



Three-Part Telephone & E-mail Seminar:  
**The Three Rs: Removal, Relief and Review**  
Speakers: Lory Rosenberg, Lisa Brodyaga, Harvey Kaplan, Michael Maggio, Zachary Nightingale and Gail Pendleton.

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**Seminar Outline**

Each call features an hour of analysis, strategy and practice tips by Lory Rosenberg, Lisa Brodyaga, Harvey Kaplan, Michael Maggio, Zachary Nightingale and Gail Pendleton.

**SEMINAR OUTLINE**

**FIRST Phone Session on July 28: "Please release me, Let me go..."**

(Apprehension, detention, removal rights & hearing procedures, defenses and non-hearings)

- Reason to believe, warrant, arrest
- Detention standards, habeas and "custodian" *Rumsfeld v. Padilla (S. Ct. June 21, 2004)*
- Right to counsel, approach to practice, client representation, developing the case
- Immigration judge duties, bias and recusal
- Hearing rights and meaningful exercise
- Burden of proof, "arriving alien," FOIA, exhaustion/making the record
- NTA defects, notice & service, evidentiary insufficiency, res judicata
- Non-hearings: Stipulated hearing, expedited hearing, & reinstatement of removal

**SECOND Phone Session on Aug 19: "Crazy, removal is making me crazy...."**

(Identity stops, suppression, bargaining, special VAWA provisions, national security issues, timing of conviction, "removable under," inabsentia orders/motions)

- Stops and incrimination: *Hiiibel v. Sixth Judicial District Court of Nevada, Humboldt County, (S. Ct. 6/21/04)*
- Alienage and 5th amendment suppression challenges
- Negotiating with ICE, prosecutorial discretion, stipulation
- VAWA cancellation, adjustment, exceptions, waivers and deferred action
- Classified evidence cases; closed hearings, no hearing
- Conviction "after admission," evidence of conviction, I-213, Jencks Act
- New charges, effect of grounds not charged or proved on eligibility and review
- Inabsentia motions, notice, exceptional circumstances, due diligence, reopening

**THIRD Phone Session on Sep 16: "Stay - just a little while longer"**

(Adjustment, relief from removal, discretionary standards, agency appeals, judicial review)

- Adjustment, voluntary departure, 212(c)/cancellation of removal, 212(h).
- Combined relief: *Gabrelsky/Rainford adjustment, nunc pro tunc permission to reapply (I-212)*
- Discretionary relief and Lopez v. Davis blanket standards
- AG mixing of statutory standards (*Matter of Jean; Matter of K-A-; Matter of Y-L-, et al.*)
- BIA appeal standards, summary dismissal, NOA and streamlining, remand
- Involuntary waiver of appeal; unlawful removal; self-deportation
- Petition for review jurisdiction and exhaustion standards under section 242
- Habeas petitions, stays of removal

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[ ] Jul 28 Tape [ ] Aug 19 Tape [ ] Sep 16 Tape 2.00pm to 3.30pm ET (11.00am to 12.30pm PT)

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(→ see next page for speaker bios)



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## The Three Rs: Removal, Relief and Review

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### About the Speakers

**Lory Rosenberg** is the founder of IDEA Legal Consultations (c), and presently is the director of the Defending Immigrants Partnership at the National Legal Aid & Defender Association. She is a featured columnist for Bender's Immigration Bulletin and an adjunct professor at American University, Washington College of Law. Ms. Rosenberg served as an appellate immigration judge on the United States Board of Immigration Appeals from 1995-2002, reviewing over 15,000 appeals and personally authoring over 500 opinions. She is the co-author of Immigration Law and Crimes, and writes, teaches and trains on the immigration consequences of crime, right to counsel, fair hearings, waivers, removal defense, and asylum/refugee law. She was elected in 2004 as a director on the AILA Board of Governors, where she previously served from 1988-91. Ms. Rosenberg practiced before INS, EOIR and the federal courts for 18 years and was the first director of the AILF Legal Action Center. She 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. Her work is guided by a strong belief in due process and the rule of law.

**Lisa Brodyaga** graduated in 1974 from Catholic University School of Law, Washington, D.C., and spent a year there teaching legal research and writing. She also spent a brief period at Antioch School of Law, creating a program to help special admittees, who were having difficulty making the grade by the end of their first year, and then moved to California. After two years in a law collective in San Jose, she came to the Rio Grande Valley, Texas, in 1977. Since 1981, Lisa have been certified by the Texas Board of Legal Specialization. At about that time, she became deeply involved with the work on behalf of the Central Americans, as a result of which, she co-founded Refugio Del Rio Grande, Inc., a non-profit, 501(c)(3) "refugee camp" on a 45 acre wilderness near San Benito, Texas, where she still serve as a volunteer attorney. Most of her current work is on behalf of lawful permanent residents, caught up in the web of the 1996 amendments. The bulk of her practice consists of litigating immigration cases in the federal courts, although she still represent a few refugees and other immigrants (and U.S. citizens), in administrative proceedings.

**Harvey Kaplan** received his J.D. at Boston University in 1974, and his B.A. at Clark University in 1968. He established his own law firm in 1977. Harvey united forces with Maureen O'Sullivan and Jeremiah Friedman to form KAPLAN, O'SULLIVAN & FRIEDMAN in 1990. He has taught at Northeastern University School of Law from 1982 to the present time. He has also taught immigration law at Harvard Law School. Harvey has been named in "Best Lawyers in America" from 1991-present, and was the recipient of the American Immigration Lawyers Association's (AILA) first Mentor Award in 1992. Harvey was also the recipient of the Third Annual Carol King Award from the National Immigration Project of the National Lawyers Guild for excellence in the practice of immigration law. Recently, he received along with Maureen O'Sullivan, AILA's 2002 Elmer Fried Award for excellence in teaching immigration law.

**Michael Maggio** is a nationally recognized authority on numerous complex areas of immigration law . He is past President of the American Immigration Lawyers Association's (AILA) District of Columbia Chapter and Chief Legal Advisor to the Tahirih Justice Center ([www.Tahirih.org](http://www.Tahirih.org)), as well as an adjunct professor of immigration law at American University's Washington College of Law for nine years. Mr. Maggio lectures and writes extensively, especially on waivers of inadmissibility and ethics. He has served as counsel on many significant cases decided by the Board of Immigration Appeals and the Federal Courts, most notably, *Filartiga v. Pena*, the Alien Tort Act case that first established the now well- settled proposition that aliens may sue in U.S. courts for human rights violations abroad. Mr. Maggio was named last year by The Washingtonian Magazine as one of the "75 Best Lawyers in Washington", and "Washington's Best Immigration Lawyer." He has been listed in the book, The Best Lawyers in America every year since 1991. His firm, Maggio Kattar, represents individuals, corporations and other institutions worldwide.

**Zachary Nightingale** is a 1996 graduate of Stanford Law School, who received his undergraduate degree from the University of California, Berkeley in 1989, and a Masters degree in Mathematics from Stanford University in 1991. He has been with the firm since 1996. His practice focuses on deportation defense and federal court litigation, with an emphasis on the immigration consequences of criminal convictions. Mr. Nightingale was honored with the 2003 Jack Wasserman Memorial Award for excellence in litigation from the American Immigration Lawyers Association (AILA). He has spoken regularly at local and national conferences of AILA, and the National Immigration Project of the National Lawyers Guild, and was a member of AILA's 2002 Annual Conference Program Committee.

**Gail Pendleton** is a nationally recognized advocate and expert on the immigrant provisions of the Violence Against Women Act (VAWA) and on asylum and human rights issues for immigrant survivors of violence. She also specializes on the impact of post 9/11 enforcement practices on immigrants' rights (with an emphasis on impacts for survivors of gender violence). Gail is a co-chair and co-founder of the National Network to End Violence Against Immigrant Women, which is continuing to set important legal precedents for the rights of immigrant women at the federal level. Gail received the American Immigration Lawyers Association's (AILA) Human Rights Award in 2001 and the National Lawyers Guild's Carol King award for promoting social justice in 2002. She received her undergraduate degree in 1981 from Harvard/Radcliffe, and her J.D. in 1985 from NYU School of Law.