

CHEAT SHEET OF SELECTED IMMIGRATION TERMS AND CONCEPTS

Lawful Permanent Resident (“LPR” or “green card holder”)

An individual who has been granted status as a permanent resident of the U.S. An LPR will generally have one of the following:

- A “green card” (which is NOT green): generally titled “Resident Alien” or “Permanent Resident Card,” the card states that the person is entitled to reside permanently and work in US; a “green card” is formally known as a form I-551; OR
- A stamp on the individual’s passport that indicates “temporary evidence of lawful admission for permanent residence” which will include an expiration date for that stamp.

Non-Immigrant: A person who holds a temporary visa, such as a student visa or visitor’s visa.

Deportability vs. Inadmissibility:

In general, individuals who have been inspected by an immigration official and given permission to enter the United States are subject to the grounds of “deportability,” while people who have not been given such permission are subject to the grounds of “inadmissibility” (because they are seen as still seeking admission). For practical purposes, most non-citizens who have not become LPRs are most concerned with the grounds of inadmissibility, as it is this category that will determine whether they can obtain an immigration benefit that will allow them to stay in the country. The grounds of “deportability” are most relevant to those individuals who have already become LPRs.

Aggravated Felony (“ag fel”)

A term of art in immigration law used to describe offenses that will subject a non-citizen to the harshest immigration consequences. The offense does not need to be “aggravated” as that term might be popularly understood, nor does it need to be a felony, for it to qualify as an “Aggravated Felony.” The INA details a list of these offenses, which can be found at 8 U.S.C. § 1101(a)(43), but they include: murder, rape, drug trafficking, theft offenses, crimes of violence, offenses involving fraud or deceit, and certain offenses relating to prostitution.

Crime Involving Moral Turpitude (“CIMT”)

This category has been present in immigration law for over a century, but continues to be a source of confusion for immigration practitioners. The Board of Immigration Appeals (“BIA”) has stated that a CIMT is “an act which is per se morally reprehensible and intrinsically wrong, or malum in se, so it is the nature of the act itself and not the statutory prohibition of it which renders a crime one of moral turpitude.” *In re Ajami*, 22 I. & N. Dec. 949, 950 (BIA 1999). The BIA has also described CIMTs as those involving “conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between [persons or to] society in general.” *In re Danesh*, 19 I. & N. Dec. 669 (BIA 1988). A recent Attorney General opinion stated that for an offense to be a CIMT, it must be reprehensible conduct involving some element of scienter, either specific intent, deliberateness, willfulness, or recklessness. *Matter of Silva-Trevino*, 24 I&N Dec. 682, 706 (AG 2008). Although offenses must be analyzed on a case-by-case basis and according to a

nuanced approach described in the Guide, generally, the following types of crimes are often found to be CIMTs: offenses involving theft or an intent to defraud; offenses involving intent to cause bodily harm or offenses involving recklessness that result in serious bodily harm; and most offenses involving sexual conduct. Drug offenses involving sale or distribution may also be found to be CIMTs.

Controlled Substance Offense (“CSO”)

This is another category that will result in drastic immigration consequences for a non-citizen. This category encompasses offenses “relating to” a controlled substance as defined by federal law, and it therefore encompasses simple possession and distribution offenses involving substances covered by *federal* drug schedules (if the substance is regulated only by the state, it is not covered). The CSO category probably also covers offenses like possession of drug paraphernalia. Like Aggravated Felony offenses, a conviction in this category renders a non-citizen ineligible for many forms of discretionary relief.

Conviction

Many immigration consequences are triggered if the client is “convicted” of certain offenses. But “conviction” is a term of art in the immigration laws, defined at 8 U.S.C. 1101(a)(48)(A). It includes not only a formal judgment of guilt by a court, but also a finding by the decisionmaker that the client is guilty, or in cases where the client enters a *nolo contendere* plea, or where the client has *admitted sufficient facts to warrant a finding of guilt*. In these circumstances, the judge must also order some form of punishment, penalty, or restraint on the person’s liberty in order for it to be considered a conviction.