

IF YOU HAVE EVER BEEN ARRESTED OR HAD A CRIMINAL EPISODE YOU MAY BE AT RISK

Any person who is not a citizen of the United States may be deported or removed from the United States if they have a criminal conviction as that term is defined by the immigration laws. This means that persons who are permanent residents of the United States (green card holders), persons who have been granted political asylum, and persons who are in the United States as investors, students, or in any other nonimmigrant status may be removed or deported from the United States if they have a criminal conviction.

Factors to consider if you or someone you know has ever been arrested are:

- A person with a conviction can be placed in removal or deportation proceedings at any time; even if the conviction is very old.
- Many dispositions of criminal cases that are not considered convictions under state law, such as withholds of adjudication, are considered convictions under immigration law.
- Because changes in the immigration laws are applied retroactively, convictions that may not have caused a risk of deportation or removal at the time that they occurred can now result in deportation or removal.
- Even if a person's criminal defense attorney assured them that they did not have a conviction, that person may, nevertheless, still have a conviction under immigration law.
- Pre-Trial Intervention or other such diversion programs may not eliminate a criminal charge even if the charge was dismissed after the successful completion of such a program.
- A person can be removed or deported even if he or she has immediate relatives (spouse, children, or parents) who are citizens or permanent residents of the United States.
- The receipt of a full pardon may not eliminate a conviction under immigration law. Especially if the crime was drug related.
- What matters for removal or deportation is the conviction. It does not matter if the conviction did not result in jail time.
- Many persons who do not think they have a conviction are at risk for removal or deportation.
- Every time a person who is not a citizen of the United States enters the

United States from a trip outside the United States the U.S. Customs and Border Protection Inspector will check to see if the person has ever been arrested and, if there is an arrest or conviction may detain that person and begin removal or deportation proceedings.

- Persons with certain types of convictions may not be released on bond while they are in removal or deportation proceedings and will have to remain in custody until their case is finalized.

WHAT TO DO IF YOU HAVE EVER BEEN ARRESTED

If you have ever been arrested the first thing you should do is obtain court certified copies of the arrest report, initial charge, and final disposition for each arrest. The next thing you should do is have an attorney specialized in immigration law review your charges and determine if you face a risk of removal or deportation as a result of the charges. Most important, you should not travel outside the United States, apply for citizenship, apply for an extension of your resident alien card, or contact any agency under the Department of Homeland Security until your criminal history has been reviewed by an attorney who knows both immigration and criminal law.

WHAT TO DO IF YOUR ARREST OR CONVICTION TOOK PLACE AFTER OCTOBER OF 1989 IN THE STATE OF FLORIDA

As a result of a recent decision by the Florida Supreme Court persons who are not citizens of the United States who entered a plea to a criminal charge some time after October of 1989 may be able to have their criminal plea and any resulting criminal conviction set aside and the underlying charges dismissed. Having a criminal matter removed as a result of this Supreme Court decision will eliminate the conviction for immigration purposes and eliminate the risk of removal or deportation. There is, however, a limited time to take advantage of this Florida Supreme Court decision. For this reason persons with Florida arrests after October of 1989 should immediately contact an attorney so his or her risk of deportation and eligibility for relief under the recent Florida Supreme Court decision can be evaluated.

WHY YOU SHOULD CONTACT PEREZ & ASSOCIATES

Unlike many other immigration lawyers who may only be familiar with immigration law, at **Perez & Associates** we are familiar with both immigration and criminal law. As an attorney who is Board Certified in Immigration and Nationality Law and a former State Attorney for the State of Florida, the firm's owner, Fernando Perez, will use his knowledge of both immigration and criminal law to develop a strategy for dealing with any criminal matters and eliminating the risk of removal or deportation.

Perez & Associates' on line Case **e-Valuation** is an excellent way to find out if any

arrests have created a risk of deportation and if that risk can be eliminated. For many people the ability to obtain this information in the privacy of their own home is important. We encourage anyone with a concern about an arrest to submit their case to us for an **e-Valuation** or to contact us for an office conference.