



2017 NATIONAL IMMIGRATION LAW CONFERENCE

Canada @ 150 🇨🇦 **The Immigration Experience**

June 8-10, 2017 | Toronto, Ontario

Thursday 8 June 2017

5:00-7:00 pm **Pre-Registration & Opening Reception** - *Toulà Ristorante & Bar, Westin Hotel*

7:30 pm **Young Lawyers Social** - *Amsterdam Brewhouse, 245 Queens Quay West*

Friday 9 June 2017

6:30 am **Scenic Run/Walk** - *Meet in the lobby of the Westin Hotel, all levels of experience welcome!*

6:45 am **Jazzercise class** - *Meet in "Dockside 9" at the Westin for this 40 minute fitness class, led by Suzanne Bailey, Certified Jazzercise Instructor!*

7:30– 8:15 am **Registration and Continental Breakfast** - *Frontenac Ballroom Foyer*

8:15 – 8:30 am **Welcome Remarks by Conference Co-Chairs** - *Frontenac Ballroom*

- Vance Langford, National Section Chair
- Jennifer Nees, Ontario Section Chair
- Robert Borland, Department of Justice

8:30 – 9:20 am **Opening Plenary** - *Frontenac Ballroom*

- Moderator: Stephane Duval, National Section Past Chair
- Sébastien Aubertin-Giguère, CBSA
- Dawn Edlund - IRCC
- Christopher Chevrier - ESDC
- Greg Kipling, IRB



| 9:20 am – 10:30 am | 2-A METROPOLITAN BALLROOM WEST | 2-B METROPOLITAN BALLROOM CENTER | 2-C METROPOLITAN BALLROOM EAST |
|--------------------|--|---|--|
| Topics | <p align="center">Standard of Review</p> <p>Explore the current state of the law on Standard of Review, join in a discussion on the challenges facing the Federal Courts in the areas of:</p> <ul style="list-style-type: none"> • deference to implied reasons • applying multiple reasonable interpretations of the law • varying margins of appreciation with the standard of reasonableness • practical implications for counsel of debates on standard of review | <p align="center">Temporary Foreign Workers/LMIAs</p> <p>Navigate through practical and policy considerations of the ongoing changes to the Temporary Foreign Worker Program, specifically in relation to the Labour Market Impact Assessments:</p> <ul style="list-style-type: none"> • Consequences of the reform and current challenges; • Who is the employer for LMIA purposes, including in cases of tripartite arrangements; • Exemptions from advertisement, including the intriguing “Owner-Operator” category; • Tips to get a transition plan approved; • Problems encountered by employers of low-wage workers: quotas et al. | <p align="center">Role of Counsel before the RPD</p> <p>Learn about the role of counsel in preparing and assisting claimants through the hearing process before the RPD. The panel will review two studies on the importance of counsel in the claims process and identify practices and approaches used by effective counsel.</p> <ul style="list-style-type: none"> • What is the role of counsel in drafting the BOC? • When does it make sense to request written as opposed to oral submissions? • What are best practices in organizing and submitting disclosure? |
| Moderator | <p>Aleksandar Stojicevic, MKS Immigration Lawyers <i>(moderator / speaker)</i></p> | <p>Kevin Zemp, Zemp Law Group <i>(moderator / speaker)</i></p> | <p>Lobat Sadrehashemi, Embarkation Law Corporation <i>(moderator / speaker)</i></p> |
| Speakers | <p>Audrey Macklin, University of Toronto Justice John Evans, Former Justice, Federal Court of Appeal</p> | <p>Anna Di Stasio, New Era Immigration Christopher Chevrier, ESDC</p> | <p>Sean Rehaag, Osgoode Law School Gary Dukeshire, IRB Legal Services</p> |

10:30 – 10:40 am Refreshment Break

** Topics and social events subject to change*



| 10:40 am – 11:50 am | 3-A METROPOLITAN BALLROOM WEST | 3-B METROPOLITAN BALLROOM CENTER | 3-C METROPOLITAN BALLROOM EAST |
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| Topics | <p>International Mobility & Employer Portal</p> <p>This session will review recent developments with respect to the International Mobility Program that allow for the issuance of LMIA-exempted work permits, including issues relating to the Employer Portal.</p> <p>The panel will discuss:</p> <ul style="list-style-type: none"> ● The (relatively) new exemptions, including ‘Urgent Repairs’ and ‘Francophone Mobility’ ● The ‘Global Skills Strategy’ ● Who is the employer for portal purposes ● Employers as primary users and multiple secondary users ● Tips on how to submit the job offer ● Preparing for a Port of Entry application. | <p>Caregivers</p> <p>Important changes to the Caregiver Program took effect in November 2014. This panel will walk us through the principles of the program and its challenges (basic and intermediate levels). It will cover:</p> <ul style="list-style-type: none"> ● LMIAs for caregivers; ● Extensions and changes of employer; ● Live-out arrangements ● Access to permanent residence through the Caring for Children or Caring for People with High Medical Needs pathways. ● Legacy processing | <p>Immigration Division - Detention issues</p> <p>The government has engaged in consultations to implement a broader range of alternatives to detention and to reduce the use of detention in the immigration context, in particular in relation to minors. This panel will explore the current state of the law on detention, with a focus on developing areas including:</p> <ul style="list-style-type: none"> ● Alternatives to detention ● Detention of minors ● When BIOC is considered in the detention of adults ● Long-term detentions |
| Moderator | Brett Cavanaugh , McKercher LLP | Deanna Okun-Nachoff , McCrea Immigration Law <i>(moderator / speaker)</i> | Arghavan Gerami , Gerami Law Professional Corporation |
| Speakers | Gilda Villaran-Calderon , Fasken Martineau DuMoulin Steven Owen , IRCC Heather Moriarty , IRCC | Herbert Brownstein , Brownstein, Brownstein & Associates John Acheson , IRCC | Anthony Navaneelan , Refugee Law Office, Legal Aid Ontario Isabelle Germain , ID, IRB Nancy Weisman , Senior Counsel, IRB Legal Services Patrick Murphy , Department of Justice |

* Topics and social events subject to change



| 11:50 –1:05 pm | 4-A METROPOLITAN BALLROOM WEST | 4-B METROPOLITAN BALLROOM CENTER | 4-C METROPOLITAN BALLROOM EAST |
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| Topics | <p>eTAs</p> <p>Electronic Travel Authorizations (eTAs) are now required from visa-exempt foreign nationals arriving by air. This new requirement has created several new issues. This session will cover:</p> <ul style="list-style-type: none"> Who should get an eTA and who should not? What can recently landed PRs do if they need to travel? How can counsel follow up on pending eTA applications? | <p>Express Entry (Fundamentals/Tech Aspects)</p> <p>This session will discuss Express Entry basics including:</p> <ul style="list-style-type: none"> The new point system and latest updates What do you need before you can get started? What are common pitfalls to avoid when building a profile? Staying in Status: the Bridging Open Work Permit How can counsel identify and resolving technical problems? | <p>Liar, Liar, Pants on Fire: IAD Misrepresentation Cases</p> <p>All practitioners at some point encounter instances of actual or alleged client misrepresentation. This panel will discuss the following issues:</p> <ul style="list-style-type: none"> What is the current legal test accepted by the IAD and FC for misrepresentation? On what basis can a client challenge a misrepresentation finding? What are best practices in preparing a client’s misrepresentation appeal? In what circumstances do Minister’s Counsel make positive recommendations in misrepresentation cases? Impact of proposed new IAD rules on appeals |
| Moderator | Sofia Mirza , Fillmore Riley LLP <i>(moderator / speaker)</i> | Lisa Middlemiss , Gomberg Dalfen <i>(moderator / speaker)</i> | Carter Hoppe , Carter Hoppe Legal Consultants |
| Speakers | Melissa Babel , Fragomen | Jeevyn Dhaliwal , Larlee Rosenberg Tracy Burt , IRCC Steven Owen , IRCC | Raj Sharma , Stewart Sharma Harsanyi Paul Aterman , IAD, IRB Jay Miller , CBSA |

1:05 –2:30 pm

Luncheon & Keynote Speaker - Frontenac Ballroom

- Hon. Laura Albanese, Minister of Citizenship and Immigration, Ontario
- Moderator: Tamara Mosher-Kuczer, Capelle Kane

* Topics and social events subject to change



| 2:30 – 3:45 pm | 5-A METROPOLITAN BALLROOM WEST | 5-B METROPOLITAN BALLROOM CENTER | 5-C METROPOLITAN BALLROOM EAST |
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| Topics | <p>The Right to Counsel</p> <p>This session will explore:</p> <ul style="list-style-type: none"> • When do clients have a constitutional right to counsel upon arrest or detention? • When may an applicant refuse to answer questions until counsel is present? • Is there a general right to counsel in administrative law such as when dealing with ESDC, IRCC or CBSA? | <p>Express Entry (advanced/changes)</p> <p>This session will cover more advanced aspects of Express Entry including:</p> <ul style="list-style-type: none"> • What has the Federal Court said about Express Entry cases? • Informative discussion on current challenges and guidance on how to overcome common challenges • What is the best way to challenge questionable refusals? • Recent Policy Changes | <p>Federal Court Practice - Leave and Certified Questions</p> <p>The session will explore the context, case law and best practices surrounding the requirements:</p> <ul style="list-style-type: none"> • to seek leave for matters before the Federal Court arising out of IRPA • for the Federal Court to certify a question of general importance for an appeal to the Federal Court of Appeal to be initiated |
| Moderator | Mario Bellissimo , Bellissimo Law Group | Brian Kwan , McLennan Ross LLP <i>(moderator / speaker)</i> | David Knapp , Department of Justice <i>(moderator / speaker)</i> |
| Speakers | Chelsea Clogg , Department of Justice Mojdeh Shahriari , Mojdeh Shahriari, Barrister & Solicitor Justice Alan Diner , Federal Court of Canada | David Nachfolger , McCarthy Tetrault Tracy Burtt , IRCC Steven Owen , IRCC | Barbara Jackman , Jackman, Nazami & Associates Chief Justice Paul Crampton , Federal Court of Canada |

3:45 – 4:00 pm Refreshment Break

* Topics and social events subject to change



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| 4:00 – 5:00 pm | 6-A FRONTENAC BALLROOM |
| Topics | <p align="center">Cybersecurity Essentials for Your Practice</p> <p>With hackers and scammers increasingly targeting lawyers and law firms, what do you need to do to keep your clients' data out of the hands of wrongdoers and to ensure that your office doesn't fall victim to a financially disastrous online scam?</p> <p>The panel of technology and cybersecurity industry experts will address issues including:</p> <ul style="list-style-type: none"> ● Why are law firms considered attractive targets for hackers? ● What forms do common cyber-attacks take? ● Recognizing common online scams and the techniques used by fraudsters to prompt action by you or your staff ● Practical policies and best practices that you can implement immediately to protect yourself and your office from several types of common cyber-attacks such as ransomware and phishing ● Advice for protecting your and your clients' data when traveling across borders |
| Moderator | Nathan Po , McCuaig Desrochers LLP (Introduction) Chris Mathers , Chris Mathers Inc. |
| Speakers | Daniel Tobok , Cytelligence Ryan Wilson , Scalar Systems Michael Ball , AGF Investments Inc. |

5:15 - 6:15 pm **Bench and Bar meeting - Bay Room**

7:00 pm **Reception, Dinner & Entertainment** – Please contact karensa@cba.org to purchase tickets
Fermenting Cellar, The Distillery District

SATURDAY, JUNE 10

8:00 – 9:00 am **Continental Breakfast**

9:00 – 10:00 am **Morning Keynote - Frontenac Ballroom**

- Hon. Ahmed Hussen, Minister of Immigration, Refugees and Citizenship
- Jacqueline Bonisteel, Canadian Bar Association

** Topics and social events subject to change*



| 10:00 am – 11:15 am | 7-A METROPOLITAN BALLROOM WEST | 7-B METROPOLITAN BALLROOM CENTER | 7-C METROPOLITAN BALLROOM EAST |
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| Topics | <p align="center">Family Class</p> <p>This panel will provide a general update and will then delve into various strategic considerations involving applications inside and outside Canada including the spousal open work permit and processing times, including:</p> <ul style="list-style-type: none"> • Transition issues relating to conditional permanent residence and age of dependency for children • Administrative deferrals of removal | <p align="center">ESDC LMIA and International Mobility Program Compliance and Inspections</p> <p>Employers of foreign workers are audited with increasing frequency under both the Temporary Foreign Worker Program (LMIA) and the International Mobility program (LMIA exemptions). This session will provide an overview of paper-based and on-site inspections as well as the penalty regime and how to successfully pass an audit under both programs.</p> | <p align="center">Arrivals of asylum seekers from the United States</p> <p>Recent months have seen a reported rise in asylum seekers arriving at Canada's border with the United States, whether at official Ports of Entry or otherwise. This panel will examine the legal and policy context of border arrivals, including:</p> <ul style="list-style-type: none"> • Update on statistics and profiles of southern arrivals • Legal context for refugee claims: Safe Third Country Agreement and implementing regulations (eligibility to make claims, exemptions, access to the Refugee Appeal Division, etc.) • Response from CBSA and future policy directions • Impact on the refugee determination process and IRB response |
| Moderator | <p>Pantea Jafari, Jafari Law <i>(moderator / speaker)</i></p> | <p>Jonathan Leebosh, EY Law LLP <i>(moderator / speaker)</i></p> | <p>Aisling Bondy, Bondy Immigration Law</p> |
| Speakers | <p>Alexandra Mann, Sherritt Greene Gillian Wan, IRCC Jennifer Manasserian, IRCC John Acheson, IRCC</p> | <p>Chantal Arsenault, Norton Rose Fullbright Canada LLP Robb Stewart, IRCC Heather Moriarty, IRCC Judith Wilson, ESDC</p> | <p>Alastair Clarke, Clarke Immigration Law Heidi Jurisic, IRCC Kenny Nicolaou, CBSA</p> |

* Topics and social events subject to change



| 11:30 – 12:40 pm | 8-A METROPOLITAN BALLROOM WEST | 8-B METROPOLITAN BALLROOM CENTER | 8-C METROPOLITAN BALLROOM EAST |
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| Topics | <p>Criminal Inadmissibility Refresher</p> <p>Hear from decision makers who evaluate criminal inadmissibility, temporary resident permits, and criminal rehabilitation matters at the Canadian Consulate in New York City. The presentation will provide a refresher on the key elements of criminal equivalence analysis, the effect of foreign pardons on rehabilitation analysis, and the role of advocacy in the issuance of temporary resident permits.</p> | <p>Should I Stay or Should I Go? Residency Obligation</p> <p>Compliance with IRPA s.28 is an ongoing challenge for many clients and their counsel, and will be furthered impacted by the introduction of eTA. The panel will discuss:</p> <ul style="list-style-type: none"> ● Exceptions to physical presence requirement ● H&C grounds ● Options for clients in breach of s.28 ● Tips and traps of PR card renewal ● Voluntary relinquishment of status | <p>Port of Entry Issues</p> <p>Hear from senior operations staff at Canada’s busiest international port of entry, Lester B Pearson International Airport. Learn how to best prepare clients to deal with work permit, landing, inadmissibility and other issues from the people who process thousands of travelers every day.</p> <ul style="list-style-type: none"> ● Key criteria that determine whether a person seeking visitor status will be referred to Immigration Secondary ● Scope of H & C discretion at ports of entry ● Applications at the POE (work permits, TRPs, ARCs, etc.) |
| Moderator | Aris Daghighian , Green and Spiegel LLP | Robert Leong , Lowe & Company | Suzanne Rix , Cox & Palmer <i>(moderator / speaker)</i> |
| Speakers | Mary Keefe , Former Visa Officer Wendy Gall , IRCC | Ronalee Carey , Ronalee Carey Law Jennifer Manasserian , IRCC John Acheson , IRCC | Victoria Cowling , Corporate Immigration Law Firm John Bauer , Niagara College's School of Justice Studies |



12:40 – 2:15 pm

Luncheon - *Frontenac Ballroom*

- Volunteer Recognition Award Presentations
- Founders Award Presentation

| 2:15 – 3:25 pm | 9-A METROPOLITAN BALLROOM WEST | 9-B METROPOLITAN BALLROOM CENTER | 9-C METROPOLITAN BALLROOM EAST |
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| Topics | <p>Search and Seizure at the Border</p> <p>The reasonable expectation of privacy may be lower when entering Canada at a port of entry, but the legal grounds for searching travelers are still subject to some constraints. This panel will explore the grounds for searches at the border with a particular focus on electronic devices. Panelists will address issues including:</p> <ul style="list-style-type: none"> • Scope of right to search electronic devices at the border • Obligation to provide passwords • Power to search online accounts | <p>PNP and Québec Programs: a Comparative Approach</p> <p>This session will provide an update on PNPs and Québec programs for skilled workers, including:</p> <ul style="list-style-type: none"> • Express entry programs • Comparison of structures/streams, requirements, practical challenges; • Update on Québec’s progress on the preparation of its own “Expression of Interest” program. | <p>Citizenship Update</p> <p>Bill C-6 reverses many of the changes introduced by the prior government in relation to residency requirements, the “intention to reside” and citizenship revocation, among other things. Panelists will discuss the implementation of the changes and expectations going forward. The panel will also address ongoing litigation in the context of citizenship revocation.</p> |
| Moderator | Jennifer Ellis , Edelmann & Co. Law Offices | Nadine Landry , Lavery, de Billy, LLP | Samuel Plett , Desloges Law Group Professional Corporation <i>(moderator / speaker)</i> |
| Speakers | <p>Nader Hasan, Norton Rose Fulbright Canada LLP</p> <p>Christopher Nelligan, Department of Justice</p> | <p>David Nurse, McInnes Cooper</p> <p>Randolph Hahn, Guberman Garson</p> <p>Shana Katz, Ontario PNP</p> <p>Cameron Ferrie, Ontario PNP</p> | <p>Justice Russel Zinn, Federal Court of Canada</p> <p>Claude Arbez, IRCC</p> <p>Laoura Christodoulides, Department of Justice</p> <p>Andrew Roth, IRCC</p> |

* Topics and social events subject to change



3:25 – 3:40 pm

Refreshment Break

3:40 – 4:40 pm

Closing Plenary - *Frontenac Ballroom*

- Reid Trautz, Director, Practice and Professionalism Center, American Immigration Lawyers Association

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Change is coming, whether we like it or not. Are you ready for the future? Join one of North America's leading experts on the future of immigration law as he discusses what the next 10 years hold in store for our profession. Learn about upcoming trends, the role of technology, and how we can be prepared to tackle the future before it tackles us.

4:40 – 4:45 pm

Final Remarks and Draw - *Frontenac Ballroom*

4:45 – 6:00 pm

Farewell Reception - *Regatta Room*

** Topics and social events subject to change*

