

## Deportation & Waivers

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) broadened the types of crimes that may result in deportation. The law also combined two previously distinct expulsion proceedings "deportation" and "exclusion" into a new one called "removal." However, the grounds of "deportability" and "excludability" that may be charged in a removal proceeding may be different.

And regardless of whether an alien has lawful permanent resident status, any "alien who is convicted of an aggravated felony at any time after admission is deportable." Id. § 1227(a)(2)(A)(iii). As the Supreme Court explained, some crimes that might make an alien inadmissible will not necessarily make him deportable:

*Although IIRIRA created a uniform removal procedure for both excludable and deportable aliens, the list of criminal offenses that subject aliens to exclusion remains separate from the list of offenses that render an alien deportable. These lists are "sometimes overlapping and sometimes divergent."... although a single crime involving moral turpitude may render an alien inadmissible, it would not render her deportable. See 8 U.S.C. § 1182(a)(2) (listing excludable crimes); § 1227(a)(2) (listing deportable crimes).*

*Vartelas v. Holder*, 132 S.Ct. at 1485 n.3 (March 28, 2012).

To summarize, a conviction for a crime involving moral turpitude makes an alien inadmissible. See id.; 8 U.S.C. § 1182(a)(2)(A)(i)(I). A conviction for an aggravated felony after admission makes an alien deportable, see id. § 1227(a)(2)(A)(iii), and as a result he can be classified as admitted but removable. See id. § 1229a(e)(2)(B).

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