

IMMIGRATION CONSEQUENCES OF JUVENILE DELINQUENCY

Inadmissibility (8 USC § 1182(a)) and Deportability (8 USC § 1227(a))

Although not a conviction for immigration purposes, a delinquency adjudication still can create problems for immigrants. Certain grounds of inadmissibility (bars to obtaining legal status) and deportability (loss of current legal status) do not depend upon conviction; mere “bad acts” or status can trigger the penalty. The following are commonly applied conduct-based grounds and the juvenile court dispositions that might provide the government with evidence that the person comes within the ground.

<u>Delinquency Disposition</u>	<u>Immigration Penalty & Waiver</u>
Drug Trafficking: Sale, possession for sale, and other conduct such as cultivation, manufacture, delivery, with a commercial element	Inadmissible where DHS/ICE has “reason to believe” participation in drug trafficking No waivers except for the S, T, or U visa. There are arguments that this ground should not apply to juvenile conduct, but there is no precedent on this issue.
Drug Abuse or Addiction: Repeated drug findings, finding of abuse (more than one time experimentation in the last year), addiction to drugs	Inadmissible and deportable for drug addiction or abuse Waivers often available
Behavior showing a physical or mental condition that poses a current threat to self or others: Including suicide attempt, torture, mayhem, repeated sexual offenses against younger children, repeated alcohol offenses (showing alcoholism)	Inadmissible for physical or mental disability posing threat to self or other Waivers may be available
Prostitution (being the prostitute or the pimp, not the customer)	Inadmissible for engaging in prostitution Waivers often available
Violations of protective or “no-contact” orders: Designed to prevent repeated harassment, credible threats of violence or bodily injury	Deportable where civil or criminal court finds violation of domestic violence “stay away” protective order designed to prevent repeated harassment, credible threats of violence, or bodily injury Some waivers available
False Claim to U.S. Citizenship: Use of false documents and fraud offenses relating to false claim to citizenship	Inadmissible and deportable for false claim to U.S. citizenship Waivers may be available, e.g., SIJS and U Visa

WARNING! Be aware that anyone who participates in a gang or is alleged by the government to be gang-involved is a top priority for immigration apprehension, detention, and deportation. Involvement in certain gangs can also bar individuals from immigration relief on grounds that they fall under certain terrorism-related inadmissibility grounds or that they pose a danger to U.S. national security. Please contact the ILRC for assistance if gang membership or association is alleged. Violent offenses and sex offenses can also cause problems for noncitizen youth including being placed in secure detention and denial of immigration applications as a matter of discretion. Go to www.ilrc.org for more information and resources on immigration consequences of delinquency.