

Non Citizen Defendant Worksheet [WDA: 5-10-10]

Defendant Identifier: (optional) _____

Attorney: _____

Date: _____

Immigration Status:

- LPR - Lawful Permanent Resident (greencard)
Since when: _____
- Refugee or granted asylum status
Since When: _____
- Undocumented (entered illegally)
Date of Entry : _____
- Previously Deported
 - By ICE Saw Immigration Judge
- Other: _____

DOB: _____

POB: _____

ICE Detainer: YES NO

Defendant is: IN CUSTODY
 NOT IN CUSTODY

Complete Criminal History:

(Include offense, date of conviction and sentence (including suspended time) for each conviction. Include arrests, deferred adjudications, deferred sentences, juvenile history, or other resolutions.

Family Ties:

SPOUSE: USC LPR Undocumented
PARTNER: USC LPR Undocumented
CHILDREN: Number _____ Ages: _____
 _____ USC _____ LPR _____ Undocumented
MOTHER: USC LPR Undocumented
FATHER : USC LPR Undocumented
USC Grandparents? Yes No

Defendant's Goals
Re: Immigration Consequences

- Avoid conviction that triggers deportation
- Preserve eligibility to obtain future immigration benefits (e.g. LPR status or citizenship)
- Preserve ability to ask immigration judge to get/keep lawful status & stay in U.S.
- Get out of jail ASAP
- Immigration consequences, including deportation are not a priority

Other goals re: immigration consequences:

Current Charge(s):

Plea Offer(s):

Analysis of Immigration Consequences of Charges & Plea Alternatives/Offers:

Likelihood that charged crime(s) and/or plea alternatives will trigger deportation—including impact of sentence (regardless of time suspended):

_____ (offense): certain likely possible unlikely will not

_____ (offense): certain likely possible unlikely will not

Impact of conviction on eligibility to apply for relief from deportation or future immigration benefits:

_____ (offense): makes ineligible does not make ineligible unclear

_____ (offense): makes ineligible does not make ineligible unclear

Notes: Advice to Client, Defense Strategies Pursued:

Possible Strategies (may not apply in all cases)

- Attempt to negotiate to crime that does not trigger deportation or ineligibility for benefits/relief
- Sanatize record of conviction (especially plea stmt)
- Obtain sentence of <365 days or <180 days (including suspended time)
- File RALJ appeal where 365 day sentence imposed
- File notice of appeal of conviction
- Get client out of jail before ICE apprehension

OTHER: _____

Resources Consulted

WDA’s Immigration Project

- **Jonathan Moore**
 - Email: jonathan@defensenet.org
 - Telephone: 206-623-4321
- **Ann Benson**
 - Email: abenson@defensenet.org
 - Telephone: 360-385-2538
- **WDA Website Materials**

 Other: