

APPENDIX A:

Selected Immigration Consequences of North Carolina Offenses

The chart analyzes the potential likelihood of removal based on conviction of selected North Carolina offenses. Additional immigration consequences not listed here may arise from these offenses, such as the denial of naturalization or denial of discretionary relief. Because the immigration consequences of crime are a complex and changing area of law, practitioners should use this chart as a starting point rather than as a substitute for individualized research.

The chart is organized by subject area of offense—i.e., homicides, assaults, etc. Within each subject area, the chart is organized numerically by statute. Following each offense is the applicable state statute and then whether the offense constitutes an aggravated felony or crime involving moral turpitude (CMT). Aggravated felonies and CMTs are specifically noted because those are the categories into which the majority of offenses fall. If the offense may trigger other grounds of removal, that possibility is noted in the next column, Other Grounds of Removal. The last column includes additional information relevant to the offense, including information about related offenses that would not constitute grounds for removal.

Key Immigration Concepts

Aggravated Felony Conviction. A noncitizen should avoid an aggravated felony (AF) conviction if at all possible. A noncitizen with an AF conviction, even a long time lawful permanent resident, will be held in mandatory detention, has virtually no relief or defense to deportation, and will be barred from returning to the U.S. for life. Crimes of violence, theft offenses, and certain other categories of offenses require a conviction and a sentence of imprisonment (active or suspended) of one year or more to constitute an AF. Other categories of offenses, such as “drug trafficking,” murder, rape, and sexual abuse of a minor require only a conviction to constitute an AF, regardless of sentence length. For a detailed definition and discussion of AFs, *see supra* §§ 3.3A and B.

Crime Involving Moral Turpitude (CMT). This category has no statutory definition and covers a broad category of criminal offenses, including offenses containing an element to steal or defraud, sex offenses, and certain assault offenses. CMT offenses are both a ground of deportability and inadmissibility, but there are technical rules governing each ground. Thus, an offense may be a CMT but still not be a removable offense if the offense is a misdemeanor and the client has no prior CMT convictions. For a detailed discussion of CMTs, *see supra* § 3.3C.

Conviction. The definition of a “conviction” for immigration purposes is determined by federal law. State law does not determine whether a state disposition will be considered a conviction for immigration law purposes. *See* Chapter 4 for a discussion of state court dispositions that constitute a conviction for immigration law purposes.

Sentence. Under federal immigration law, a “sentence” includes any period of incarceration ordered by the court, whether active or suspended. Therefore, any references in the chart to “a one year sentence or longer” means an active or suspended sentence of imprisonment of one year or more. Also, a sentence is considered to be a sentence for the maximum term imposed, even if the defendant was released prior to serving the maximum term. Therefore, a defendant who is sentenced to a term of imprisonment of 11 months minimum and 14 months maximum will be treated as having been sentenced to 14 months for immigration purposes (and thus one year or more) even if he or she ultimately serves only 11 months in jail. The term of probation does not matter. For a discussion of the impact of sentence length, *see supra* § 4.3.

Selected Immigration Consequences of North Carolina Offenses

Offense	Statute	Aggravated Felony (AF)?	Crime Involving Moral Turpitude (CMT)?	Other Grounds of Removal?	Comments and Related Offenses
Homicide Offenses					
Murder - 1st & 2nd degree	14-17	Yes	Yes		
Manslaughter (voluntary)	14-18	Yes, as a crime of violence	Yes		Involuntary manslaughter may not be considered an AF
Manslaughter (involuntary)	14-18	Probably not in the 4th Circuit if the conviction is for a killing related to impaired driving or some other reckless or negligent conduct Possibly in the 11th Circuit, as a crime of violence	Possibly, but might not be a CMT if the conviction is for criminal negligence or culpable omission to perform a legal duty		Felony death by vehicle is not a removable offense
Felony death by vehicle	20-141.4(a1)	No	No		
Misdemeanor death by vehicle	20-141.4(a2)	No	No		
Rape and Other Sex Offenses (see also <i>infra</i> Prostitution)					
Rape - 1st & 2nd degree	14-27.2	Yes, as a rape offense or a crime of violence	Yes		
Sexual offense - 1st & 2nd degree	14-27.4, 14-27.5	Yes, as a crime of violence	Yes		

Offense	Statute	Crime Involving Moral Turpitude (CMT)?			Other Grounds of Removal?	Comments and Related Offenses
		Aggravated Felony (AF)?	Yes	No		
Rape and Other Sex Offenses (Continued)						
Sexual battery	14-27.5A	Possibly, as sexual abuse of a minor if the evidence establishes the victim was under age 18	Yes		May fall within the domestic violence ground of deportability if the evidence establishes that the victim is a protected family member	Sexual battery should not constitute an AF unless the evidence establishes that the victim was under age 18
Statutory rape of a 13, 14, or 15 year old	14-27.7A	Yes, as sexual abuse of a minor	Yes			
Crime against nature	14-177	Possibly, as sexual abuse of a minor if the evidence establishes the victim was under age 18	Yes			Crime against nature should not constitute an AF unless the evidence establishes that the victim was under age 18
Indecent liberties with a child	14-202.1	Yes, as sexual abuse of a minor	Yes			
Violation of sex-offender registration requirements	14-208.11	No	Probably			
Assaults, Threats, and Related Offenses						
Assault with deadly weapon with intent to kill, inflicting serious injury	14-32(a)	Probably, as a crime of violence	Yes		Yes, under the firearm ground of deportability if the record of conviction establishes that the weapon is a firearm Probably, under the domestic violence ground of deportability if the evidence establishes that the victim is a protected family member	

Offense	Statute	Aggravated Felony (AF)?	Crime Involving Moral Turpitude (CMT)?	Other Grounds of Removal?		Comments and Related Offenses
				Aggravated Felony (AF)?	Crime Involving Moral Turpitude (CMT)?	
Assaults, Threats, and Related Offenses (Continued)						
Assault with deadly weapon, inflicting serious injury	14-32(b)	Possibly, as a crime of violence	Probably	Yes, under the firearm ground of deportability if the record of conviction establishes that the weapon is a firearm May fall within the domestic violence ground of deportability if the evidence establishes that the victim is a protected family member		
Assault with deadly weapon with intent to kill	14-32(c)	Probably, as a crime of violence	Yes	Yes, under the firearm ground of deportability if the record of conviction establishes that the weapon is a firearm Probably, under the domestic violence ground of deportability if the evidence establishes that the victim is a protected family member		
Assault inflicting serious bodily injury	14-32.4(a)	Probably, as a crime of violence	Probably	Probably, under the domestic violence ground of deportability if the evidence establishes that the victim is a protected family member		
Simple assault	14-33(a)	No	No	May fall within the domestic violence ground of deportability if the evidence establishes that the victim is a protected family member		
Assault inflicting serious injury	14-33(c)(1)	No	Possibly	May fall within the domestic violence ground of deportability if the evidence establishes that the victim is a protected family member		Simple assault is not a CMT
Assault with a deadly weapon	14-33(c)(1)	No	Yes	Yes, under the firearm ground of deportability if the record of conviction establishes that the weapon is a firearm Probably, under the domestic violence ground of deportability if the evidence establishes that the victim is a protected family member		Simple assault is not a CMT

Offense	Statute	Aggravated Felony (AF)?	Crime Involving Moral Turpitude (CMT)?	Other Grounds of Removal?		Comments and Related Offenses
				Assaults, Threats, and Related Offenses (Continued)		
Assault on a female (AOF)	14-33(c)(2)	No	Possibly	May fall within the domestic violence ground of deportability if the evidence establishes that the victim is a protected family member (ICE may try to deport a noncitizen with such a conviction, but a few noncitizens have successfully argued that AOF does not satisfy the "crime of violence" definition. See <i>supra</i> § 6.6A)	Assault on a female should not constitute a crime of domestic violence if the evidence does not establish that the victim is a protected family member Simple assault is not a CMT	
Assault on a child under 12	14-33(c)(3)	No	Possibly	Possibly, under the child abuse ground of deportability	Simple assault is not a CMT; however, if the evidence indicates that the victim is under age 12, the offense might still be considered a CMT	
Assault on a government official	14-33(c)(4)	No	Possibly		Simple assault is not a CMT Disorderly conduct is not a removable offense	
Assault in presence of minor on a personal relation	14-33(d)	No	Probably	Probably, under the domestic violence ground of deportability	Simple assault is not a CMT	
Habitual misdemeanor assault	14-33.2	Possibly, as a crime of violence, depending on which provision of 14-33(c) or 14-34 is violated and if the sentence is 1 year or more	Yes, if the violated provision of 14-33(c) or 14-34 is a CMT	Yes, under the firearm ground of deportability, if the violated provision of 14-33(c) or 14-34 contains a weapon element and the record of conviction establishes that the weapon is a firearm May fall within the domestic violence ground of deportability depending on which provision of 14-33(c) or 14-34 is violated or if the evidence establishes that the victim is a protected family member		
Assault by pointing a gun	14-34	No	Probably	Yes, under the firearm ground of deportability	Simple assault is not a CMT	
Discharging firearm into occupied property	14-34.1	Probably, as a crime of violence	Probably	Yes, under the firearm ground of deportability		

Offense	Statute	Aggravated Felony (AF)?			Crime Involving Moral Turpitude (CMT)?		Other Grounds of Removal?	Comments and Related Offenses
		Assaults, Threats, and Related Offenses (Continued)	No	Yes	No	Yes		
Domestic criminal trespass	14-134.3(a)	No	No	No	Possibly, under the domestic violence ground of deportability if a protective order was violated in the course of the domestic trespass			
Harassing phone calls	14-196	No	Possibly, under subsection (a)(2) or (a)(4)	Possibly	Violation of subsection (a)(2) may fall within the domestic violence ground of deportability if the evidence establishes that the threat of physical injury is directed against a protected family member			
Communicating threats	14-277.1	No	Possibly	Possibly	May fall within the domestic violence ground of deportability if the evidence establishes that the threat of physical injury is directed against a protected family member			
Stalking	14-277.3	Probably, as a crime of violence if the sentence is 1 year or more	Probably	Probably	Probably, under the stalking ground of deportability			
Misdemeanor child abuse	14-318.2	No	Possibly	Possibly	Probably, under the child abuse or child neglect ground of deportability			
Felony child abuse	14-318.4(a)	Probably, as a crime of violence	Probably	Probably	Yes, under the child abuse ground of deportability			
Felony child abuse - serious bodily injury or impairment	14-318.4(a3)	Probably, as a crime of violence	Probably	Probably	Yes, under the child abuse ground of deportability			
Violation of valid protective order	50B-4.1(a)	No	Probably not	Probably not	Yes, under the domestic violence ground of deportability for a violation of a protective order prohibiting threats of violence, repeated harassment, or bodily injury		There is an argument that a violation of the child visitation portion (and certain other portions) of a protective order would not render a noncitizen deportable under the domestic violence ground	
Kidnapping and Abduction Offenses								
Kidnapping - 1st & 2nd degree	14-39	Probably, as a crime of violence	Yes	Yes			False imprisonment is not an AF	

Offense	Statute	Aggravated Felony (AF)?	Crime Involving Moral Turpitude (CMT)?	Other Grounds of Removal?		Comments and Related Offenses
				Aggravated Felony (AF)?	Crime Involving Moral Turpitude (CMT)?	
Kidnapping and Abduction Offenses (Continued)						
False imprisonment	Common law	No	Possibly	May fall within the domestic violence ground of deportability if the evidence establishes that the victim is a protected family member		
Abduction of minor	14-41	Possibly, as a crime of violence	Possibly	Possibly, under the child abuse ground of deportability		False imprisonment is not an AF
Felonious restraint	14-43.3	Possibly, as a crime of violence	Possibly	May fall within the domestic violence ground of deportability if the evidence establishes that the victim is a protected family member		False imprisonment is not an AF
Robbery Offenses						
Common-law robbery	14-87.1	Yes, as a crime of violence or a theft offense if the sentence is 1 year or more	Yes			Common-law robbery will not constitute an AF if the sentence is less than 1 year
Armed robbery	14-87	Yes, as a crime of violence or a theft offense	Yes	Yes, under the firearm ground of deportability if the record of conviction establishes that the weapon is a firearm		Common-law robbery will not constitute an AF if the sentence is less than 1 year
Burglary, Trespass, and Related Offenses						
Burglary - 1st & 2nd degree	14-51	Yes, as a burglary offense if the sentence is 1 year or more	Yes, if the record of conviction reveals an intent to commit a larceny or other offense that is a CMT			Burglary will not constitute an AF if the sentence is less than 1 year Misdemeanor breaking or entering is not a removable offense
Felony breaking or entering building	14-54(a)	Yes, as a crime of violence or a burglary offense if the sentence is 1 year or more	Yes, if the record of conviction reveals an intent to commit a larceny or other offense that is a CMT			Felony breaking or entering will not constitute an AF if the sentence is less than 1 year Misdemeanor breaking or entering is not a removable offense

Offense	Statute	Crime Involving Moral Turpitude (CMT)?			Other Grounds of Removal?	Comments and Related Offenses
		Aggravated Felony (AF)?	Aggravated Felony (AF)?	Aggravated Felony (AF)?		
Burglary, Trespass, and Related Offenses (Continued)						
Misdemeanor breaking or entering building	14-54(b)	No	No	No		
Breaking or entering a car with intent to commit felony or larceny	14-56	Possibly, as a crime of violence if the sentence is 1 year or more Possibly, as an attempted theft offense if the record of conviction reveals an intent to commit a larceny and the sentence is 1 year or more	Yes, if the record of conviction reveals an intent to commit a larceny or other offense that is a CMT			Breaking or entering a car will not constitute an AF if the sentence is less than 1 year Breaking or entering a car will not constitute an AF as an attempted theft if the record of conviction reveals an intent to commit a felony other than larceny
Breaking into coin/currency-operated machine	14-56.1	Possibly, for a second offense, as an attempted theft offense if the sentence is 1 year or more	Yes			
Injury to real property	14-127	No	Possibly			Disorderly conduct in a public building is not a removable offense
Trespass - 1st degree	14-159.12	No	No			
Trespass - 2nd degree	14-159.13	No	No			
Domestic criminal trespass	14-134.3(a)	No	No			Possibly, under the domestic violence ground of deportability if a protective order was violated in the course of the domestic trespass
Injury to personal property	14-160	No	Possibly			

Offense	Statute	Aggravated Felony (AF)?	Crime Involving Moral Turpitude (CMT)?	Other Grounds of Removal?	Comments and Related Offenses
Arson and Burning Offenses					
Arson - 1st & 2nd degree	14-58	Yes, as a crime of violence if the sentence is 1 year or more	Yes		Arson will not constitute an AF if the sentence is less than 1 year Injury to real or personal property is not an AF
Burning building under construction	14-62.1	Probably, as a crime of violence if the sentence is 1 year or more	Probably		Burning building under construction will not constitute an AF if the sentence is less than 1 year Injury to real or personal property is not an AF
Burning personal property	14-66	Probably, as a crime of violence if the sentence is 1 year or more	Probably		Burning personal property will not constitute an AF if the sentence is less than 1 year Injury to personal property is not an AF
Larceny, Embezzlement, and Related Offenses					
Misdemeanor larceny	14-72(a)	No	Yes		
Felonious larceny	14-72	Yes, as a theft offense if the sentence is 1 year or more	Yes		Larceny will not constitute an AF if the sentence is less than 1 year
Misdemeanor possession/receiving of stolen goods	14-72(a)	No	Yes		
Felonious possession/receiving of stolen goods	14-71, 14-71.1, 14-72	Yes, as a theft offense if the sentence is 1 year or more	Yes		Possession or receipt of stolen goods will not constitute an AF if the sentence is less than 1 year
Unauthorized use of a motor-propelled conveyance	14-72.2	No	No		

Offense	Statute	Aggravated Felony (AF)?	Crime Involving Moral Turpitude (CMT)?	Other Grounds of Removal?	Comments and Related Offenses
Larceny, Embezzlement, and Related Offenses (Continued)					
Concealment of merchandise	14-72.1(a)	No	Possibly		
Larceny by employee	14-74	Probably, as a fraud offense, if the loss to the victim exceeds \$10,000 Possibly, as a theft offense if the sentence is 1 year or more	Yes		Larceny by employee will not constitute an AF if the sentence is less than 1 year and the amount of loss is \$10,000 or less
Embezzlement	14-90	Possibly, as a fraud offense if the loss to the victim exceeds \$10,000 Possibly, as a theft offense if the sentence is 1 year or more	Yes		Embezzlement will not constitute an AF if the sentence is less than 1 year and the loss is \$10,000 or less
Offenses Involving Fraud					
Obtaining property by false pretenses	14-100	Yes, as a fraud offense if the loss to the victim exceeds \$10,000 Possibly, as a theft offense if the sentence is 1 year or more	Yes		Obtaining property by false pretenses will not constitute an AF if the sentence is less than 1 year and the loss is \$10,000 or less

Offense	Statute	Crime Involving Moral Turpitude (CMT)?			Other Grounds of Removal?	Comments and Related Offenses
		Aggravated Felony (AF)?	Yes	Probably not		
Offenses Involving Fraud (Continued)						
Obtaining property by worthless check	14-106	Yes, as a fraud offense if the loss to the victim exceeds \$10,000	Yes			Obtaining property by worthless check will not constitute an AF if the loss is \$10,000 or less Writing a worthless check is probably not a removable offense
Writing worthless check	14-107	Probably not, even if the loss to the victim exceeds \$10,000	Probably not			
Financial transaction card theft	14-113.9	Probably, as a theft offense if the sentence is 1 year or more under subsections (a)(1), (a)(2) Possibly, as a theft offense if the sentence is 1 year or more under subsections (a)(3), (a)(4)	Probably, under subsections (a)(1), (a)(2) Possibly, under subsections (a)(3), (a)(4)			Financial transaction card theft will not constitute an AF if the sentence is less than 1 year
Financial transaction card forgery	14-113.11	Yes, as a fraud offense if the loss to the victim exceeds \$10,000 Yes, as a forgery offense if the sentence is 1 year or more	Yes			Financial transaction card forgery will not constitute an AF if the sentence is less than 1 year and the loss is \$10,000 or less

Offense	Statute	Crime Involving Moral Turpitude (CMT)?			Other Grounds of Removal?	Comments and Related Offenses
		Aggravated Felony (AF)?	Yes, under subsections (a), (b), (c1), or (d) Possibly, under subsection (c)			
Offenses Involving Fraud (Continued)						
Financial transaction card fraud	14-113.13	Yes, as a fraud offense, if the loss to the victim exceeds \$10,000 under subsections (a), (b), (c1), or (d) Possibly, as a fraud offense if the loss to the victim exceeds \$10,000 under subsection (c)	Yes, under subsections (a), (b), (c1), or (d) Possibly, under subsection (c)			Financial transaction card fraud will not constitute an AF if the sentence is less than 1 year and the loss is \$10,000 or less
Identity theft	14-113.20	Yes, as a fraud offense if the loss to the victim exceeds \$10,000 Possibly, as a theft offense if the sentence is 1 year or more	Yes			Identity theft will not constitute an AF if the sentence is less than 1 year and the loss is \$10,000 or less
Extortion	14-118.4	Yes, as an extortion offense	Yes			
Common law forgery	Common law	Yes, as a forgery offense if the sentence is 1 year or more	Yes			Forgery will not constitute an AF if the sentence is less than 1 year
Forgery of bank notes, checks, and securities	14-119	Yes, as a forgery offense if the sentence is 1 year or more	Probably			There is a small chance that forgery of bank notes will not constitute a CMT if the offense involves "intent to injure" rather than "intent to defraud"
Uttering forged instrument or forging endorsement	14-120	Yes, as a forgery offense if the sentence is 1 year or more	Probably			There is a small chance that uttering a forged instrument or forging an endorsement will not constitute a CMT if the offense involves "intent to injure" rather than "intent to defraud"

Offense	Statute	Aggravated Felony (AF)?	Crime Involving Moral Turpitude (CMT)?	Other Grounds of Removal?	Comments and Related Offenses
Prostitution and Related Offenses					
Prostitution	14-204	No	Yes	Probably triggers the prostitution ground of inadmissibility	
Maintaining a place for prostitution	14-204	Possibly, as an offense relating to a prostitution business	Probably	May trigger the prostitution ground of inadmissibility	
Loitering for prostitution	14-204.1	No	Possibly	May trigger the prostitution ground of inadmissibility	
Weapons Offenses					
Carrying a concealed weapon other than a pistol or gun	14-269(a)	No	No		
Carrying a concealed pistol or gun	14-269(a1)	No	No	Yes, under the firearm ground of deportability	Carrying a concealed weapon other than a pistol or gun under 14-269(a) is not a removable offense
Manufacture, sale, possession, etc. of weapon of mass death and destruction	14-288.21	Probably, if the conviction is for sale of a weapon or device or for the transfer or possession of a machine gun	Possibly for sale, manufacture, assembly, transporting, delivering, or offering to sell	Yes, under the firearm ground of deportability	Carrying a concealed pistol or gun is not an AF
Possession of a firearm by felon	14-415.1	Yes	No	Yes, under the firearm ground of deportability	Carrying a concealed pistol or gun is not an AF
Obstruction of Justice, Disorderly Conduct, and Related Offenses					
Disorderly conduct in a public building	14-132	No	No		
Resisting, delaying, or obstructing officer	14-223	No	Probably		Simple assault is not a CMT Disorderly conduct is not a CMT

Offense	Statute	Aggravated Felony (AF)?	Crime Involving Moral Turpitude (CMT)?	Other Grounds of Removal?	Comments and Related Offenses
Obstruction of Justice, Disorderly Conduct, and Related Offenses (Continued)					
Making false report to law enforcement agency or officer	14-225	No	Yes		
Disorderly conduct	14-288.4	No	No		
Drunk and disruptive in public	14-444	No	No		
Motor Vehicle Offenses					
Driving while license suspended or revoked	20-28(a)	No	Probably not		
Receiving, transferring, or possessing stolen vehicle	20-106	Yes, as a theft offense if the sentence is 1 year or more	Yes		Receiving, transferring, or possessing a stolen vehicle will not constitute an AF if the sentence is less than 1 year Unauthorized use of a motor-propelled conveyance is not an AF or CMT
Impaired Driving	20-138.1	No	Possibly; a simple DWI with no aggravating factors is not a CMT, but a DWI with an aggravating factor of driving with revoked license is possibly a CMT	Possibly, under the controlled substance ground of deportability or inadmissibility, if the record of conviction establishes the use of a controlled substance under the Controlled Substances Act, G.S. Ch. 90, Art. 5	A simple DWI (no aggravating factors) is not a CMT
Habitual Impaired Driving	20-138.5	No	Probably not	Possibly, under the controlled substance ground of deportability or inadmissibility, if the record of conviction establishes the use of a controlled substance under the Controlled Substances Act, G.S. Ch. 90, Art. 5	
Reckless driving	20-140	No	Probably not		

Offense	Statute	Aggravated Felony (AF)?	Crime Involving Moral Turpitude (CMT)?	Other Grounds of Removal?	Comments and Related Offenses
Felony speeding to elude arrest	20-141.5	Possibly, as an obstruction of justice offense or a crime of violence if the sentence is 1 year or more	Possibly		Felony speeding to elude arrest is not an AF if the sentence is less than 1 year Reckless driving may not be a removable offense
Misdemeanor speeding to elude arrest	20-141.5	No	Probably not		
Failure to stop or remain at scene when personal injury or death occurs	20-166(a)	Probably not	Possibly		
Failure to give information or assistance when injury or death occurs	20-166(b)	No	Possibly		
Failure to stop or give information when injury not apparent or property damage occurs	20-166(c)	No	Probably not		

Offense	Statute	Crime Involving Moral Turpitude (CMT)?			Other Grounds of Removal?	Comments and Related Offenses
		Aggravated Felony (AF)?	Moral Turpitude (CMT)?	Other Grounds of Removal?		
Drug Offenses						
Sale, manufacture, delivery, or possession with intent to manufacture, sell, or deliver any controlled substance	90-95(a)(1)	Yes, as a drug trafficking offense	Yes	Yes, under the controlled substance ground of deportability and the controlled substance ground of inadmissibility	Simple possession of a controlled substance (other than more than 5 grams of crack cocaine or any amount of flunitrazepam) is not an AF if no prior drug convictions	
Sale or delivery of counterfeit controlled substance	90-95(a)(2)	Yes	Yes	Yes, under the controlled substance ground of deportability and the controlled substance ground of inadmissibility		
Possession of controlled substance	90-95(a)(3)	No, if first offense Possibly, if prosecuted as a subsequent offense	No	Yes, under the controlled substance ground of deportability and the controlled substance ground of inadmissibility There is an exception to deportability for a single conviction of possession of 30 grams or less of marijuana, if no prior drug convictions	Class 3 or Class 1 misdemeanor possession of marijuana (if 30 grams or less of marijuana) is not a deportable offense if no prior drug convictions. Such a conviction will make a noncitizen inadmissible, but can be waived by an immigration judge under certain circumstances	
Trafficking in any controlled substance	90-95(f)	Yes, except for a small possibility that trafficking by possession may not be an AF	Yes	Yes, under the controlled substance ground of deportability and the controlled substance ground of inadmissibility	Simple possession of a controlled substance (other than more than 5 grams of crack cocaine or any amount of flunitrazepam) is not an AF if no prior drug convictions	
Maintaining store, dwelling, boat, or other place for use, storage, or sale of controlled substance	90-108(a)(7)	Possibly	Probably	Yes, under the controlled substance ground of deportability and the controlled substance ground of inadmissibility		

Offense	Statute	Crime Involving Moral Turpitude (CMT)?			Other Grounds of Removal?	Comments and Related Offenses
		Aggravated Felony (AF)?	Moral Turpitude (CMT)?	Other Grounds of Removal?		
Drug Offenses (Continued)						
Possession of drug paraphernalia	90-113.22	No	No	Yes, under the controlled substance ground of deportability and the controlled substance ground of inadmissibility	Class 3 or Class 1 misdemeanor possession of marijuana (if 30 grams or less of marijuana) is not a deportable offense if no prior drug convictions. Such a conviction will make a noncitizen inadmissible, but can be waived by an immigration judge under certain circumstances	
Inchoate Offenses						
Attempt	Common-law	Yes, if the underlying offense is an AF	Yes, if the underlying offense is a CMT	Yes, if the underlying offense is a removable offense		
Solicitation	Common-law	Possibly, if the underlying offense is an AF	Probably, if the underlying offense is a CMT	Possibly, if the underlying offense is a controlled substance or firearm offense		
Conspiracy	Common-law	Yes, if the underlying offense is an AF	Yes, if the underlying offense is a CMT	Yes, if the underlying offense is a removable offense		
Accessory after the fact	14-7	Probably, as an obstruction of justice offense if the sentence is 1 year or more	Probably	Accessory after the fact to a controlled substance or firearm offense is probably not a removable offense under the controlled substance or firearm ground of deportability or inadmissibility		