



How Being Charged with a Crime Can Affect Your Immigration Status



This fact sheet talks about how criminal charges can affect your immigration status. It talks about different types of crimes that can affect immigration. It also shares what to do if you are arrested.

To read this fact sheet in other languages, go to:

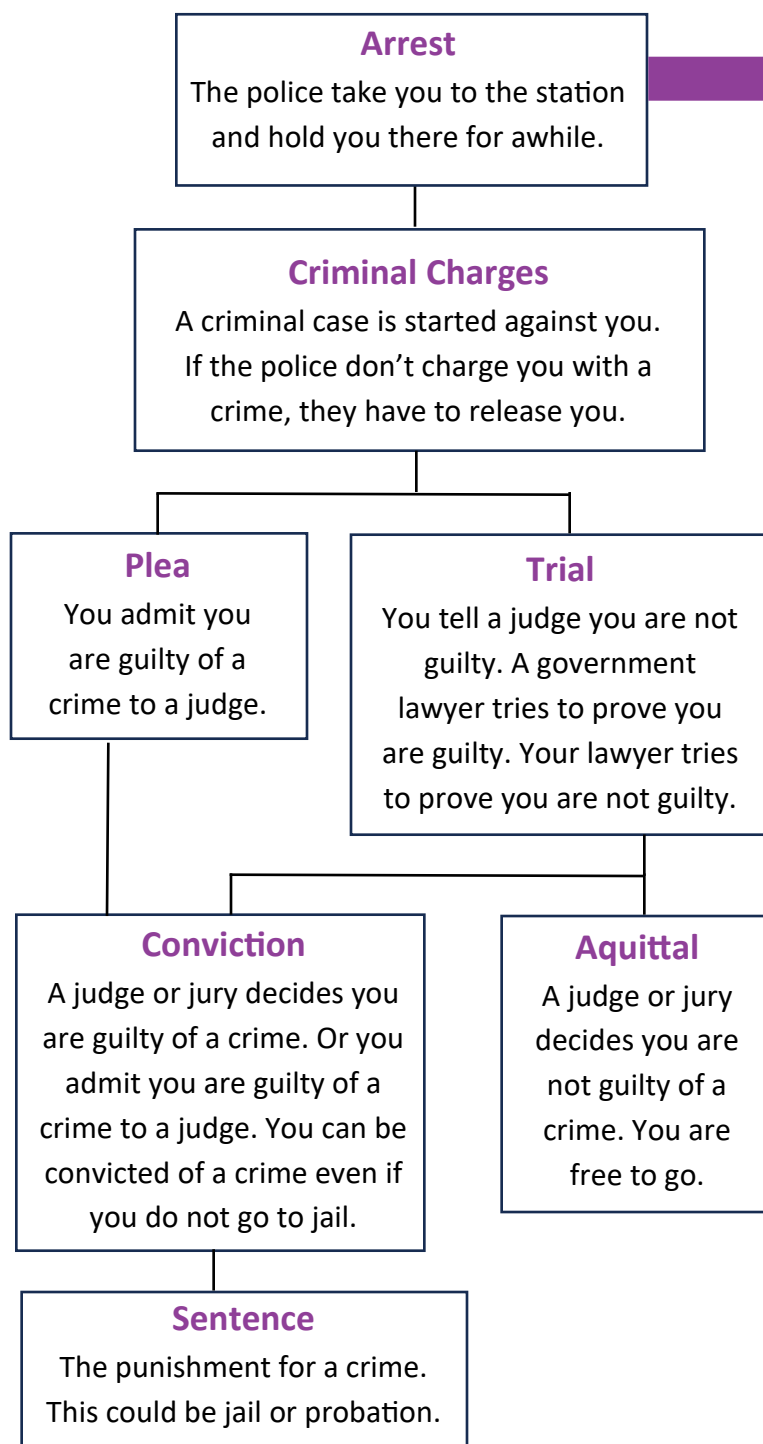
<https://www.LawHelpMN.org>



This fact sheet was developed in collaboration with the Immigrant Law Center of Minnesota, Mid-Minnesota Legal Aid, Southern Minnesota Regional Legal Services, The Advocates for Human Rights, and the Volunteer Lawyers Network. It was supported by funding from the State of Minnesota Department of Human Services.

The Criminal Process

What happens after I am arrested?



If You Are Arrested

- Ask for an interpreter.
- Say, "I want to remain silent."
- Ask for a lawyer. You have a right to a criminal lawyer no matter what your immigration status is. If you have a low income, the court gives you a free lawyer.

DO NOT

- answer questions about your immigration status.
- say anything, sign anything, or make decisions without a lawyer.

LawHelpMN has a fact sheet that shares more about your rights if you are arrested. Go to:

lawhelpmn.org/self-help-library/fact-sheet/i-got-arrested-what-happens-now.



Criminal Charges & Immigration



Talk to a lawyer right away!

Anyone who is not a U.S. Citizen is at risk of being deported if they commit certain types of crimes. Ask your criminal lawyer about how the charges could affect your immigration status. Talk to an immigration lawyer also. Talk to a lawyer even for minor crimes like traffic violations. LawHelpMN has a list of lawyers who might be able to help. Scan the QR code or go to: lawhelpmn.org/providers-and-clinics

How can criminal charges affect my immigration status?

Being charged or convicted of a crime could harm your immigration status. Some, but not all, convictions or criminal behaviors could mean:

- You are not able to renew temporary types of immigration status.
- You are not able to apply for the type of immigration status you want or move from a temporary to permanent status.
- The court starts deportation proceedings for you.
- You have to stay in jail while you fight against deportation.
- You are deported.

What types of crimes can cause immigration problems?

If you are arrested, charged, or convicted of **ANY** crime, it can cause problems depending on your type of immigration status. This includes serious things like violent crimes, burglary, or fraud. It includes domestic violence or violating a restraining order.

Even minor crimes can have a harmful impact on immigration. This is true even if you don't go to jail or pay a lot of money in a fine. Some examples include:

- **Driving under the influence** of drugs or alcohol. This is also called a DUI or DWI.
- **Drug possession or use, including marijuana.** Using marijuana is legal in Minnesota. But it is against federal law. Immigration cares about federal law. If local police tell ICE you have marijuana, it could affect your immigration status.
- **Shoplifting.**

Does my current immigration status put me at more risk?

Anyone who is not a U.S. Citizen is at risk of being deported if they commit certain types of crimes. Figuring out your level of risk can be hard. It depends on the type of crime, where you are, and your type of immigration status. Below are examples of what might happen. But it is impossible to talk about every possible situation. Because it is so complicated, it is always a good idea to talk to a lawyer as soon as possible. LawHelpMN has a list of lawyers who might be able to help. Go to: lawhelpmn.org/providers-and-clinics

If you are undocumented

Negative interactions with police could lead to being arrested by ICE. This could start the deportation process in immigration court. This is true even if you are arrested but not charged with a crime. You might have to stay in ICE detention while you wait for a hearing. A lot depends on how much local police cooperate with ICE. It is unlikely that traffic tickets would lead to immigration court in a sanctuary city. Minneapolis and St. Paul are sanctuary cities.

If you have a temporary immigration status

This group includes many types of immigration status. It includes Temporary Protected Status (TPS), U-VISA, Deferred Action, H-1B visas, and student visas. The impact of arrests, criminal charges, or convictions depends on what type of temporary status you have. It also depends on what type of crime you were accused of. Some things that could happen are:

- You might not be able to renew your status.
- Your status could be taken away.
- You might not be able to move from temporary to permanent status.
- You could be deported.

If you are arrested or charged with a crime, talk to an immigration lawyer as soon as possible.

If you have a Green Card

Typically, someone with a Green Card can only be deported for certain serious crimes. These crimes include a domestic violence assault or violation of a protected order. It also includes murder, sex offenses, fraud, firearms, theft, and drug crimes. If you have a Green Card, you **cannot** be deported for traffic violations where no one is injured. This includes driving without insurance, driving without a license, speeding, or parking violations.



Getting Immigration Advice If You've Been Charged

What should I do if I am charged with a crime?

- Ask the police to talk to a criminal lawyer. You have a right to a criminal lawyer no matter what your immigration status is. If you have a low income, the court gives you a free lawyer. This person is called a public defender.
- Do not answer any questions the police ask you about your immigration status. Do not say anything, sign anything, or make any decisions without a lawyer.
- Ask your criminal lawyer how the charges could affect your immigration status.

What's the difference between a criminal lawyer and an immigration lawyer?

A criminal lawyer defends you if you have been charged with a crime. The court must provide you with a criminal lawyer. A criminal lawyer:

- Must tell you how the charges and any plea deals could affect your immigration status.
- Can work with an immigration lawyer. They can help you understand how the crime might affect your status.
- Can fight for you to get the best outcome in criminal court.

An immigration lawyer helps you make the best decision about your immigration status. They can defend you in an immigration hearing. If you have been charged with a crime, an immigration lawyer:

- Can talk to your criminal lawyer to help them understand your immigration status.
- Can tell you how your criminal convictions may affect your immigration status.
- Can give you the best advice possible when you're honest about your entire criminal history.

If you were already working with an immigration lawyer, tell them you were charged. They can work with your criminal lawyer on a plan.

What should I do if I am convicted of a crime?



Talk to an immigration lawyer!

Anyone who is not a U.S. Citizen should talk to an immigration lawyer if you are convicted of any crime. A lawyer can tell you how your criminal conviction will affect your immigration status. They can also tell you how your criminal conviction will affect your deportation case. Talk to an immigration lawyer before you travel outside the U.S. LawHelpMN has a list of lawyers who might be able to help. Scan the QR code or go to:

lawhelpmn.org/providers-and-clinics

If you are applying for any type of immigration benefit or defending against deportation in immigration court:

- **Talk to an immigration lawyer.** Ask the lawyer about how the conviction could affect your application or deportation case.
- **Gather documents that prove you have good moral character.** This may help strengthen your case. LawHelpMN has a fact sheet that talks about gathering evidence for immigration court. Go to: lawhelpmn.org/self-help-library/fact-sheet/preparing-evidence-and-testimony-immigration-court.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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