# What Every Maryland Criminal Defense Attorney Should Know About Immigration

### Weeks 3 and 4: Categories and consequences of convictions

### CIMT: Crime Involving Moral Turpitude

#### **>**Definition

- >"Intrinsically and morally wrong"
- > "act of baseness and depravity contrary to accepted moral standards,"
- > per State Dept manual, "anything done contrary to justice, honesty, principle, or good morals; an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule or right an duty between man and man."
- >CIMTs are malum in se. Regulatory offenses, such as underage drinking are malum prohibitum, and therefore not necessarily CMTs

### ➤Examples:

- Domestic violence 

  □
- Drug crimes
- ⇔Crimes of violence
- Sexual crimes

#### **≻**Consequences

>One (1) CIMT

INA  $\S 212(a)(2)(A)$ 

□ Inadmissibility

Conviction

Admission

Petty offense exception

**♥**Removability

INA §237(a)(2)(A)

If committed within 5 yrs of date of admission

and

Petty offense exception: maximum penalty  $\ge 1$  yr

⇔Good Moral Character issues – for naturalization and other applications

# >More than One (1) CIMT

INA §212(a)(2)(A)

□Inadmissibility

Any 2 convictions with combined 5 yr sentence

⇔Removability

INA §237(a)(2)(A)

Even if 2 offenses from single scheme Any time frame (any two offenses "ever")

### **>**Possible waivers

# CHILD ABUSE, NEGLECT, ABANDONMENT

- **>**Definition
- **≻**Consequences
- > Waivers

## **TRAFFIC OFFENSES**

- ➤ Watch for possible CIMTs
- **≻**Consequences