



Three-Part Telephone & E-mail Seminar:

“Immigration Consequences of Criminal Convictions: Problems, Solutions and Best Practices”

Speakers: with Angelo Paparelli, Dan Kesselbrenner, Lory Rosenberg and Norton Tooby

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Seminar Outline

Each call features an hour of analysis, strategy and practice tips by the speakers followed by 30 minutes of questions and answers from participants.

FIRST Phone Session on January 23:

What is a "conviction" and how to avoid its immigration consequences?

- How does the INA define conviction?
- How do the BIA and courts interpret "conviction"?
- Exceptions: Are there any exceptions?
 - a. Diversion and deferred adjudications
 - b. Expunged convictions and FFOA
 - c. Juvenile/youthful offender offenses
 - d. Vacations
 - e. Pardons

Hypo: How can a conviction be avoided (pre-plea diversion), and what ways exist to render a conviction ineffective for immigration purposes?

SECOND Phone Session on February 13:

How to analyze the immigration consequences of a given conviction?

- Determine the elements to be proved under a state or federal criminal statute
- Determine the range of immigration violations triggered by a conviction having such elements

Hypo: Conducting a pre-plea consultation with criminal defense counsel

- Determine the parts of the record of conviction that will be examined later
- Construct a "safe plea" to a harmless statute or to a harmless provision of a divisible statute

Hypo: Applying the analytical method: selected grounds for deportation for analysis

- Crimes of Domestic Violence
 - a. as a crime involving moral turpitude (CIMT)
 - b. as a crime of domestic violence
- Possession of a controlled substance
 - a. as a controlled substance
 - b. as an aggravated felony
- Fraud
 - a. as a CIMT
 - b. as an aggravated felony involving a loss over \$10,000

THIRD Phone Session on March 20:

Relief from conviction-based deportability under the immigration laws and what post-conviction actions may be needed to establish eligibility?

- Relief from removal in immigration court. Eligibility for asylum, Violence Against Women Act (VAWA), cancellation and other relief
- Post conviction relief in criminal court
 - a. Vacating guilty pleas
 - b. Modifying sentences

Hypo: How can a conviction or sentence be ameliorated to avoid ineligibility for relief from removal?

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(→ see next page for speaker bios)

About the Speakers

Angelo A. Paparelli Certified as a Specialist in Immigration and Nationality Law by the State Bar of California, Board of Legal Specialization, has been practicing business-sponsored immigration law for over 20 years and is the managing partner of Paparelli & Partners LLP, a firm practicing exclusively immigration and nationality law, located in Irvine, California. Mr. Paparelli is a nationally recognized speaker, published author and leading expert on cutting-edge business-related immigration issues, including the immigration consequences of mergers, acquisitions, reorganizations and other business changes, consular visa practice, audits of employers' compliance with immigration and labor regulations, and employment based work visas. His experience also includes the U.S. immigration aspects of international tax and estate planning. From 1991 to 1996, Mr. Paparelli served as co-Chairman of the Immigration and Nationality Law Committee of the American Bar Association's Section on International Law and Practice. He also served from 1988 to 1994 as an elected member of the Board of Governors of the American Immigration Lawyers Association (AILA). He is named in the 1990-2002 editions of Best Lawyers in America under the specialization category of Immigration Law. In June, 2002 Mr. Paparelli received the AILA President's Award for his work in liaison with the government on the immigration consequences of mergers, acquisitions and other corporate restructurings.

Dan Kesselbrenner is the Director of the National Immigration Project at National Lawyers Guild.

Lory Rosenberg is the Director of the Defending Immigrants Partnership at the National Legal Aid and Defender Association (NLADA), a joint initiative with the Immigrant Legal Resource Center, the Immigrant Defense Project of the New York State Defenders Association, and the National Immigration Project of the National Lawyers Guild, which engages in education and advocacy on the immigration consequences of crime and provides training and legal back-up to criminal defense counsel representing immigrants and refugees. She is also a featured columnist for Bender's Immigration Bulletin, a writer for Matthew Bender (LexisNexis), and an adjunct professor at American University's Washington College of Law. Ms. Rosenberg served as an appellate immigration judge on the United States Board of Immigration Appeals from 1995-2002.

Norton Tooby is a criminal defense attorney practicing in Oakland, California. He has specialized in criminal defense of non-citizens, both before conviction and in obtaining post-conviction relief to clear criminal records for immigrants in order to avoid or minimize adverse immigration consequences. He was recently awarded the Philip Burton Immigration & Civil Rights Award for Immigration Lawyering for his pioneering work in the field of post-conviction relief for immigrants.