

# IMMIGRATION CONSEQUENCES OF CRIMINAL ACTIVITY IMMIGRATION ATTORNEY REFERRAL CHECKLIST

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If the person you are inquiring about is not a citizen of the United States, any type of criminal conviction (even a misdemeanor, or possibly a violation) might result in immigration consequences that have the potential for being more serious than the penalty for the crime itself.

When contacting an immigration attorney it will greatly help to gather the following information.

## **CURRENT CUSTODY STATUS & DEADLINES**

1. Is the person in custody?
  - a. If so, where?
  - b. If so, is there an immigration 'hold' (*aka* detainer) in place?
  - c. If so, is a State bond possible?
    - i. How much?
  - d. If not in custody, is the person on a State bond?
    - i. If so, how much and to what government agency was it paid?
2. When is the next court appearance, or other deadline?

## **PERSONAL INFORMATION**

3. Full name and all known aliases (if Mexican, have both parent's family names).
4. Date and place of birth.
5. Native language and level of English fluency.
6. Does the person have any family in the US?
  - a. If so, please provide details, especially on parents, children, or spouse who were born in the United States or possess a green card (include ages and birth places) and copies of their immigration related documents.
  - b. If so, have any family members filed 'sponsorship' papers with immigration? Please include copies, if available.
7. Is the person employed in the US?
  - a. If so, please provide details.
  - b. Have any employers filed sponsorship papers? If so, please provide copies.

## **IMMIGRATION HISTORY**

8. Alien, or "A", number (it begins with the letter A and is followed by 8, or 9 digits).
9. A copy (if available) of all of the following:

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- a. Passport (all pages, of all passports they have ever had).
  - b. I-94 arrival/departure card, if applicable (front & back, it may be white, or possibly green – NOTE: Recent arrivals can print out their card from [www.cbp.gov/i94](http://www.cbp.gov/i94)).
  - c. Green card (*aka* permanent resident alien card), front and back.
  - d. Employment authorization document.
  - e. Any other document issued by the US Immigration Service.
10. List of all entries/exits in/out of the US and type of visas used (if any).
11. Has the person had any prior immigration arrests?
- a. If so, please provide details (and documents, if available).
12. Has the person ever appeared before an Immigration Judge?
- a. If so, please provide details (and documents, if available).
13. Has the person ever been stopped at a US border (or port-of-entry) and ‘turned’ away, or refused entry and/or given a ‘summary’ removal order?
- a. If so, please provide details (and documents, if available).

**PRIOR CRIMINAL HISTORY**

14. Does the person have prior convictions, including those they believe to have been expunged or as part of an appearance in a juvenile, community or peer court?
- a. If so, please provide statutory citations, charging documents, police reports, and relevant orders/judgment/sentence (if available).
15. Did any of these convictions involve domestic violence? For example, harassment or other crimes committed against a spouse, live-in partner, or person with whom the person shares a child in common.
16. Has the person ever been found to have violated a restraining/protection order?
17. Has the person ever been convicted for failure to appear?

**OTHER**

18. Has the person ever plead guilty or admitted having committed a crime (or the essential elements of a crime) to a government employee, irregardless of an entry of conviction?
- a. If so was it part of a plea/diversion agreement?
  - b. If so, was it under oath?
19. Has the person had any other ‘contact’ with any law enforcement official that is not listed above? (Note: This could include something as ‘minor’ as fishing without a license, DUII, or ***any other contact***).

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20. Has the person ever claimed that they were a US Citizen?
- a. If so, please provide details.
21. Has the person ever voted in an election?
- a. If so, please provide details.

**CURRENT CRIMINAL SITUATION**

22. What is/are the crime(s) the client is accused of? Please provide statutory citations, and copies of all charging documents and police reports.
23. Do any of these charges involve domestic violence? For example, harassment or other crimes committed against a spouse, live-in partner, or person with whom the person shares a child in common.
24. Are you considering a plea?
- a. If so, what possible crimes (including violations) are you considering?
- b. If so, what are the sentencing possibilities (both jail time and probation)? Include information on statutory maximum sentence possibilities.

**IMPORTANT NOTICES**

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