



Twelve Questions to Spot Possible California Post-Conviction Remedies¹

1. Were you convicted of one offense for simple possession, possession of paraphernalia, or another very minor drug offense on or before July 14, 2011?²

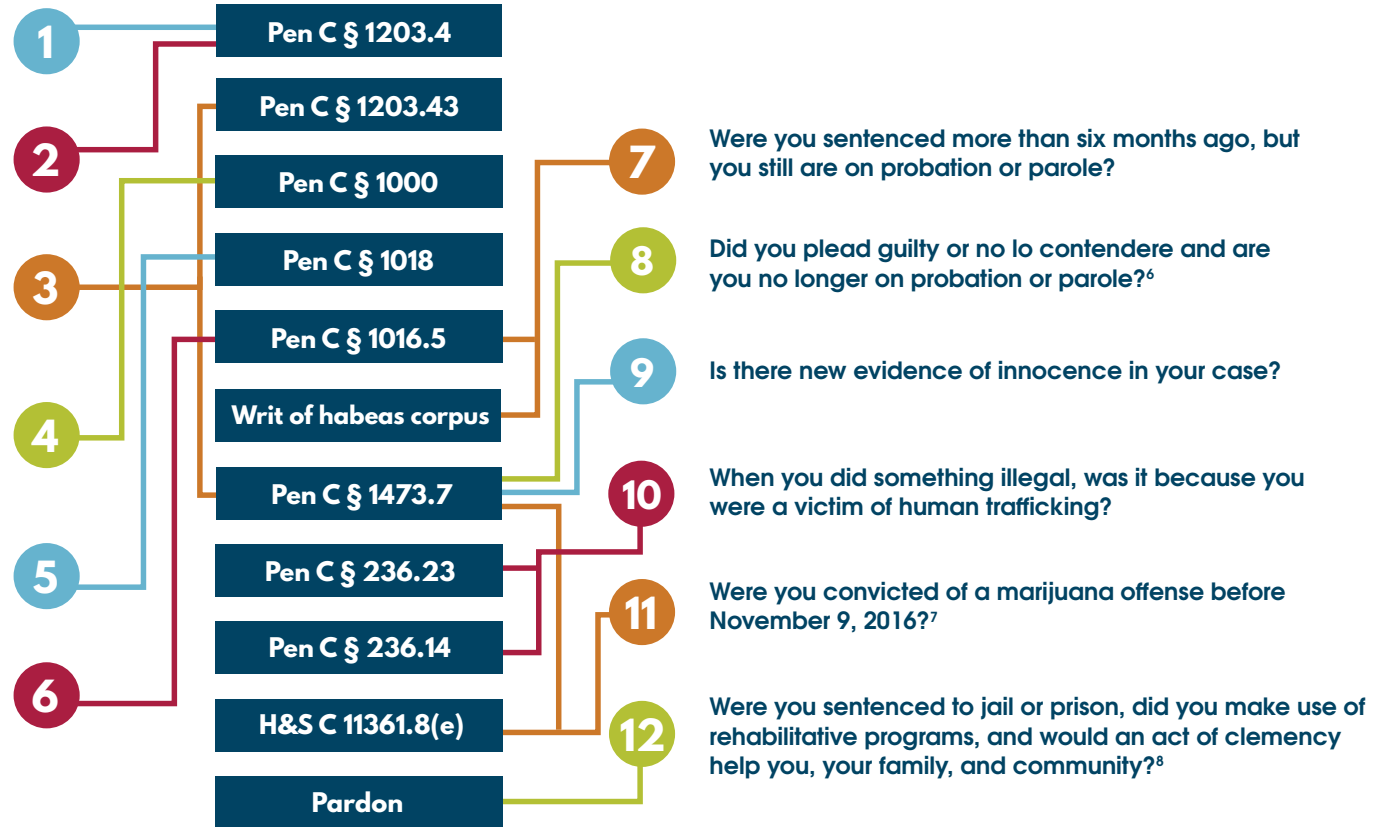
2. Are you applying for, or do you have, DACA?³

3. Did you go complete deferred entry of judgment (DEJ), Pen C. § 1000, where you had to plead guilty and attend drug counseling?⁴

4. Did you go through a drug diversion where you did not have to plead guilty after Jan. 1, 2018 or before Jan. 1, 1997?⁵

5. Did you get sentenced no more than six months ago, and did your sentence include probation?

6. Did you plead guilty or no lo contendere? Were your records destroyed and/or is there no record that you received a statutory advisement about the potential immigration damage of a conviction?



1. To be sure of the immigration consequences of each type of post-conviction relief, and to see more about requirements, look each one up in ILRC, *Helping Immigrants With Post-Conviction Relief* (June 2019) at <https://www.ilrc.org/helping-immigrant-clients-post-conviction-legal-options-guide-legal-services-providers>. In addition, see ILRC, *What Qualifies as a Conviction for Immigration Purposes* (April 2019) at https://www.ilrc.org/sites/default/files/resources/definition_conviction_april_2019.pdf.

2. For more on the Lujan drug expungement, see Part B of *What Qualifies as a Conviction*, cited above.

3. For updates on DACA, go to www.ilrc.org/daca. For information on DACA and crimes go to https://www.ilrc.org/sites/default/files/resources/crimes_and_daca_renewals.pdf.

4. For more information about DEJ vacatur see Part D of *What Qualifies as a Conviction*. See 1473.7(e)(2).

5. This should not be a conviction. See Part C of *What Qualifies as a Conviction*.

6. For more information about 1473.7 see https://www.ilrc.org/sites/default/files/resources/ammends_ca_penal_code_1473.7-20180928.pdf and https://www.ilrc.org/sites/default/files/resources/using_and_defending_california_penal_code_1473.7_vacatur_in_immigration_proceedings_sample_memoirandum_of_law_and_table_of_bia_cases.pdf

7. Because we don't have a decision yet on whether this marijuana vacatur will be given immigration effect, be sure to consult with an expert and consider PC § 1473.7 as well.

8. For more information about pardons see <https://www.ilrc.org/fact-sheet-about-gubernatorial-pardons-california>.