

Model Intake Form for Noncitizen Criminal Defendants

<https://www.caircoalition.org/what-we-do/vjp>

Purpose of document: This model intake form for noncitizen clients requests the information necessary to conduct a comprehensive analysis of the potential immigration consequences that may result from a criminal case. Completing the questions on this form is only the first step; an attorney must still conduct a complete immigration analysis.

General background

Date of birth: _____ Place of birth: _____

Country of citizenship: _____ Marital status: _____

Children? Y/N Age and immigration status of children: _____

Is either parent a U.S. citizen or Lawful Permanent Resident (LPR)?: _____

Immigration background

What is current immigration status?

- Undocumented (date of entry: _____)
- LPR (green card holder) (date obtained: _____)
- Visa holder (type: _____) (exp. date: _____)
- Refugee/asylee
- Temporary protected status (country: _____)
- Executive action (e.g. DACA)
- Previously ordered deported

Date of first lawful entry into the U.S.: _____; status at time of entry: _____.

Date of subsequent lawful entries into the U.S.: _____; Status at time of entry: _____.

Length of residence in the U.S.? _____; any absences? _____.

COMPLETE Criminal History

For each offense, list:

- Statute(s) of conviction
- Date of commission
- Date of conviction
- Type of disposition (plea, deferred disposition, trial, etc.)
- Sentence given (including any suspended time, time served, probation and parole)
- Time actually served in custody

First offense:

Second offense:

Third offense:

Key immigration considerations (this is *not* an exhaustive list):

- Is a **deferred disposition** possible with *not guilty* plea and no admissions/stipulations? If so, disposition may not be conviction for immigration purposes.
- Will case be resolved through **juvenile delinquency**? If so, unlikely to cause defendant to be removable.
- Does the defendant have **TPS**? If so, any felony or two misd. (excl. Va. Class 3 and 4 misd.) make defendant ineligible.
- Does case involve **controlled substances**? If so, severe immigration consequences, regardless of felony or misdemeanor (possible exception for some marijuana cases).
- Does case involve **theft, burglary, bribery, forgery, crimes of violence, obstruction of justice or perjury + sentence of 1 year or more**? If so, significant risk of conviction resulting “aggravated felony.”
- Does case involve **fraud and alleged loss to the victim > \$10,000**? If so, significant risk of conviction resulting “aggravated felony.”
- Is this an offense involving **lying, stealing, fraud or recklessly/intentionally causing bodily harm**? If so, significant risk of conviction resulting in “crime involving moral turpitude,” which may lead to deportation depending on other factors.