

Crimmigration Basics: The Intersection of Criminal and Immigration Law

Erica E. Davis
The Davis Law Firm
Minneapolis

Lucy S. Egberg
Contreras Edin & Associates
Saint Paul

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| Common Criminal-Related Grounds of Inadmissibility | |
|---|---------------------|
| 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 Removability | |
| 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," allocution 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 N-400 | |
| 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) |

