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A Conviction Can Follow You Into Immigration Court

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In the American legal system, criminal convictions and federal immigration enforcement run on separate tracks that meet at one point: the record of conviction. Public perception treats criminal trials and immigration hearings as distinct realms, but the immigration consequences of criminal convictions outlast the sentence.

A single guilty plea, plea bargain or misdemeanor conviction in local court can trigger removal proceedings, mandatory detention and a bar on return.

Two Court Systems, One Set of Facts

Criminal courts and immigration courts operate under entirely separate jurisdictional frameworks, administrative structures and legal standards. Criminal courts, whether state or federal, determine guilt or innocence and assign punitive measures such as probation, fines, community service or incarceration. Once an individual completes an ordered sentence or satisfies probation, criminal court jurisdiction over the matter formally terminates.

In contrast, federal immigration enforcement operates primarily under the Department of Justice's Executive Office for Immigration Review (EOIR) and the Department of Homeland Security (DHS). These administrative bodies do not retry underlying criminal facts; instead, they review the certified record of conviction to determine whether an individual retains the statutory right to remain in the United States under Section 237 of the Immigration and Nationality Act. Consequently, an outcome deemed minor in a state courtroom can serve as the sole evidentiary foundation for federal deportation.

Why a Finished Sentence Isn't a Finished Case

For non-citizens, the conclusion of a criminal proceeding rarely guarantees the end of legal exposure. Under federal immigration statutes, administrative sanctions operate completely independently of state judicial sentencing. The civil legal impacts stemming directly from a criminal case disposition are recognized as the collateral consequences of a plea.

Even when a criminal judge waives jail time, orders conditional discharge or later expunges a record under state rehabilitation statutes, federal immigration law continues to evaluate the initial admission of guilt. Under Section 101(a)(48)(A) of the Immigration and Nationality Act (INA), a conviction exists for federal immigration purposes whenever there is a formal finding of guilt or a plea of guilty or nolo contendere, combined with any judge-ordered penalty, fine or restraint on liberty.

Which Convictions Make Someone Deportable

Federal immigration law establishes explicit statutory categories under Section 237 of the INA that render non-citizens subject to expulsion. A conviction that falls within these federal categories is a deportable offense, and it can expose a lawful permanent resident or temporary visa holder to removal years after the sentence ends.

Among the primary grounds for deportation are crimes involving moral turpitude (CIMT). Although the INA does not explicitly define “moral turpitude,” judicial precedent characterizes these offenses as acts involving grave baseness, vileness or dishonesty contrary to societal duties.

The “Aggravated Felony” Label Is Not What It Sounds Like

A widespread misconception in criminal law is that mandatory deportation applies exclusively to violent offenders. In reality, federal immigration statutes apply an expansive aggravated felony classification under Section 101(a)(43) of the INA that encompasses numerous non-violent and minor state-level offenses.

State-level misdemeanors — such as theft carrying a one-year suspended sentence, or tax and fraud offenses where the loss exceeds $10,000 — can be categorized as aggravated felonies under federal law. The classification is determined by federal statutory definitions rather than the label assigned by state courts.

The Supreme Court Said Defense Lawyers Have to Warn You

The Supreme Court addressed that gap in Padilla v. Kentucky, 559 U.S. 356 (2010):

In a 7-2 decision authored by Justice John Paul Stevens, the Supreme Court held that the Sixth Amendment right to effective assistance of counsel requires criminal defense attorneys to inform non-citizen clients of deportation risks before entering a guilty plea. The petitioner, Jose Padilla, was a lawful permanent resident and Vietnam War veteran who pleaded guilty to transporting marijuana after defense counsel erroneously assured him he faced no immigration risk.

A Record Can Also Block Citizenship

Beyond triggering immediate removal proceedings, criminal adjudications directly affect a non-citizen’s eligibility to adjust legal status, renew green cards or obtain U. S. citizenship through naturalization. Federal immigration adjudicators, applying the U.S. Citizenship and Immigration Services Policy Manual, evaluate an applicant’s complete record to determine whether the individual satisfies the statutory requirement of Good Moral Character (GMC) during the required look-back period — typically five years preceding the naturalization application.

The direct link between an individual’s immigration status and criminal record means that minor offenses that do not trigger immediate deportation can still prevent naturalization. Under Section 101(f) of the INA, convictions involving controlled substances, multiple gambling violations or a cumulative penal confinement of 180 days or more automatically preclude a finding of Good Moral Character, stalling an applicant’s path to citizenship.

Most People Face This Without a Lawyer

Unlike the federal criminal justice system, civil immigration court does not guarantee court-appointed counsel for people who cannot afford it. Vera Institute of Justice data shows 67% of people in removal proceedings appear without a lawyer. The American Immigration Council reports that detained respondents without counsel are ordered removed 93% of the time, compared with 82% of those who have a lawyer, and that representation correlates with a 97% hearing appearance rate.

The gap is widest for people who enter removal proceedings after conviction, where a case straddles both systems. Nevada offers a concrete example: a plea negotiated in a Las Vegas courtroom can decide a federal admissibility question years later, which is why the work is often handled by a **Las Vegas criminal and immigration law firm** rather than split between two separate lawyers.

The Backlog Turns Delay Into Its Own Penalty

According to the Congressional Research Service report on U.S. immigration courts and the pending cases backlog, the federal immigration court backlog exceeded 1.7 million pending cases as of February 2026. Counts vary by methodology and reporting source. In several high-volume immigration courts, average wait times for an initial master calendar or individual merits hearing now exceed four years.

Non-citizens in administrative detention or released on bond wait years while federal policy and case law shift around them, turning the backlog into a secondary penalty the sentence never imposed.

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