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 CIMTs

**Examples:**

- Theft, fraud crimes
- Domestic violence
- Drug crimes
- Crimes of violence
- Sexual crimes

**Consequences**

**One (1) CIMT**

- **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 ≥ 1 yr
- **Good Moral Character issues** – for naturalization and other applications
More than One (1) CIMT

- Inadmissibility
  Any 2 convictions with combined 5 yr sentence
- Removability
  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