



If not properly represented, a criminal conviction can result in deportation, ineligibility for relief from removal and being barred from naturalization. At **The Law Offices of Jason A. Jenkins**, we ensure all your legal rights are protected and secured. Our clients are able to minimize any potential immigration consequences.

If you have been convicted of a crime, or have been charged with one, the following consequences may apply to you.

- DEPORTABILITY/INADMISSIBILITY
- INELIGIBLE FOR CERTAIN FORMS OF RELIEF FROM REMOVAL (DEPORTATION)

#### DEPORTABILITY/INADMISSIBILITY

For Immigrants:

If you are not a citizen but have been lawfully admitted to the U.S. you may be deportable if you have been convicted of any of the following but not limited to:

- an aggravated felony; (definition below) or
- a crime involving moral turpitude ;(definition is below) carrying a sentence of a year or more within 5 years of admission; or
- two crimes involving moral turpitude; or
- a controlled substance offense (except possession of 30 grams or less of marijuana); or
- a firearm offense; or
- a domestic violence crime, stalking, crime against children, violation of protection order.

For non-immigrants and LPRs seeking return to the U.S.

If you are not a citizen and have not been legally admitted to the U.S., you may be deportable/inadmissible; barred from adjusting your status to LPR; or ineligible for non-immigrant visas if you have been convicted of any of the following but not limited to:

- a crime involving moral turpitude; (definition is below) (except if the offense carries a maximum penalty of less than one year of imprisonment AND actual penalty did not exceed six months of imprisonment); or
- a drug offense; or
- two or more offenses with an aggregate sentence of more than five years.

Contact our offices to determine if your criminal defense case will jeopardize your immigration status.

#### INELIGIBLE FOR CERTAIN FORMS OF RELIEF FROM REMOVAL (DEPORTATION)

Criminal Convictions may also render you unable to plead for certain forms of relief from removal.

#### INELIGIBLE FOR NATURALIZATION

Criminal Convictions may also render you ineligible for naturalization if you have been:

- convicted of an aggravated felony; (definition is below) is permanently ineligible for naturalization
- convicted of an offense that is a criminal ground of inadmissibility is ineligible for naturalization for a period of time (usually five years)
- confined to a penal institution for 180 days or more (calculated aggregate is ineligible for naturalization for a period of time (usually five years)
- found to be not of good moral character because of other acts may be denied naturalization.



AGGRAVATED FELONY- INA dictates what is considered an aggravated felony. These crimes

are serious offenses and if not properly dealt with could result in deportation.

INA includes but are not limited:

- illicit trafficking in drugs
- passport counterfeiting or alteration
- murder
- rape, sexual abuse of a minor
- offenses related to firearms, explosives, arson
- violent crimes, theft, burglary
- fraud, intention to defraud for more than \$10,000.00
- alien smuggling

\*\* The INA includes any foreign conviction of all Aggravated Felonies

CRIME INVOLVING MORAL TURPITUDE (CIMT)- The Act does not define the term crime involving moral turpitude, but it generally refers to conduct that is fundamentally wrong. Many of these crimes are also aggravated felonies. CIMT offenses include:

- crimes in which intent to steal or defraud is an element (e.g., burglary, embezzlement, stealing cellular air time, etc.)
- crimes in which bodily harm to another is done or threatened intentionally (e.g., murder, rape, assault with a deadly weapon, etc.) or by recklessness (e.g., vehicular manslaughter, etc.).
- most sex crimes (e.g., prostitution, adultery, etc.)

As you can see, the rules regarding immigration can sometimes be complex. In our post-911 world there has been considerable movement to strengthen the requirements for legal and illegal immigrants. Now, more than ever, you need the experience of **The Law Offices of Jason A. Jenkins** to ensure that the alleged charges don't effect the rights of you or your loved ones. Call today (610) 432-7040.

DISCLAIMER: This site and any information contained herein is intended for informational purposes only and should not be construed as legal advice. Seek competent legal counsel for advice on any legal matter.