

Crimmigration Basics: The Intersection of Criminal and Immigration Law

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Common Criminal-Related Grounds of <u>Inadmissibility</u>	
Crime Involving Moral Turpitude (CIMT) <ul style="list-style-type: none"> Note that an applicant is not inadmissible for a single CIMT if the CIMT is for a petty offense. (Maximum penalty possible for the crime did not exceed one year and the imposed sentence did not exceed imprisonment of more than six months.) Not well-defined, but likely includes: giving peace officer a false name, indecent exposure, drug sale, forgery, bribery, perjury, CSC 	212(a)(2)(A)(i)(I)
Conviction of Two or More Offenses of Any Type with an Aggregate Sentence of Imprisonment of at Least Five Years	212(a)(2)(B)
Controlled Substance Violations (Drug Offenses) <ul style="list-style-type: none"> Potential waiver for one-time offense for possession of 30 grams or less of marijuana Avoid trafficking/sale 	212(a)(2)(A)(i)(II)
Prostitution	212(a)(2)(D)(i)
Solicit Prostitution	212(a)(2)(D)(i)
Common Criminal-Related Grounds of <u>Removability</u>	
Crime Involving Moral Turpitude (CIMT)	237(a)(2)(A)(i)
Aggravated Felony <ul style="list-style-type: none"> Murder, rape, sex abuse of a minor, drug trafficking, firearm trafficking, money laundering, crime of violence (at least one year in prison), theft/burglary/receipt of stolen property offense (at least one year in prison), welfare fraud (loss over \$10,000), perjury/witness bribery where sentence is at least one year in prison. 	237(a)(2)(A)(iii)
High Speed Flight	237(a)(2)(A)(iv)
Failure to Register as a Sex Offender	237(a)(2)(A)(v)
Controlled Substance Violations (Drug Offenses)	237(a)(2)(B)(i)
Firearm Violation	237(a)(2)(C)
Crime of Domestic Violence, Stalking or Child Abuse <ul style="list-style-type: none"> Domestic assault "harm," "fear," allocation on the record (domestic relationship). 	237(a)(2)(E)(i)
Violation of Order for Protection <ul style="list-style-type: none"> Can include violations of HROs, OFPs, DANCOs. Admission to contacting the protected party is sufficient to trigger. 	237(a)(2)(E)(i)
Prostitution	212(a)(2)(D)(i)
Solicit Prostitution	212(a)(2)(D)(i)
Common Criminal Bars to <u>N-400</u>	
Aggravated Felony	101(f)(8)
Controlled Substance Violations (Drug Offenses)	101(f)(3)
Crime Involving Moral Turpitude (CIMT)	101(f)(3)
Conviction of Two or More Offenses of Any Type with an Aggregate Sentence of Imprisonment of at Least Five Years	101(f)(3)
Conviction of two or more gambling offenses	101(f)(5)
Confinement, as a result of conviction, to a penal institution for an aggregate period of 180 days or more	101(f)(7)

ICE Detention
*Assuming no prior removal
(deportation) orders



ICE makes initial bond
determination; serves Notice to
Appear



IJ can reevaluate bond



Administrative Closure for relief
before other agency or
prosecutorial discretion
OR
Individual Merits Hearing (IH)



Additional MCHs (usually 1-3) to
find an attorney, file application for
relief, etc.



Initial Master Calendar Hearing
(MCH); Immigration Judge (IJ) takes
pleadings.



IJ decision
-Grant Relief
-Deny Relief and Order Removal
-Deny Primary Relief and Grant
Voluntary Departure
-Terminate Proceedings



Either party may appeal to BIA