

CHECKLIST: Grounds for Deportation

Deportation is the formal removal of an alien from the United States because the alien has been found removable for violating immigration laws. If an alien is determined to be in the United States illegally for any reason, he or she is a deportable alien. If an immigration judge orders deportation, the alien will be subject to removal from the United States.

The following list includes the various types of deportable aliens. If you need further information about any of the categories or about deportation in general, an immigration attorney can help you.

- Anyone who was inadmissible at the time of entry into the United States
- Anyone who was inadmissible at the time of an adjustment of status
- Aliens who are present in the United States in violation of any U.S. law
- Aliens who fail to maintain their nonimmigrant status
- Aliens who fail to comply with conditions placed on their entry into the United States
- Persons whose conditional permanent residence status has terminated
- Persons engaged in smuggling aliens into the United States, except in certain cases involving family reunification
- Aliens who engage in marriage fraud
- Aliens who are convicted of crimes of moral turpitude within five years, or ten years in the case of some aliens granted lawful permanent resident status, of the time of entry, if a sentence of one year or longer may be imposed
- Aliens who are convicted of two or more separate crimes involving moral turpitude, regardless of whether they are imprisoned
- Aliens who are convicted of an aggravated felony, which includes

- √ Murder, rape, or sexual abuse of a minor
- √ Illicit trafficking in controlled substances
- √ Firearms, destructive devices, and explosive materials offenses
- √ Money laundering
- √ Crimes of violence for which the term of imprisonment is at least one year
- √ Theft and burglary offenses for which the term of imprisonment is at least one year
- √ Crimes involving the demand for or receipt of ransom
- √ Crimes involving child pornography
- √ Crimes involving a violation of the Racketeer Influenced Corrupt Organizations (RICO) Act
- √ A second or subsequent gambling offense for which a one-year or greater term of imprisonment may be imposed
- √ Prostitution “managing” and transporting offenses
- √ Crimes against the government
- √ Offenses that jeopardize national security
- √ Offenses that involve fraud or deceit in which the victims’ aggregate losses exceed \$10,000
- √ Tax evasion involving a government loss in excess of \$10,000
- √ Alien smuggling, except for first offenses involving attempts to enable entry by a relative of the accused
- √ Certain offenses committed by aliens who were previously deported for having committed a crime
- √ Passport fraud offenses with a term of imprisonment of one year or greater, except for first offenses involving attempts to enable entry by a relative of the accused
- √ Failure to appear to serve a sentence for which the underlying offense is punishable by imprisonment for five or more years

- √ Offenses involving commercial bribery, counterfeiting, forgery, or trafficking in vehicles with altered identification numbers with a term of imprisonment of at least one year
- √ Offenses involving obstruction of justice, perjury, subornation of perjury, and witness tampering with a term of imprisonment of at least one year
- √ Failure to appear in court pursuant to court order to answer to a felony charge for which a sentence of two or more years' imprisonment may be imposed

___ Aliens who engage in high-speed flight from an immigration checkpoint

___ Aliens convicted of an offense involving controlled substances, other than a single offense involving possession of thirty grams or less of marijuana for personal use

___ Drug abusers or addicts

___ Aliens convicted of certain firearm or destructive device offenses

___ Aliens convicted of certain crimes against the government for which a term of imprisonment of five years or more may be imposed

___ Violators of the Selective Service Act

___ Violators of the Trading with the Enemy Act

___ Aliens convicted of a crime involving domestic violence, stalking, violation of a protective order, or child abuse

___ Violators of the Alien Registration Act, the Foreign Agents Registration Act, and other federal laws relating to alien registration

___ Persons engaging in falsification of immigration documents

___ Aliens who falsely represent themselves to be U.S. citizens

___ Aliens who engage in activities jeopardizing the national security

___ Aliens who engage in terrorist activity

___ Aliens whose presence in the United States would have serious adverse foreign policy consequences

- _____ Aliens who become a public charge within five years of entry as a result of causes not arising post-entry

- _____ Aliens who vote unlawfully