

6.4 Cases Involving Crimes Involving Moral Turpitude

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6.4 Cases Involving Crimes Involving Moral Turpitude

There is no statutory definition for the immigration term “crime involving moral turpitude” (CMT). CMT determinations have generally been based on case law and are thus subject to the interpretation of an immigration judge.

A conviction for a CMT may render your client deportable or inadmissible. The following options may mitigate the immigration consequences that stem from a CMT offense.

A. Offense That Is Not a Crime Involving Moral Turpitude

Some of the offenses charged, their lesser included offenses, or related offenses may not be CMT offenses and may not have immigration consequences. For example, the offense of assault with a deadly weapon may be a CMT, but the offense of simple assault is not. Other examples of crimes not involving moral turpitude include misdemeanor breaking and entering, carrying a concealed weapon, trespass, unauthorized use of a vehicle, drunk and disruptive, and disorderly conduct.

An impaired driving conviction under North Carolina law may constitute a CMT offense depending on the presence of aggravating factors. An impaired driving offense with no aggravating factors is not a CMT. An impaired driving conviction with an aggravating factor of driving with a revoked license is possibly a CMT offense. An impaired driving conviction with other aggravating factors is probably not a CMT. For a further discussion, see *supra* § 3.4C, Conviction of a Crime Involving Moral Turpitude.

For assistance in determining whether an offense is considered a CMT, see Appendix A, Selected Immigration Consequences of North Carolina Offenses, or contact an immigration attorney.

B. One Misdemeanor CMT

If a noncitizen defendant has no prior CMT convictions and is convicted of only one non-DWI misdemeanor CMT, he or she avoids all adverse immigration consequences (including inadmissibility, deportability, and bar to naturalization), as long as the offense does not fall within another ground of removal (such as a domestic violence offense). See *supra* § 3.4C, Conviction of a Crime Involving Moral Turpitude (CMT deportation grounds for noncitizen admitted for less than five years); § 3.5B, Crime Involving Moral Turpitude; § 5.1E, Impact on LPR of a Criminal Disposition Barring Naturalization (petty

offense exception for naturalization purposes). This approach is specific to North Carolina because under North Carolina's structured sentencing law the maximum sentence for a misdemeanor other than a DWI is 150 days. It is not clear whether a DWI, if a CMT, would satisfy the exceptions based on sentence length. *See supra* § 4.3D, Comparison to Potential Sentence.

C. One Felony CMT for Noncitizen Admitted to the U.S. for More Than Five Years

If your client was lawfully admitted to the U.S. more than five years ago and has no prior CMT convictions, he or she is not deportable if convicted of only one felony CMT or multiple CMTs arising out of the same transaction. *See supra* § 3.4C, Conviction of a Crime Involving Moral Turpitude (discussion of CMT deportation grounds for noncitizen admitted for more than five years). However, the felony CMT must not fall within another ground of removal, such as a crime of violence with a sentence of imprisonment of one year or more, which constitutes an aggravated felony conviction.