

Preserving the Record for Judicial Review

Panelists:

Heather Axford, Central American Legal Assistance

Michelle Mendez, National Immigration Project

Katherine Clark, Amica

Stephanie Gibbs, Murray Osorio, PLLC

03/06/2026

Timed Agenda

- 9:00-9:10 Introduction of Panelists & Presentation
- 9:10-9:40 What does “making your record” look like in Immigration Court in 2026?
- Making a strong factual record: Declarations, Testimony, Case specific evidence, Country conditions evidence
 - Preserving legal issues: Motions, Objections, Putting it on the Record, including IJ errors
 - “Making a record” in the era of “pretermission”
 - Managing unfavorable Board precedent at the IJ level
- 9:40-10:10 What does “making your record” look like at the Board in 2026?
- Managing unfavorable Board precedent at the Board level in a post Loper Bright world.
 - What about these new proposed regulations???
 - Issue exhaustion
 - Getting the standard of review right
 - Getting the burden of proof right
 - Lead with a compelling narrative
 - READ THE RECORD
 - Exhaust the issues but pick your battles
 - Create a road map to victory
 - Capitalize on the power of a positive credibility determination
- 10:10-10:45 Go into Federal Court!
- Petitions for Review with Circuit Court
 - Standard of Review and why it matters in federal court
 - Making sure your PFR is timely
 - Applications for stays of removal
 - Other great litigation tools in federal court
- 10:45-11:00 Q&A