



**Fighting Crime: A Workshop for Immigration Lawyers**  
**New York City: Monday, March 26, 2007 - 8:30am-5pm**  
Location: Radisson Martinique On Broadway, 49 West 32nd Street  
**Speakers: Lory Diana Rosenberg, Noel Ann Brennan (EOIR)**  
**Matthew L. Guadagno, Dan Kesselbrenner, Peter Markowitz,**  
**Angelo A. Paparelli, Sunita Patel, Judy Rabinovitz, Laura Kelsey**  
**Rhodes and Manny Vargas**

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**What is ILW.COM?**

We are the leading immigration law publisher. Our free *Immigration Daily* reaches an audience of over 15,000 subscribers. Our immigration portal web site is the largest on the Internet with over 25,000 pages of information. We assist your practice via our periodicals, seminars, and Yellow Pages.

*Disclaimer: participation in this seminar does not create an attorney-client relationship with the speakers.*

**Workshop Outline**

This is an all-day, (8:30 am to 5 pm), comprehensive workshop. Considerable time will be devoted to back and forth and the seating is limited to the first 50 registrants to give participants ample opportunity to have their critical questions answered. **Note:** DVD Available.

Description	Time
<b>Registration:</b> Continental Breakfast and Handouts Provided	<b>8:30am-9:00am</b>
<b>Session 1:</b> <b>Panel 1: Gotcha - Understanding Apprehension and Removal</b> <ul style="list-style-type: none"><li>• Concepts and acronyms used by DHS and in immigration court</li><li>• Apprehensions and standards for release from detention</li><li>• Expedited removal and removal proceedings</li><li>• Crime-related grounds of inadmissibility and deportability</li><li>• Defining "conviction" and "sentence" in the immigration context</li><li>• Good moral character standard</li></ul> <b>Panel 2: Locked Up - Special Detention and Custody Challenges</b> <ul style="list-style-type: none"><li>• "Arriving aliens"</li><li>• Mandatory detainees</li><li>• Release and revocation standards</li><li>• Prolonged post-removal confinement</li><li>• Appeal and habeas corpus procedures</li></ul>	<b>9:00am-10:30am</b>
<b>15 min. break:</b> Refreshments provided	<b>10:30am-10:45am</b>
<b>Session 2: Guilty As Charged - Understanding Immigration Consequences</b> <ul style="list-style-type: none"><li>• Interpreting consequences: categorical analysis under Taylor v. United States; record of conviction under Shepard v. United States</li><li>• Assessing a "crime of moral turpitude" based on intent and other statutory elements in DUI, larceny, assault, domestic violence</li><li>• Defending "crimes of violence" under Leocal v. Ashcroft</li><li>• Defeating drug trafficking charges based on misdemeanor controlled substance possession after Lopez v. Gonzales</li><li>• Avoiding aiding and abetting under Gonzales v. Duenas-Alvarez - underlying offenses and helping crimes</li><li>• Accounting for sentencing factors; effect on inadmissibility, good moral character, and eligibility for relief from removal</li></ul>	<b>10:45am-12:15pm</b>
<b>Lunch Program:</b> Presentation by Angelo A. Paparelli	<b>12:15pm-1:45pm</b>
<b>Session 3: : Delicate Handling - Plea Options Before and After Conviction</b> <ul style="list-style-type: none"><li>• Working with criminal defense counsel - before conviction: researching state interpretations; plea and sentence options, avoiding colloquies, pre-sentence report; contents of the record</li><li>• Disclosures on DHS petitions and applications, and to DOS</li><li>• Disclosures in naturalization application</li><li>• Working with criminal defense counsel - after conviction: Vacation of conviction standards, Sentence modification, Motions in removal proceedings and appeals</li><li>• Disclosure at port of entry and effect on re-entry</li></ul>	<b>1:45pm-3:00pm</b>
<b>15 min. break:</b> Refreshments provided	<b>3:00pm-3:15pm</b>



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**Session 4: Panel 1: Pleasing the Court**

- Critical evidentiary and procedural issues before the Immigration Judge and the BIA: burden of proof, suppression, termination, motions to reopen or remand, scope of discretion
- Exhaustion of administrative remedies
- Anticipating appeal at the BIA and in federal court

**Panel 2: Final Impact - Preclusion, Discretionary Relief and Naturalization**

- Statutory eligibility standards for asylum, withholding of removal, cancellation of removal and naturalization
- Effect of good moral character Preclusion on VAWA, cancellation and naturalization eligibility
- Freestanding 212(h) waiver for inadmissible returning residents
- "Particularly serious crime" standard for withholding of removal and asylum adjustment; violent crime standards under INA 212(h)
- Discretionary decisions
- Consideration of charges or convictions
- Rehabilitation
- Fifth Amendment rights

**3:15pm-5pm**

**Special note from the discussion leader about the workshop:**

Immigration lawyers today, no matter the focus of their practice, increasingly are coming face-to-face with the dreaded word "CRIME." A valued client has been charged with a crime, or worse yet, a shamefaced client belatedly "remembers" that a criminal conviction rests in the closet. More and more often, federal authorities dismiss the option of a civil violation in favor of criminal prosecution. Immigration attorneys dread the word "crime" - not just because it may waylay even the best nonimmigrant or green-card strategy and mean escalated consequences for their clients. They dread it because it signifies work outside the immigration comfort zone, or perhaps beyond the lawyer's level of competence. So they face a painful dilemma: Refer the client and a lucrative matter to a more-experienced practitioner or jump into the deep water without a life vest. It doesn't matter if their practice is white- or blue-collar, family- or employment-based, immigration-court focused or service-center centric, most lawyers simply dread the "crime" word. They may have attended past seminars on the immigration consequences of criminal convictions, but then Congress, the agencies and the courts keep changing the rules and interpretations. What worked before, now may be foreclosed or ineffective.

ILW.COM is pleased, therefore, to offer a cutting-edge solution. This full-day workshop, led by Lory D. Rosenberg, the lawyer who "wrote the book" on the subject (Thomson West's Immigration Law and Crimes), along with leading immigration and criminal-defense lawyers, will offer the latest developments and best practices that immigration lawyers need to assist foreign citizens accused or convicted of criminal conduct preserve all available immigration benefits. Lunch will be accompanied by remarks from Angelo Paparelli, who will share his knowledge and expertise in assisting employers with compliance issues, and the increasing use of RICO criminal statutes in enforcement.

**ABOUT THE SPEAKERS**

**Lory Diana Rosenberg** (discussion leader) is Of Counsel to Paparelli & Partners LLP, where she handles complex immigration litigation and matters involving enforcement, asylum, waivers, immigration consequences of crime, removal defense and appeals. She is a featured columnist for Bender's Immigration Bulletin, writing legal analysis and commentary, as well as in-depth legal articles, and the founder of Immigration Defense & Expert Assistance [IDEA]®, an immigration law consultation and training resource for lawyers, judges and advocates. Ms. Rosenberg served as an appellate immigration judge on the U.S. Board of Immigration Appeals from 1995-2002. She directed the Defending Immigrants Partnership at NLADA between 2002 and 2004, taught immigration policy, refugee law, and removal defense at American University, Washington College of Law from 1997-2004, and directed the AILF Legal Action Center between 1991 and 1995, preceded by 14 years in private and legal services immigration practice. She is co-author of Immigration Law and Crimes and The Legalization Handbook, and the author of The Fair Hearings Pleadings Manual (AILF 1994), and has written numerous articles, advisories, and training guides on immigration law and defense. She has an extensive record as a speaker, and is actively engaged in mentoring colleagues, providing media commentary, helping to expand pro bono resources, and providing amicus brief assistance and coaching for cases going to the federal circuit courts and reaching the Supreme Court. Ms. Rosenberg presently is an elected Director on the AILA Board of Governors, and an enthusiastic participant in Northern Lights Sled Dog Rescue and Mid-Atlantic German Shepherd Rescue. Ms. Rosenberg has a bachelor of fine arts degree in television and film production from New York University, and received her law degree from Northeastern University School of Law.

**Noel Ann Brennan (EOIR):** Judge Brennan was appointed to the New York City Immigration Court in August 2003. From 2000 to 2003 she was a Member of the Board of Immigration Appeals, the highest administrative body for interpreting and applying immigration laws nationally. From 1994 to 2000 Judge Brennan served as a Deputy Assistant Attorney General under Janet Reno. From 1987 until 1994 Judge Brennan was an Assistant United States Attorney in the District of Columbia. Judge Brennan received her undergraduate degree from Marywood College and a master of arts degree from George Washington University. She is a 1985 graduate of the Georgetown University Law Center where she served on the Adjunct Faculty from 1992-2003 and taught courses in trial practice, ethics and, law in literature. She was a member of the Board of Governors of the DC Bar from 1997-



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teaches a seminar on law in literature.

[Matthew L. Guadagno](#) supervises Bretz & Coven's federal practice, as well as Bretz & Coven's brief and motion practice before the Board of Immigration Appeals.

[Dan Kesselbrenner](#) is the Executive Director of the National Immigration Project of the National Lawyers Guild and the co-author of Immigration Law and Crimes (Thomson-West Publishing) and numerous articles on immigration law. He is a recipient of the American Immigration Lawyers Association's Jack Wasserman Award, the National Immigration Project's Carol King Award, and Central American Refugee Center's Achievement Award for his work advancing and defending immigrants' rights. He serves on the board of directors of the National Network for Immigrant and Refugee Rights and is a member of the National Lawyers Guild.

[Peter Markowitz](#) is a NYU professor and former criminal defense and immigration counsel at Bronx Defenders.

[Angelo Paparelli](#) is a State Bar of California "Certified Specialist" in Immigration and Nationality Law, and Managing Partner of Paparelli & Partners LLP, an Irvine, California firm of nine lawyers practicing exclusively in the field of U.S. immigration and nationality law. He is a nationally recognized speaker, published author and leading expert on cutting-edge business-related immigration issues. During his 25-year immigration career, Mr. Paparelli has received numerous honors and awards, including selection as the "World's Leading Lawyer for Corporate Immigration Legal Expertise" in the 2005 edition of The International Who's Who of Business Lawyers. He attained this honor by receiving more nominations from corporate counsel and peers in the course of research by the editors of The International Who's Who than any other corporate immigration attorney. He has also been recognized by Best Lawyers in America (1995-2005) and SuperLawyers.com (2004 and 2005) for his expertise in immigration law. In 2004, Paparelli co-founded and was elected President of the Academy of Business Immigration Lawyers (ABIL). ABIL, a think-tank of 17 Managing Partners of immigration specialty law firms and Practice Group Leaders of larger firms throughout the United States, is dedicated to promoting best practices in immigration client service and law firm management.

[Sunita Patel](#) is an attorney in the Immigration Group at the Legal Aid Society of New York.

[Judy Rabinovitz](#) is a senior staff counsel with the ACLU Immigrants' Rights Project, where she has worked since 1988, litigating class action and impact cases on a variety of issues affecting the rights of immigrants. In recent years her work has focused largely on advocacy and litigation challenging immigration detention policies and practices. She played a leading role in the indefinite detention litigation that resulted in the Supreme Court's *Zadvydas v. Davis* decision, and in subsequent litigation to ensure application of that decision to indefinitely detained Mariel Cubans. In addition, she coordinated a nationwide litigation campaign to challenge the mandatory immigration detention statute that Congress enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), culminating in *Demore v. Kim*, which she argued before the Supreme Court in 2003. She has twice received the Jack Wasserman Memorial Award for Excellence in Litigation from the American Immigration Lawyers Association. For the past nine years she has served as an adjunct assistant professor of law at NYU Law School. She is also a member of the board of directors of the National Immigration Project of the National Lawyers Guild.

[Laura Kelsey Rhodes](#) has over 15 years of criminal defense experience in federal and state court and has conducted close to one hundred bench and jury trials in Maryland and Washington, D.C. In addition to her respected criminal defense work, she is responsible for ALBRIGHT & RHODES, LLC's distinguished immigration practice. Ms. Rhodes has developed unusual approaches to successfully challenge convictions in Maryland courts, thus enabling clients to avoid the immigration consequences of prior offenses. Her immigration practices focuses on the deportation, admissibility, and naturalization problems resulting from criminal charges and convictions. She has served as President of the Maryland Criminal Defense Attorney's Association, and is a frequent speaker to attorneys and judges on the immigration consequences of crimes. Governor William Donald Schaefer appointed Ms. Rhodes to the Maryland Governor's Commission on Hispanic Affairs, an appointment later renewed by Governor Parris Glendening. She also served on the Maryland Judicial Conference's Task Force on Interpreters in 1994-95, following an appointment by Chief Judge Robert C. Murphy. She has lived in Sudan, Brazil and Paraguay.

[Manny Vargas](#) is Senior Counsel with the Immigrant Defense Project (IDP) of the New York State Defenders Association. A nationally known expert on the immigration consequences of criminal convictions, he is the author of several legal resource materials for advocacy on behalf of immigrants accused of crimes, including *Representing Noncitizen Criminal Defendants in New York State* (4th ed, 2006). Mr. Vargas also provides training and immigration law backup assistance on criminal/immigration issues, and has participated in and supported litigation defending the legal rights of immigrants placed in removal proceedings based on criminal charges.

**ABOUT THE LOCATION:**

On Broadway! Here are the highlights of this location for those who are considering attending:

\*\*\* For those coming from outside the NorthEast: The Radisson Martinique hotel is located on 32nd and Broadway, in mid-town Manhattan (the



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two blocks from the Empire State Building, and conveniently located to many other Manhattan business, shopping and fun spots. This particular hotel is on one of the safest blocks in mid-town, and is not as expensive as some others in mid-town (**we have a limited number of rooms reserved at a discount rate**).

\*\*\* For those coming by Amtrak (anywhere from DC to Boston): The Radisson Martinique hotel is just one block from Penn Station, you can come to NYC for a day trip (possibly by Acela) and avoid the expense of a night's stay.

\*\*\* For those coming from New Jersey: The Radisson Martinique hotel is just one block from Penn Station (NJ Transit) and across the street from the PATH Station.

\*\*\* For those coming from Long Island: The Radisson Martinique hotel is just one block from Penn Station/LIRR.

\*\*\* For those coming from Connecticut/upstate NY: The Radisson Martinique hotel is a 15-minute walk (or a 5-minute cab ride) from Grand Central Terminal and a 5 -10 minute cab ride from Port Authority.

\*\*\* For those coming from Bronx, Brooklyn, Manhattan, Queens, Staten Island: The hotel is right atop the 34th Street Herald Square station served by the B, D, F, N, Q, R, V and W lines (the 1, 2 and 3 lines are just a block away, and the 6 line is 3 blocks away).

**MATERIALS**

Included in the registration price are: LANGUAGE IS THE SKIN OF THE SOUL - Communication Best Practices to Win Immigration Cases and other materials to be provided



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