If you are not a US Citizen and have a criminal record of any sort, it has become increasingly important to know and understand the immigration consequences on your immigration status.

This article explores how having any contact with the criminal justice system can affect a non-US citizen's immigration status. A non-US citizen includes non-immigrant visa holders as well as green-card holders.

Firstly, it must be understood that being convicted is defined differently for immigration purposes than under state criminal law.
A person is considered to have been convicted if a court has adjudicated him or her guilty or entered a formal judgment of guilt against him or her. Also, a person is considered convicted for immigration purposes even if the court has withheld adjudication on the basis that (1) the person was found guilty or entered a guilty plea or nolo contendere and (2) the judge ordered some form of restraint or punishment on the person's liberty.
Secondly, convictions for minor offenses or misdemeanors, or a sentence to only probation, or court supervision, or for that matter very old convictions, can have an impact on your immigration status. The different outcomes vary from:

1. Having your application for lawful permanent residence or naturalization denied;
2. Being placed in deportation proceedings;
3. Being put in detention while removing proceedings are ongoing;
4. Deportation to your home country;
5. Being barred from returning to the United States for certain number of years, or permanently.

Under federal immigration law, crimes of moral turpitude are crimes that shock the public conscious or involve fraud as an element. If a non U.S. citizen is convicted of a crime of moral turpitude s/he may be deported. Crimes of moral turpitude include theft, transporting or receiving stolen goods, embezzlement, fraud, adultery, assault, bigamy, kidnapping, rape, murder, etc, and even charges that may appear seemingly minor such as shop lifting, can trigger deportation proceedings.

If you would like to like to see a particular topic/issue covered in future issues please send me an email at ISW_e-Sandesh@mithraslaw.com with "ISW e-Sandesh" as the subject.

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