

## IMMIGRATION CONSEQUENCES CHECKLIST

To assist you in verifying the immigration consequences of any criminal conviction, you need to know the following about your client. Without ALL of this information, you cannot properly analyze your client's situation.

### 1. Biographical Information:

- *Client Name*
- *Case Number*
- *Date of Birth*
- *Place of Birth*

NOTE: As most of you are aware, being a native of Cuba, for instance, may mean different treatment by the DHS.

### 2. Immigration Status:

- *Are they a U.S. citizen? Yes  No*
- *Are their parents/grandparents U.S. citizens? Yes  No*
- *Are they a lawful permanent resident? Yes  No*   
\*\* You must get a copy of their permanent resident card
- *Do they have employment authorization? Yes  No*   
\*\* You must get a copy of their employment authorization card (this card indicates they may be in the process of obtaining permanent status in the U.S.) [Some individuals will have visas which allow them to work without a separate employment document]
- *Are they on the visa waiting list? Yes  No*   
CAUTION: This only means they are waiting for a time in the future when they will be eligible to apply for permanent residence. Many clients will not understand the difference between being on the waiting list and actually obtaining legal status. This is why it is so important for you to get a copy of their employment authorization card if they have one.
- *Are they married to or living with an LPR or U.S. citizen? Yes  No*   
Their marital situation together with any U.S. citizen children MAY be helpful.
- *How long have they lived continually in the U.S.?*

### 3. The Criminal Charges:

- *The current charges and any criminal history.*

NOTE: DHS will also ask for it and often uses it against your client, even if the charges were dismissed, so we need to know what it says before they do.

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- *If your client is pleading guilty, the specific charges that they are pleading to.*
- *The section of the New Mexico Statute they are charged with.*

NOTE: This is important when divisible statutes exist or the state statutes did not mirror the federal statutes.

Submitting Attorney

Date