

## **5.7 Summary of Priorities in Representing Noncitizen Clients by Status**

---

### **5.7 Summary of Priorities in Representing Noncitizen Clients by Status**

The following is based on the likely priorities of noncitizen clients in criminal proceedings.

#### **LPR's Immigration Priorities**

1. Most importantly, an LPR should avoid an aggravated felony conviction, which bars most forms of relief from removal.
2. An LPR should also avoid other offenses triggering deportability, for which he or she can be removed.
3. If your client plans to travel abroad in the future, he or she should avoid a criminal disposition that triggers inadmissibility.
4. If your client cannot avoid deportability and wants to apply for relief from removal, he or she should avoid an aggravated felony or other offenses that bar relief from removal.
5. If your client is able to avoid a deportable offense, he or she may also want to avoid a disposition that bars naturalization.

#### **Refugee's Immigration Priorities**

1. Most importantly, a refugee should avoid an offense triggering deportability, as a refugee can be removed from the U.S. for such an offense.
2. A refugee should avoid an offense that triggers inadmissibility if he or she wants to adjust to LPR status.
3. If your refugee client cannot avoid an offense that triggers deportability and wants to apply for relief from removal, he or she should at least avoid a drug trafficking disposition, violent offenses, and particularly serious crimes.

#### **Asylee's Immigration Priorities**

1. An asylee should avoid a conviction of a particularly serious crime, specifically an aggravated felony, as he or she can lose his or her asylum status for such an offense.
2. Your asylee client should avoid an offense that triggers inadmissibility if he or she wants to adjust to LPR status.
3. If your asylee client cannot avoid an aggravated felony and wants to apply for relief from removal, he or she should at least avoid a drug trafficking disposition, violent offenses, and particularly serious crimes.

#### **Immigration Priorities for Nonimmigrant Visa Holder**

1. A nonimmigrant visa holder should avoid an offense that triggers deportability or otherwise results in loss of status.
2. A nonimmigrant visa holder should avoid an offense that triggers inadmissibility if he or she wants to adjust to LPR status.
3. If your nonimmigrant client cannot avoid a crime of inadmissibility and is otherwise

able to adjust status, he or she should at least avoid a controlled substance offense, which precludes adjustment to LPR status through a 212(h) waiver.

**Immigration Priorities for Noncitizen with Temporary Protected Status (TPS)**

1. An individual with TPS should avoid any felony conviction or two or more misdemeanor convictions, which will result in a loss of status.
2. An individual with TPS should avoid a conviction of a particularly serious crime, specifically an aggravated felony, as he or she can lose his or her status for such an offense.
3. An individual with TPS should avoid a conviction of a crime involving moral turpitude, a drug offense, or evidence that supports a charge of drug trafficking, which will result in a loss of status.

**Immigration Priorities for Noncitizen Client without Immigration Status**

1. A noncitizen without immigration status should avoid an offense that triggers inadmissibility if he or she wants to acquire LPR status.
2. If a noncitizen client without immigration status cannot avoid a crime of inadmissibility, he or she should at least avoid a controlled substance offense, which permanently bars an individual from adjusting to LPR status.
3. If your client has a fear of persecution in the country of nationality, he or she should avoid any disposition that bars persecution-based relief.
4. If your client is eligible for or currently has DACA, he or she should avoid any disposition that would be a bar to the DACA program.
5. If your client is interested in voluntary departure, he or she should avoid an aggravated felony conviction.