

CONSEQUENCES

► Always FIND OUT THE CONSEQUENCES

OF COURT DECISIONS on your immigration status.

► Have your criminal attorney **CONSULT WITH AN IMMIGRATION ATTORNEY.**

► Any past or future criminal convictions **COULD RISK YOUR ABILITY TO REMAIN IN THE UNITED STATES**, even if you did not go to jail.

► Lawful permanent residency is a privilege. Your failure to obey the laws of the United States could **PREVENT YOU FROM BECOMING A CITIZEN** or even have you **REMOVED (DEPORTED)** from the United States.

► Even if your spouse or children are United States citizens you can be **REMOVED**. Forgiveness is possible but difficult to obtain.

You can contact your local Bar Association for a referral to an attorney. Here are a few:

Baltimore City Lawyer Referral and Information Service
410-539-3112

The Bar Association of Baltimore County
410-337-9103

Howard County Lawyer Referral Service
410-313-2030

Prince George's County Lawyer Referral Service
301-952-1440

Montgomery County Lawyer Referral Service
301-424-3453

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MSBA Criminal Law & Practice Section

MSBA Young Lawyers Section

Rachel Ullman of Johnson, Yang & Ullman, PC

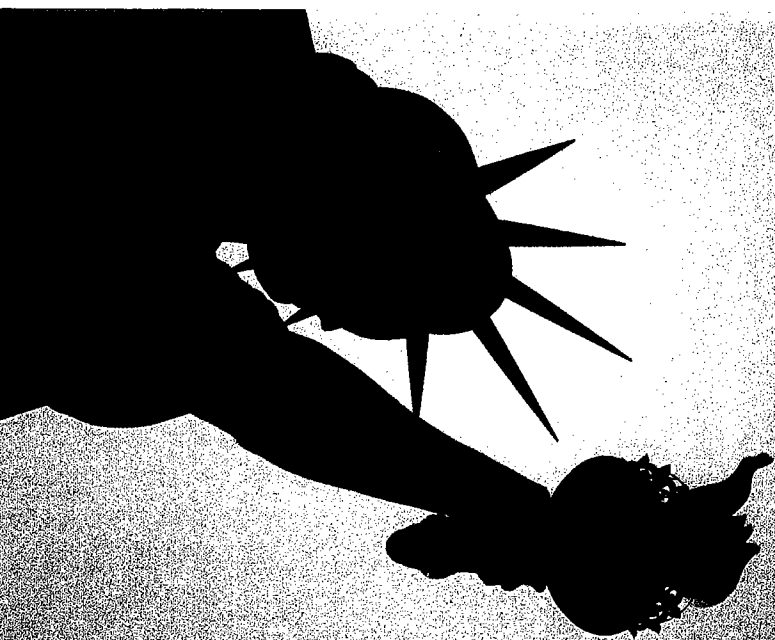
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MARYLAND STATE BAR ASSOCIATION
Leadership Academy 2004-2005

520 West Fayette Street
Baltimore, Maryland 21201
www.msba.org

Ayuda
202-387-4848
CASA of Maryland, Inc.
301-431-4185
Capital Area Immigrants' Rights Coalition (CAIR)
202-331-3325
Catholic Charities Immigration Legal Services
410-534-8015

Office of Refugee Resettlement
703-524-2154



A non-United States citizen who is either:

- ▶ **A LEGAL PERMANENT RESIDENT** or **GREEN CARD HOLDER**; or
- ▶ **A NON-IMMIGRANT** visitor, student and/or temporary worker who is present in the United States and intended to return to his or her home country but overstayed the visit; or
- ▶ **PRESENT WITHOUT INSPECTION** by entering the United States without proceeding through a border checkpoint.

Your status in the United States can be affected if you are convicted of a crime.

• **WHAT IS A CONVICTION?**

A conviction for immigration purposes is any formal judgment of guilt entered by a court, including a plea of guilty, *nolo contendere*, *Alford Plea* and/or a disposition of *Probation Before Judgment*, and some form of punishment or penalty is provided.

A finding of juvenile delinquency is not a conviction for immigration purposes.

• **AGGRAVATED FELONIES, INCLUDING BUT NOT LIMITED TO:**

1. Murder, rape, sexual abuse of a minor
2. CDS (drugs)/drug trafficking
3. Firearms or destructive device trafficking
4. Crime of violence with a term of imprisonment of at least 1 year (for example: assault)
5. Theft or burglary with a term of imprisonment of at least 1 year.

• **MORAL TURPITUDE**

Conduct which is inherently base, vile or depraved, contrary to accepted rules of morality and the duties owed between persons or to society in general.

• **CONTROLLED DANGEROUS SUBSTANCE (DRUG) POSSESSION**

Any amount of CDS/drugs could be deemed possession. It does not have to be drug trafficking.

• **VIOLATION OF PROTECTIVE ORDERS**

Even consent orders, if the violation relates to the protections against credible threats of violence, repeated harassment, or bodily injury.

If you are convicted of a crime, including a crime involving Moral Turpitude:

- ▶ You may be placed in **REMOVAL OR DEPORTATION PROCEEDINGS** and you may be required to leave the United States because you will not be eligible to apply for legal status in the United States.

• **WHAT IF YOU WERE CONVICTED OF A CRIME AND THE CHARGE WAS EXPUNGED?**

- ▶ Expungements of Records will not erase your conviction for immigration purposes.
- ▶ Convictions that have been vacated under a *Coram Nobis* or by a Full Pardon on most grounds will NOT be considered convictions for immigration purposes.
- ▶ Have your criminal attorney consult with an immigration attorney for further details.

• **WHO ENFORCES THESE RULES?**

“ICE” (Immigration & Customs Enforcement) of the Department of Homeland Security, formerly known as “INS.”

DISCLAIMER

The information contained in this brochure is provided for general information only and should not serve as a substitute for legal advice from an attorney familiar with the facts and circumstances of your specific situation.

IF YOU ARE CONVICTED OF A CRIME OF MORAL TURPITUDE you could be subject to *removal* if the crime is within 5 years of your admission and the potential sentence is at least 1 year, or if you commit multiple moral turpitude crimes. Also you can be deemed *not eligible to remain in the United States* if you are convicted of **any crime** involving moral turpitude, except when you are under 18 years of age and 5 years has passed, or if the conviction was for a petty crime with a maximum sentence of 1 year but you received no more than a 6 month sentence.