The ABC's of Immigration: Inadmissibility - Criminal Grounds
by Greg Siskind

The need to prevent criminals from entering the US has been one of the longest standing parts of US immigration law. In some form or another, criminal convictions have been used to deny entry to the US since the creation of the country.

What is considered a criminal ground for inadmissibility?

There are six basic criminal grounds for inadmissibility:

- Crimes involving moral turpitude,
- Violations of controlled substance laws,
- Conviction of more than one offense,
- Drug trafficking,
- Prostitution and commercialized vice, and
- Commission of a serious crime in the US for which the immigrant asserted immunity from prosecution.

What is moral turpitude?

Moral turpitude is one of the most amorphous concepts in immigration law. There is no definition of moral turpitude, although many courts have attempted to construe one, using phrases such as an act of baseness, depravity or vileness. While there is no set definition, it is clear that the moral turpitude involved must be part of the essence of the offense. A crime involving moral turpitude need not have resulted in a conviction for it to render a person inadmissible, and admitting to an act that has the elements of a crime involving moral turpitude is sufficient to bar entry. Where an actual conviction occurred, the only issue is whether the offense was a crime involving moral turpitude. Where there is only an admission, a number of other steps are required. First, it must be clear that the act admitted to could have been criminally prosecuted in the place where it occurred. Second, the immigrant must fully understand the elements of the crime to which they have admitted. Third, while the immigrant needs to say that he/she is guilty of an offense, he/she does need to admit to all of the essential elements of the offense. Fourth, the admission must be totally voluntary.

What type of controlled substances violations will make me inadmissible?

Beginning in 1952, convictions for violating laws relating to controlled substances became a ground of inadmissibility. Convictions of conspiracy and attempt will also render a person inadmissible.

What type of multiple criminal convictions will make me inadmissible?

Multiple criminal convictions will make a person inadmissible, regardless of the seriousness of the offense, whether the multiple convictions were the result of the same general enterprise. However, the person must have been sentenced to at least five years in prison. Offenses that are considered "purely political" are not included.
**Do I have to be convicted of drug trafficking to be considered inadmissible?**

Drug traffickers are inadmissible, even if there is no conviction, so long as the consular or immigration officer "knows or has reason to believe" that the immigrant has been involved in trafficking.

**Do I have to be convicted of prostitution to be considered inadmissible?**

A person coming to the US to engage in prostitution, or who has engaged in prostitution within ten years of their application for entry, is inadmissible, as are those who have made financial profit from prostitution. No criminal conviction is required, and the bar applies even to nationals of countries where prostitution is legal. Those who have been forced into prostitution are not inadmissible.

**What is considered to be a serious criminal offense?**

Those who committed a serious criminal offense in the US, claimed immunity from prosecution and then left the US are inadmissible. A serious criminal offense is any crime of violence, and driving while under the influence of drugs or alcohol or reckless driving if the crime resulted in the injury of another person.

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