<table>
<thead>
<tr>
<th>GROUNDS OF DEPORTABILITY (apply to lawfully admitted noncitizens, such as a lawful permanent resident (LPR)—greencard holder)</th>
<th>GROUNDS OF INADMISSIBILITY (apply to noncitizens seeking lawful admission, including LPRs who travel out of US)</th>
<th>INELIGIBILITY FOR US CITIZENSHIP</th>
</tr>
</thead>
</table>
| **Aggravated Felony Conviction**  
➢ Consequences (in addition to deportability):  
  • Ineligibility for most waivers of removal  
  • Ineligibility for voluntary departure  
  • Permanent inadmissibility after removal  
  • Subjects client to up to 20 years of prison if s/he illegally reenters the US after removal  
➢ Crimes covered (possibly even if not a felony):  
  • Murder  
  • Rape  
  • Sexual Abuse of a Minor  
  • Drug Trafficking (may include, whether felony or misdemeanor, any sale or intent to sell offense, second or subsequent possession offense, or possession of more than 5 grams of crack or any amount of fentanyl)  
  • Firearms Trafficking  
  • Crime of Violence + 1 year sentence**  
  • Theft or Burglary + 1 year sentence**  
  • Fraud or tax evasion + loss to victim(s) > $10,000  
  • Prostitution business offenses  
  • Commercial bribery, counterfeiting, or forgery + 1 year sentence**  
  • Obstruction of justice or perjury + 1 year sentence**  
  • Certain bail-jumping offenses  
  • Various federal offenses and possibly state analogues (money laundering, various federal firearms offenses, alien smuggling, failure to register as sex offender, etc.)  
  • Attempt or conspiracy to commit any of the above  
| Conviction or admission of commission of a Controlled Substance Offense, or DHS has reason to believe individual is a drug trafficker  
➢ No 212(h) waiver possibility (except for a single offense of simple possession of 30g or less of marijuana)  
| Conviction or admission of commission of a Crime Involving Moral Turpitude (CIMT)  
➢ Crimes in this category cover a broad range of crimes, including:  
  • Crimes with an intent to steal or defraud as an element (e.g., theft, forgery)  
  • Crimes in which bodily harm is caused or threatened by an intentional act, or serious bodily harm is caused or threatened by a reckless act (e.g., murder, rape, some manslaughter/assault crimes)  
  • Most sex offenses  
  • Petty Offense Exception—for one CIMT if the client has no other CIMT and the offense is not punishable > 1 year (e.g., in New York, can’t be a felony) + does not involve a prison sentence > 6 months  
| Conviction or admission of the following crimes bars a finding of good moral character for up to 5 years:  
➢ Controlled Substance Offense (unless single offense of simple possession of 30g or less of marijuana)  
➢ Crime Involving Moral Turpitude (unless single CIMT and the offense is not punishable > 1 year (e.g., in New York, can’t be a felony) + does not involve a prison sentence > 6 months  
| 2 or more offenses of any type + aggregate prison sentence of 5 years  
➢ 2 gambling offenses  
➢ Confine (to a jail for an aggregate period of 180 days  

**Aggravated felony conviction on or after Nov. 29, 1990 (and murder conviction at any time) permanently bars a finding of moral character and thus citizenship eligibility**

| Controlled Substance Conviction  
➢ EXCEPT a single offense of simple possession of 30g or less of marijuana  
| Prostitution and Commercialized Vice  
Conviction of 2 or more offenses of any type + aggregate prison sentence of 5 years  

**CONVICTION DEFINED**

A formal judgment of guilt of the noncitizen entered by a court or, if adjudication of guilt has been withheld, where:

(i) a judge or jury has found the noncitizen guilty or the noncitizen has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, and

(ii) the judge has ordered some form of punishment, penalty, or restraint on the noncitizen’s liberty to be imposed.

**THUS:**

➢ A court-ordered drug treatment or domestic violence counseling alternative to incarceration disposition IS a conviction for immigration purposes if a guilty plea is taken (even if the guilty plea is or might later be vacated)  
➢ A deferred adjudication disposition without a guilty plea (e.g., NY ACD) IS NOT a conviction  
➢ A youthful offender adjudication (e.g., NY YO) IS NOT a conviction

| INELIGIBILITY FOR LPR CANCELLATION OF REMOVAL  
➢ Aggravated felony conviction  
➢ Offense covered under Ground of Inadmissibility when committed within the first 7 years of residence after admission in the United States  
| INELIGIBILITY FOR ASYLUM OR WITHHOLDING OF REMOVAL BASED ON THREAT TO LIFE OR FREEDOM IN COUNTRY OF REMOVAL  

**Particularly serious crimes** make noncitizensineligible for asylum and withholding. They include:

➢ Aggravated felonies  
➢ All will bar asylum  
➢ Aggravated felonies with aggregate 5 year sentence of imprisonment will bar withholding  
➢ Aggravated felonies involving unlawful trafficking in controlled substances will presumptively bar withholding  
➢ Other serious crimes—no statutory definition (for sample case law determination, see Appendix F)  

**For the most up-to-date version of this checklist, please visit us at [http://www.immigrantdefenseproject.org](http://www.immigrantdefenseproject.org)**

**The 1-year requirement refers to an actual or suspended prison sentence of 1 year or more. [A New York straight probation or conditional discharge without a suspended sentence is not considered a part of the prison sentence for immigration purposes.]**

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See reverse ➤