

## CRIMES THAT TRIGGER DEPORTABILITY

### 8 U.S.C. § 1227(a) / INA §237

*Applies if noncitizen has made a lawful entry after inspection and authorization by an immigration officer.*

Reference	Crime	Notes
<b>§1227(a)(2)(B)(i) §237</b>	Controlled Substance Offenses	Violation / conspiracy / attempt Federal or state law Exception: 30g or less marijuana for personal use Drug paraphernalia may count
<b>§1227(a)(2)(A)(i)</b>	CIMTs <sup>1</sup> <i>Inherently dishonest, base, vile, depraved, contrary to rules of morality</i>	When potential term is 1 year or longer Offense committed w/in 5 yrs entry (or w/in 10 yrs if granted LPR because of help with crim investigation) Pres/Governor can waive this Not defined in INA
<b>§1227(a)(2)(A)(ii)</b>	Multiple CIMTs	2 or more if do not arise out of a single scheme of criminal misconduct. No regard to imprisonment. Pres/Governor can waive this
<b>§1227(a)(2)(A)(iii)</b>	Aggravated Felonies	Any noncitizen Anytime after admission Pres/Governor can waive this Includes numerous crimes
<b>§1227(a)(2)(C)</b>	Firearm and Destructive Devices	Purchasing, selling, offering for sale, exchanging, owning, using, possessing, carrying, conspiring / attempting to do so in violation of any law
<b>§1227(a)(2)(D)</b>	Espionage, Sabotage, Treason	Any noncitizen Any time Convicted; sentence could be 5+ years See list.
<b>§1227(a)(2)(E)(i)</b>	DV, Stalking, Abuse	Any noncitizen Any time
<b>§1227(a)(2)(A)(v)</b>	Failure to register as a sex offender	Any noncitizen
<b>§1227(a)(2)(E)(ii)</b>	Violating PFA	Any noncitizen, any time
<b>§1227(a)(2)(A)(iv)</b>	High speed flight from Imm Checkpoint	Any noncitizen convicted Pres/Governor may waive
<b>§1227(a)(3)(B)</b>	Failure to register / falsification of docs	Any noncitizen convicted Requires persons acting as agents of foreign principals in a political or quasi-political capacity to make periodic public disclosure; Fraud & misuse of visas, permits, and other admission documents.

<sup>1</sup> Murder, voluntary manslaughter, kidnapping, mayhem, rape, fraud, spousal / child abuse, incest, assault with intent to commit another specific intent offense, aggravated assaults, assaults on vulnerable classes, communication w/minor for immoral purposes, child pornography, DUI without license, theft, robbery, receiving stolen goods with guilty knowledge, forgery, embezzlement, extortion, perjury, willful tax evasion. **NOT CIMT:** simple assault, unlawful entry, damaging private property, escape, possession of altered/fraudulent document, indecent exposure.

## CRIMES THAT TRIGGER INADMISSIBILITY

### 8 U.S.C. §1182(a) / INA §212

*Applies if noncitizen has not been admitted to the U.S.*

Reference	Crime	Notes
<b>§1182(a)(2)(A)(i)(I)</b>	CIMTs (see deportability for list)	Convicted / attempts / conspires <b>Juvenile Offense Exception</b> Doesn't apply if was <18 & more than 5 yrs from application (ii)(I) <b>Petty Offense Exception</b> Doesn't apply if sentenced to 6m or less AND max is 1 year or less. (ii)(II)
<b>§1182(a)(2)(A)(i)(II)</b>	Controlled Substances Offenses	Convicted / conspires / attempts Federal or state Limited waiver: at discretion of A.G. for 30g or less of marijuana Drug paraphernalia might count
<b>§1182(a)(2)(B)</b>	Multiple Criminal Convictions	2 or more offenses Aggregate sentences 5 years or more Limited waiver at A.G.'s discretion

**CONDUCT-RELATED REMOVAL GROUNDS**  
**(No conviction necessary)**

*Can be based on noncitizen's admission; a finding by immigration authorities that there is reason to believe the noncitizen has engaged in criminal activity.*

***A noncitizen's guilty plea may not provide a ground of removal based on the conviction but may do so based on the admitted conduct.***

Reference	Crime	Notes
<b>§1182(a)(2)(A)(i)(I)</b>	CIMTs	Admits to committing / conspiring / attempting Admits to “” essential elements of CIMA Exceptions: <b>Juvenile Offense Exception</b> <b>Petty Offense Exception</b> Limited waiver at discretion of A.G.
<b>§1182(a)(2)(A)(i)(II)</b>	Controlled Substance offenses	Admits to committing / conspiring / attempting Essential Elements Limited discretionary waiver for 30g or less of pot Traffickers are inadmissible (to k of A.G.) Aider, abettor, assister, conspirator, colluder Spouse, son, daughter of above & obtained financial benefit Drug abuser, addict
<b>§1182(a)(2)(D)</b>	Prostitution	Solely to engage Engaged in prostitution w/in 10 yrs of application Procures / imports prostitutes Received w/in 10 yrs proceeds of prostitution Any other unlawful commercialized vice Limited waiver at A.G.'s discretion
<b>§1182(a)(6)(C)(i)</b>	Fraud or Misrepresentation	Fraud or willful misrepresentation of material fact in visa or other docs / benefits Waiver at discretion of noncit who is spouse or child of USC / LPR & shows hardship May be waived if not fined and solely intended to assist spouse or child
<b>§1182(a)(6)(C)(ii)(I)</b>	False Claims to USC	False rep of USC for any purpose / benefit <b>Reasonable belief in USC excused if noncit's natural parents are / were citizens and noncit resided permanently in US prior to age 16.</b>
<b>§1182(a)(6)(E)(i)</b>	Alien Smuggling	Knowingly encouraged, induced, assisted, abetted, aided someone to try to enter in violation of law: inadmissible <b>Same, but prior to date of entry / at time of entry / within five years of date of entry: deportable</b> Limited exception on basis of family reunification, Public interest

<b>§1227(a)(1)(G), (H)</b>	Marriage Fraud	Procured visa / documentation by fraud <b>Admitted on basis of marriage entered less than 2 years prior to admission &amp; marriage is annulled w/in 2 years after any admission</b> Exception: establish bona fides of marriage Failed or refused to fulfill marital agreement Limited waiver for spouse, parent, child of USC or LPR and had visa aside from other fraudulent docs <b>Waiver for VAWA victims</b>
<b>§1182(a)(2)(H)(i)</b>	Human Trafficking	In or outside US Spouse or child of trafficker if within past five years benefitted from the illicit activity and knew or should have known where the benefit came from. Doesn't apply to child who was a minor when they received the benefit. If "inadmissible" under this section, also deportable.
<b>§1182(a)(2)(I)(i)</b>	Money Laundering	Past, present, future engagement
<b>§1182(a)(3)(A)</b>	Espionage, Sabotage, Treason	If authorities have reason to know it Violating law related to the export control of goods, technology, or sensitive information Overthrow of US Gov't by force or other unlawful means Endangering public safety / national security
<b>§1182(a)(3)(B)</b>	Terrorism	Engaged in / incited / member of group Spouse or child if activity occurred within past 5yrs Exception if they did not know/renounced it Association w/ groups
<b>§1182(a)(1)(A)(iii)(I)</b>	Physical/Mental Disorder	Danger to self / others. Waiver at A.G.'s discretion Past diagnosis included
<b>§1182(a)(10)(D)(i)</b>	Unlawful Voters	Federal, state, local elections Doesn't count if reasonably believed was USC (if parents were USCs and noncit lived permanently in U.S. before age 16)
<b>§1182(a)(10)(A)</b>	Polygamy	Planning to practice in U.S.
<b>§1182(a)(10)(C)</b>	International Child Abduction	Violation of custody order relating to a USC child Holding child outside U.S. Aiding or abetting abductor Spouse, child, parent, sibling, agent of abductor is inadmissible until child is surrendered. Some exceptions.