



## CRIMINAL CONVICTIONS AND JUDICIAL DEPORTATION

By: Michelle Kirby, Senior Legislative Attorney

### ISSUE

Criminal convictions that may result in deportation under immigration laws.

### OFFENSES THAT MAY RESULT IN DEPORTATION

Under federal law, an alien (non-citizen) may generally be deported if, anytime after admission (except where specified), he or she is convicted of:

1. a crime of moral turpitude committed within five years (or 10 years in some cases) after the date of admission;
2. an aggravated felony (see below);
3. a high-speed flight from an immigration check point;
4. failure to register as a sex offender;
5. a controlled substance-related crime;
6. drug abuse or addiction;
7. certain firearm offenses;
8. domestic violence, stalking, or child abuse;
9. a protection order violation;
10. human trafficking; or
11. miscellaneous crimes, such as espionage, sabotage, treason, and terrorism.

Under the law, an alien may also be deported if he or she, at any time after admission, is convicted of two or more crimes involving moral turpitude ([8 U.S.C. § 1227\(a\)\(2\)](#)).



## ***Aggravated Felonies***

For immigration and deportation purposes, "aggravated felony" is defined under [8 U.S.C. § 1101\(a\)\(43\)](#). Listed in alphabetical order, aggravated felonies are:

1. alien smuggling - smuggling, harboring, or transporting aliens, except for a first offense in which the person smuggled was the smuggler's parent, spouse, or child;
2. attempt to commit an aggravated felony;
3. bribery of a witness - if the term of imprisonment is at least one year;
4. burglary - if the term of imprisonment is at least one year;
5. child pornography;
6. commercial bribery - if the term of imprisonment is at least one year;
7. conspiracy to commit an aggravated felony;
8. counterfeiting - if the term of imprisonment is at least one year;
9. crime of violence as defined under [18 U.S.C. 16](#) - if the sentence is at least one year and the offense was not a "purely political offense;"
10. destructive devices - trafficking in destructive devices such as bombs or grenades;
11. drug offenses - any offense generally considered to be "drug trafficking," plus cited federal drug offenses and related state felony offenses;
12. failure to appear to serve a sentence - if the underlying offense is punishable by a term of five years;
13. failure to appear to face charges if the underlying sentence is punishable by two years;
14. false documents - using or creating false documents, if the term of imprisonment is at least 12 months, except for a first offense committed for the purpose of aiding the person's spouse, child, or parent;
15. firearms - trafficking in firearms, plus several federal crimes relating to firearms and state analogues;
16. forgery - if the term of imprisonment is at least one year;
17. fraud or deceit - if the loss to the victim exceeds \$10,000;

18. illegal re-entry after deportation or removal for conviction of an aggravated felony;
19. money laundering and monetary transactions from illegally derived funds - if the amount of funds exceeds \$10,000 - and offenses such as fraud and tax evasion if the amount exceeds \$10,000;
20. murder;
21. national defense - offenses relating to the national defense, such as gathering or transmitting national defense information or disclosing classified information;
22. obstruction of justice - if the term of imprisonment is at least one year;
23. perjury or subornation of perjury - if the term of imprisonment is at least one year;
24. prostitution offenses such as running a prostitution business;
25. ransom demand - offense relating to the demand for or receipt of ransom;
26. rape;
27. receipt of stolen property - if the term of imprisonment is at least one year;
28. revealing the identity of undercover agent;
29. racketeer influenced corrupt organizations (RICO) offenses punishable with a one-year sentence;
30. sabotage;
31. sexual abuse of a minor;
32. slavery - offenses relating to peonage, slavery, and involuntary servitude;
33. tax evasion - if the loss to the government exceeds \$10,000;
34. theft - if the term of imprisonment is at least one year;
35. trafficking in vehicles with altered identification numbers - if the term of imprisonment is at least one year; and
36. treason - federal offenses relating to national defense and treason.

***Additional Information***

OLR Report [2016-R-0039](#) lists the crimes in the Connecticut Penal Code and their penalties.

OLR Report [2015-R-0306](#) summarizes the misdemeanors that were increased to felonies, under Connecticut law (1995 - 2015).

OLR Report [2015-R-0219](#) describes the penalties for the possession or sale of illegal drugs under Connecticut law.

MK:bs