

**LEGAL RIGHTS**



**By Atty. Johnson Lazaro**

# Crimes and Immigration

GOING to jail is bad. Going to jail and being taken by immigration officers to be kicked out of the United States is worse.

Unfortunately, for many “green card” holders who commit a crime, the double whammy is a distinct possibility. Some call it double punishment. This is one of the hazards of being convicted when you are just a lawful permanent resident.

One of the most common ways for a lawful resident to be removed from the US is by committing a crime of moral turpitude (CMT). Hundreds of offenses qualify as “crimes involving moral turpitude,” and even minor convictions have immigration impact. There are reliefs available but proceed with caution because this area of criminal and immigration law is enormously complicated.

One of the most common

CMT is the offense of theft. Even shoplifting for piece of bubble gum can get you convicted of theft. There are those who believe that a conviction for stealing something of minor value will not get you deported but the judge will have a different conclusion. The bottom line is, don’t think for one moment that having the “green card” in your pocket makes you safe against forced removal from the US.

Lawful residents who may have had brushes with the law in the past should talk to a lawyer before traveling abroad. Many immigrants are unknowingly dragged into immigration courts upon returning from a lovely vacation overseas. Upon their arrival, immigration officers at the port of entry are waiting to give them an unpleasant surprise — a notice to appear before the immigration judge. Consider this as a travel warning.

If you have to defend yourself in a criminal court, you can sometimes avoid a harsh immigration penalty by care-

fully strategizing your criminal law defense. There are ways for criminal law attorneys to navigate the system in order to avoid a deportation. It helps if your attorney knows about the deportation process.

Even after your criminal court case, there are ways to avoid deportation. This may involve going back to criminal law court and having your conviction expunged or vacated. In a criminal proceeding, one must be aware of the immigration consequences before taking a plea. If the court did not make you aware of the possibility of deportation, you may be able to get your judgment vacated. Once a conviction is expunged or vacated, Immigration can no longer hold you deportable for that crime.

There are many good and well-meaning people who sometimes make mistakes. But for those who are just “green card” holders, those mistakes could mean double trouble. After the criminal justice system is done, immigration comes in to try to throw you out of the country. Proper education and careful strategizing are keys to avoiding deportation.

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