

**Selected Immigration Consequences of Certain Illinois Offenses**  
**Prepared by the National Immigration Project of the National Lawyers Guild**  
**for the**  
**Defending Immigrants Partnership Training**  
**Chicago, Illinois**  
**September 3, 2003**

STATUTE	NAME OF OFFENSE	AGGRAVATED FELONY?	MORAL TURPITUDE ?	OTHER GROUNDS?	SUGGESTIONS OR POSSIBLE ALTERNATE PLEA
<b>OFFENSES RELATED TO VEHICLES</b>					
625 ILCS 5/4-103(a)(2)	Using a motor vehicle without authority	No.	No.	n/a	
625 ILCS 5/4-102(b)(2)	Using a motor vehicle without authority (with prior).	Possibly a theft offense, if defendant receives a sentence of a year or more.	No.	n/a	It may be that the maximum sentence for this offense is less than a year if the one-year punishment is a recidivist enhancement. <sup>1</sup>
625 ILCS 5/4-103(a)(1)	Possession of a stolen motor vehicle	Yes, if sentence of a year or more. <i>Hernandez-Mancilla v. INS</i> , 246 F.3d 1002 (7th Cir. 2001).	Possibly. <sup>2</sup>	n/a	
625 ILCS 5/4-103.1	Vehicle theft, conspiracy	Yes, if defendant receives a sentence of a year or more.	Possibly. The conspiracy charge would involve moral turpitude if the underlying	n/a	Using a vehicle without authority or unlawful possession with a sentence of less than a year.

<sup>1</sup> The statute expressly creates an enhancement for a prior offense. If the defendant receives a year because of the enhancement, then it might not be a theft-related aggravated felony offense. See *Matter of Rodriguez-Cortes*, 20 I&N Dec. 587 (BIA 1992) (holding that a noncitizen who received a sentencing enhancement for using a firearm during commission of offense is not a conviction for a firearm offense); *United States v. Corona-Sanchez*, 291 F.3d 1201 (9th Cir 2002) (*en banc*) (holding that California petty theft with priors was not an aggravated felony because maximum sentence without recidivist enhancement is less than one year).

<sup>2</sup> The BIA requires a permanent taking as an essential for a theft-related offense to be a crime involving moral turpitude. See *Matter of Grazley*, 14 I & N Dec. 330 (BIA 1973).

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			offense does. Since possession of a stolen vehicle does not require a permanent taking, it is unclear whether a conviction for conspiracy to possess involves moral turpitude		
625 ILCS 5/6-303	Driving with a suspended license with a DUI prior	No.	Possibly. <sup>3</sup>	n/a	
625 ILCS 5/11-401(d).	Motor vehicle accidents involving death.	Probably not.	Possibly.	n/a	Reckless driving not resulting in great bodily harm, permanent disability, or disfigurement to another
625 ILCS 5/11-501(a)(1)-(2)	Driving under the influence	No. <i>Bazan-Reyes v. INS</i> , 256 F.3d 600 (7th Cir. 2001).	No	n/a	
625 ILCS 5/11-501(c)(1)-(3)	Driving under the influence with a suspended license	No. <i>Bazan-Reyes v. INS</i> , 256 F.3d 600 (7th Cir. 2001).	Yes. <i>See Matter of Lopez-Meza</i> , 22 I&N Dec. 1188	n/a	

<sup>3</sup> This offense punishes a driver who drives with a suspended license after having been convicted of DUI. It has slightly different elements than the statute the Board held to involve moral turpitude analyzed in *Matter of Lopez-Meza*, 22 I&N Dec. 1188 (BIA 1999), which punishes a person drove under the influence with knowledge that she or he is prohibited from driving under any circumstance.

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				(BIA 1999).	
625 ILCS 5/11-501(d)(1)(a)	Drunk driving, felony	No. <i>Bazan-Reyes v. INS</i> , 256 F.3d 600 (7th Cir. 2001).	No.	n/a	
625 ILCS 5/11-503	Reckless driving	No.	No.	n/a	
705 ILCS 405/2-3	Child neglect	No.	Probably	Yes, domestic violence.	
<b>OFFENSES INVOLVING BODILY INJURY</b>					
720 ILCS 5/9-1(a) (1)-(3)	Murder, 1st degree	Yes.	Yes.	n/a	Concealment of homicidal death, although it is unlikely to be offered.
720 ILCS 5/9-2(a)	Murder, 2d degree	Yes.	Yes.	n/a	Concealment of homicidal death, although it is unlikely to be offered.
720 ILCS 5/9-3	Involuntary manslaughter and reckless homicide	Yes, <i>Matter of Alcantar</i> , 20 I&N Dec. 801 (BIA 1994).	Yes. <i>See Matter of Franklin</i> , 20 I. & N. Dec. 867 (BIA 1994)	n/a	Reckless conduct or Concealment of homicidal death.
720 ILCS 5/9-3.1	Concealment of homicidal death	Possibly. <sup>4</sup>	Possibly. <sup>5</sup>	n/a	
<b>KIDNAPPING AND</b>					

<sup>4</sup> Concealing a homicidal death is analogous to the federal crime of misprision of felony (concealing a felony). In *Matter of Espinoza-Gonzalez*, 22 I&N Dec. 889 (BIA 1999), the BIA has held that the misprision (concealing) of felony is not an aggravated felony because a person convicted of misprision is guilty of an offense distinct from the underlying offense.

<sup>5</sup> Compare *Matter of S-C*, 3 I&N Dec. 350 (BIA 1948) (holding that a conviction for misprision of felony was not a crime involving moral turpitude) with *Itani v. Ashcroft*, 298 F.3d 1213 (11th Cir. 2002) (holding that a conviction for misprision of felony is a crime involving moral turpitude).

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<b>RELATED OFFENSES</b>					
720 ILCS 5/10-1(a)(2)	Kidnapping by force	Yes, if the defendant receives a sentence of a year or more.	Yes.	n/a	
720 ILCS 5/10-1(a)(1), (3) and (4)	Kidnapping	Very likely to be a crime of violence based on nature of offense if the defendant receives a sentence of a year or more.	Very likely. <sup>6</sup>	n/a	Possibly unlawful restraint. <sup>7</sup>
720 ILCS 5/10-2	Aggravated kidnapping (except (a)(1))	Very likely to be a crime of violence based on nature of offense. This offense carries a mandatory minimum sentence.	Yes.	n/a	Possibly unlawful restraint. <i>See</i> footnote 7.
720 ILCS 5/10-2(a)(1)	Aggravated kidnapping for ransom	Yes, ransom crime aggravated felony ground.	Yes.	n/a	Possibly unlawful restraint. <i>See</i> footnote 7.
720 ILCS 5/10-3	Unlawful restraint	Possibly a crime of violence if defendant receives a sentence of	Possibly.	n/a	

<sup>6</sup> *See Hamdan v. INS*, 98 F.3d 183 (5th Cir. 1996) for an analysis of when kidnapping offenses involve moral turpitude.

<sup>7</sup> Although there are no cases on point, it is possible that unlawful restraint is not a crime of violence because it lacks an express force element, it is not listed expressly as a “forcible felony” under 720 ILCS 5/2-8, and it is not clear that there is a substantial likelihood that force would be used in committing the offense. If it turns out not to make a difference for immigration purposes, it is also a less serious felony than kidnapping for criminal defense purposes.

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		a year or more.			
720 ILCS 5/10-3.1	Aggravated unlawful restraint	Very likely to be a crime of violence if a defendant receives a sentence of a year or more.	Probably.	Yes, firearm ground if the record of conviction reveals that defendant used a firearm.	Possibly unlawful restraint. <i>See</i> footnote 7.
720 ILCS 5/10-4	Forcible detention	Yes. Crime of violence ground if the defendant receives a sentence of a year or more.	Yes.	n/a	Possibly unlawful restraint. <i>See</i> footnote 7.
<b>SEX OFFENSES</b>					
720 ILCS 5/11-9.1	Sexual Exploitation of a child	Yes. Sexual abuse of a minor.	Yes.	n/a	
720 ILCS 5/11-14	Prostitution	No.	Yes.	n/a	
720 ILCS 5/11-14.1	Solicitation of a sexual act	No.	Yes.	Yes, prostitution	
720 ILCS 5/11-15	Soliciting for a prostitute	Probably an offense related to a prostitution business.	Yes.	Yes, prostitution ground.	
720 ILCS 5/11-15.1	Soliciting for a Juvenile Prostitute	Probably an offense relating to a prostitution business or sexual abuse of a minor.	Yes.	Yes, prostitution ground.	
720 ILCS 5/11-16	Pandering	Yes, an offense relating to a prostitution business.	Yes.	Yes, prostitution ground.	
720 ILCS 5/11-17	Keeping a place of	Yes, an offense	Yes.	Yes, prostitution	

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	prostitution	relating to a prostitution business		ground.	
720 ILCS 5/11-17.1	Keeping a place of juvenile prostitution	Yes, an offense relating to a prostitution business	Yes.	Yes, prostitution ground.	
720 ILCS 5/11-18	Patronizing a prostitute	No.	Yes	n/a	
720 ILCS 5/11-18.1	Patronizing a juvenile prostitute	Possibly sexual abuse of a minor.	Yes.	n/a	Patronizing a prostitute
720 ILCS 5/11-19	Pimping	Yes, an offense relating to a prostitution business.	Yes.	Yes, prostitution ground.	
720 ILCS 5/11-19.1	Juvenile pimping	Yes, an offense relating to a prostitution business.	Yes.	Yes, prostitution ground.	
720 ILCS 5/11-20.1	Child pornography	Yes, child pornography ground.	Yes.	Yes, domestic violence ground	
<b>BODILY HARM</b>					
720 ILCS 5/12-1	Assault	No.	No.	n/a	If victim is a spouse, child, or protected individual void mentioning the relationship in record of conviction or try to identify another victim for whom there is a factual basis for a guilty plea.
720 ILCS 5/12-2(a) (1)-(5), (7-12)	Aggravated assault	No, these subsections are Class A	Probably, although no intent to injure	n/a	Assault

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		misdemeanors for which the defendant cannot receive a one-year sentence.	or cause harm.		
720 ILCS 5/12-2(a)(13)	Aggravated assault, discharging a firearm	Very likely if defendant receives a sentence of a year or more.	Yes.	Yes, firearms ground.	Assault
720 ILCS 5/12-3	Battery	No.	No.		If the defendant knowingly without justification makes contact, it might not be a crime involving moral turpitude.
720 ILCS 5/12-3.2	Domestic battery	Yes, crime of violence if defendant receives a sentence of a year or more. <i>United States v. Alvarenga-Silva</i> , 324 F.3d 884 (7th Cir. 2003).	Yes.	Yes, domestic violence ground of deportability.	Battery.
720 ILCS 5/12-3.3	Domestic Battery, aggravated	Yes, crime of violence if defendant receives a sentence of a year or more. <i>United States v. Alvarenga-Silva</i> , 324 F.3d 884 (7th Cir.	Yes.	Yes, domestic violence ground.	Battery

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		2003).			
720 ILCS 5/12-4.2	Battery with a firearm, aggravated	Yes, crime of violence. <i>See United States v. Alvarenga-Silva</i> , 324 F.3d 884 (7th Cir. 2003).		Yes, firearm ground.	
720 ILCS 5/12-4.1	Heinous battery	Yes, crime of violence.	Yes.	n/a	
720 ILCS 5/12-4.3	Aggravated battery of a child	Yes, if sentence is a year or more [check]	Yes.	Yes, domestic violence ground.	
720 ILCS 5/12-5	Reckless conduct	No.	No. <i>See Matter of Fualaau</i> , 21 I. & N. Dec. 475 (BIA 1996).	n/a	
720 ILCS 5/12-6	Intimidation	Possibly crime of violence, but likelihood varies by subsection.	Possibly.	n/a	
720 ILCS 5/12-7	Compelling confession	Very likely to be a crime of violence if defendant receives a sentence of a year or more.	Probably.	n/a	
720 ILCS 5/12-7.3	Stalking	Very likely to be a crime of violence if a defendant receives a sentence of a year or more.	Probably.	Yes, domestic violence.	If victim is not covered by domestic violence laws, try to get lack of relationship in record
720 ILCS 5/12-7.4(a)(1), (2)	Stalking aggravated	Very likely to be a	Probably.		If victim is not covered by



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	(causing bodily harm or restraining victim)	crime of violence if defendant receives a sentence of a year or more.			domestic violence laws, try to get lack of relationship in record
720 ILCS 5/12-7.4(a)(3)	Stalking, aggravated (violating a protection order)	Very likely a crime of violence if defendant receives a sentence of a year or more.	Probably.	Yes, domestic violence	
720 ILCS 5/12-10	Tattooing body of a minor	No.	No.	n/a	
720 ILCS 5/12-10.1	Piercing the body of a minor	No.	No.	n/a	
720 ILCS 5/12-11(a)(1)	Home invasion while armed with a dangerous weapon other than a firearm	Yes, crime of violence.	Yes.	n/a	
720 ILCS 5/12-11(a)(2)	Home invasion while causing intentional injury	Yes, crime of violence.	Yes.	n/a	
720 ILCS 5/12-11(a)(3)	Home invasion while armed with a firearm	Yes, crime of violence.	Yes.	Yes, firearm ground.	
720 ILCS 5/12-11(a)(4)	Home invasion by force or threatened force	Yes, crime of violence.	Yes.	n/a	
720 ILCS 5/12-11.1	Vehicular invasion	Possibly, crime of violence if defendant receives a sentence of a year or more.	Yes.	n/a	
720 ILCS 5/12-13 (a)(1)	Criminal sexual	Yes, rape aggravated	Yes.	n/a	

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	assault	felony ground or sexual abuse of a minor if the age of victim is included in the record of conviction. <i>Lara Ruiz v. INS</i> , 241 F.3d (7th Cir. 2001).			
720 ILCS 5/12-14	Criminal sexual assault, aggravated	Yes, rape aggravated felony ground.	Yes.	n/a	
720 ILCS 5/12-14.1	Predatory criminal sexual assault of a minor	Yes, sexual abuse of minor.	Yes.	n/a	
720 ILCS 5/12-15(a)(1)	Felony criminal sexual abuse	Yes, crime of violence if the defendant receives a sentence of a year or more.	Yes.	n/a	
720 ILCS 5/12-15(c)	Sexual abuse of a minor, misdemeanor	Yes, <i>Guerrero-Perez v. INS</i> , 256 F.3d 546 (7th Cir. 2001).	Yes.	n/a	
720 ILCS 5/12-21.5	Child abandonment	No.	Probably, even though the offense lacks a specific intent to harm element. <sup>8</sup>	Yes, domestic violence.	
720 ILCS 5/12-16(c)(1)(i),	Sexual abuse of a	Yes, <i>United States v.</i>	Yes.	n/a	

<sup>8</sup> See *Matter of R*, 4 I&N Dec. 192 (BIA 1950) (holding Wisconsin's child abandonment statute to be a crime involving moral turpitude).

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	minor, aggravated	<i>Vasquez-Abarca</i> , 61 Fed. Appx. 243 (7th Cir. 2003).			
720 ILCS 5/12-30	Violation of protection order (misdemeanor)	No.	Possibly.	Yes, domestic violence ground.	
<b>THEFT AND RELATED OFFENSES</b>					
720 ILCS 5/-16-1	Misdemeanor theft	No.	Yes.	n/a	
720 ILCS 5/-16-2	Theft of lost or mislaid property	No. Since it is a petty offense there can be no sentence to imprisonment.	Yes, because it has as an element a permanent taking.	n/a	
720 ILCS 5/-16-3(a)	Misdemeanor theft of services	No, unless the property was committed in a school or house of worship and the defendant received a sentence of a year or more.	Possibly not because a permanent taking is not an essential element of the offense. <sup>9</sup>	n/a	
720 ILCS 5/-16-3.1	False report of theft	No.	Yes.	n/a	
720 ILCS 5/-16-6	Possession of a stolen firearm	Yes, if defendant receives a sentence of a year or more.	Yes.	Yes, firearm ground.	
720 ILCS 5/12-30	Violation of a protection order	No.	Possibly.	Yes, domestic violence	
720 ILCS 5/16-1	Theft (felony)	Yes, theft ground if	Yes.		

<sup>9</sup> See *Matter of Grazley*, 14 I & N Dec. 330 (BIA 1973).

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		defendant receives sentence of a year or more.			
720 ILCS 5/16-6	Possession of a stolen firearm	Yes, if defendant receives a sentence of a year or more. <i>See Hernandez-Mancilla v. INS</i> , 246 F.3d 1002 (7th Cir. 2001).	No.	Yes, firearm ground	
<b>RETAIL THEFT</b>					
720 ILCS 5/16A-10 (1)	Retail theft \$150 or less	No.	Yes.	n/a	
720 ILCS 5/16A-10 (2)	Retail theft, with prior	Yes, if record establishes that the defendant would have a received a sentence of a year without recidivist enhancement. See footnote 4 for a discussion of this offense.	Yes.	n/a	The felony punishment that could lead to a one-year sentence appears to be a recidivist enhancement, not a separate offense. <sup>10</sup>
720 ILCS 5/16A-10 (3)	Retail theft over \$150	Yes, if defendant receives sentence of a	Yes.	n/a	

<sup>10</sup> The statute expressly creates an enhancement for a prior offense. If the defendant receives a year because of the enhancement, then it might not be a theft-related aggravated felony offense. *See Matter of Rodriguez-Cortes*, 20 I&N Dec. 587 (BIA 1992) (holding that a noncitizen who received a sentencing enhancement for using a firearm during commission of offense is not a conviction for a firearm offense); *United States v. Corona-Sanchez*, 291 F.3d 1201 (9th Cir 2002) (*en banc*) (holding that California petty theft with priors was not an aggravated felony because maximum sentence without recidivist enhancement is less than one year).

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		year or more			
720 ILCS 5/17-1(B)	General deception	Yes, fraud offense if loss to victim exceeds \$10,000.	Yes.		
<b>DECEPTION</b>					
720 ILCS 5/17-1(C)	Deception on a Bank or other Financial Institution	Yes, fraud offense if loss to victim exceeds \$10,000.	Yes.	n/a	
720 ILCS 5/17-3	Forgery	Yes, forgery offense if the defendant receives a sentence of a year or more or a fraud offense if loss to victim exceeds \$10,000.	Yes.	n/a	
720 ILCS 5/17-6	State benefits fraud	Yes, fraud offense if record establishes that defendant made a knowing misrepresentation and that loss to victim exceeds \$10,000.	Probably, although statute lacks an explicit intent to defraud element. <sup>11</sup>	n/a	Try to have offense treated as class 4 felony, which would establish that the loss to the victim does not exceed \$10,000
720 ILCS 5/17-8	Health care benefits fraud	Yes, fraud offense if loss to victim exceeds \$10,000.	Yes.	n/a	

<sup>11</sup> If defendant pleads to a materially false representation without admitting knowledge of its falsity, then immigration practitioner would have an argument that it was not an aggravated felony because knowledge of a statement's falsity is an essential feature of fraud. *See, e.g., United States v. Precision Medical Labs*, 583 F.2d 434 (2d Cir. 1978) (differentiating between deliberate disregard of a statement's falsity and actual knowledge that it was false).

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720 ILCS 5/17-9	Public aid wire fraud	Very likely, if loss to the victim exceeds \$10,000.	Very likely, although statute lacks an explicit intent to defraud element.	n/a	There is a remote possibility that the misdemeanor offense of public aid wire fraud does not always involve fraud or deceit.
720 ILCS 5/17-10	Public aid mail fraud	Very likely, if loss to the victim exceeds \$10,000.	Very likely, although statute lacks an explicit intent to defraud element.	n/a	
720 ILCS 5/17-11	Odometer fraud	Yes, fraud offense if loss to victim exceeds \$10,000.	Yes.	n/a	
720 ILCS 5/17-13	Fraudulent land sales	Yes, fraud offense if loss to victim exceeds \$10,000.	Yes.	n/a	
720 ILCS 5/17-20	Obstructing meters	Possibly a fraud offense if loss to victim exceeds \$10,000.	Yes, if defendant pleads guilty to intent to defraud.	n/a	If possible, admit to an "intent to injure" rather than an "intent to defraud"
720 ILCS 5/17-21	Obstructing service meters	Possibly a fraud offense if loss to victim exceeds \$10,000.	Yes .	n/a	Obstructing meters does not necessarily always involve moral turpitude. See explanation above.
<b>ROBBERY, BURGLARY AND PROPERTY DAMAGE OFFENSES</b>					
720 ILCS 5/18-1	Robbery	Yes, if defendant	Yes	n/a	

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		receives a sentence of a year or more.				
720 ILCS 5/18.2	Armed robbery	Yes.	Yes.	Yes, firearm ground if the record of conviction establishes that the weapon is a firearm.		
720 ILCS 5/19-1	Burglary	Possibly. <sup>12</sup>		n/a	Criminal trespass or possession of burglary tools with intent to commit a felony other than theft	
720 ILCS 5/19-2	Possession of burglary tools	Possibly, if defendant receives a sentence of a year or more. <sup>13</sup>	Yes, if record of conviction establishes that the defendant possessed the tools with intent to commit theft.	n/a	Plead to unspecified felony or attempt to identify another felony that defendant intended to commit with burglary tools.	
720 ILCS 5/19-3	Residential burglary	Yes, if defendant receives sentence of a year or more.	Yes, if underlying crime is theft or other crime involving moral turpitude.	n/a	Criminal trespass or possession of burglary tools with intent to commit a felony other than theft	

<sup>12</sup> A conviction for burglary of a vehicle is not a "burglary offense" under 8 U.S.C. §1101(a)(43)(G), INA § 101(a)(43)(G) *Solorzano-Patlan v. INS*, 207 F.3d 869, 875 (7th Cir. 2000). The Seventh Circuit has held, however that a burglary conviction could be an aggravated felony as an attempted theft under 8 U.S.C. §1101(a)(43)(U), INA § 101(a)(43)(U). *United States v. Martinez-Garcia*, 268 F.3d 460 (7th Cir. 2001).

<sup>13</sup> Although the Seventh Circuit did not decide the issue, its decision in *Hernandez-Mancilla v. INS*, 246 F.3d 1002 (7th Cir. 2001) suggests that possession of burglarious tools is not an aggravated felony.

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720 ILCS 5/20-1	Arson	Yes. Crime of violence if defendant receives a sentence of a year or more. <i>See Matter of Palacios</i> , 22 I&N Dec. 434 (BIA 1998).	Yes.	n/a	Misdemeanor criminal damage to property or felony criminal damage to property with a sentence of less than a year.
720 ILCS 5/20-1.1	Aggravated Arson	Yes, a conviction is a crime of violence and the offense carries a mandatory minimum sentence that is more than one year. <i>See 730 ILCS 5/5-5-3 (c)(2)(C).</i>	Yes.	n/a	Misdemeanor criminal damage to property or felony criminal damage to property with a sentence of less than a year.
720 ILCS 5/20-1.2	Residential arson	Yes, a conviction is a crime of violence and the offense carries a mandatory minimum sentence that is more than one year. 730 ILCS 5/5-5-3(c)(2)(Q).	Yes.	n/a	Misdemeanor criminal damage to property or felony criminal damage to property with a sentence of less than a year.
720 ILCS 5/21-1	Criminal damage to property (misdemeanor)	No.	It depends on the subsection the defendant violated.	n/a	
720 ILCS 5/21-1	Criminal damage to property (felony)	Possibly, if defendant receives a sentence of a year or more.	It depends on the subsection the defendant violated.	n/a	Misdemeanor criminal damage to property



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<b>WEAPON OFFENSES</b>					
720 ILCS 5/24-1.1	Unlawful use of a weapon by a felon	Yes, if record of conviction establishes that weapon is a firearm. <i>See Matter of Vasquez-Muniz</i> , 23 I. & N. Dec. 207 (BIA 2002).	No.	Firearm offense if record of conviction establishes that defendant used a firearm in committing the offense.	
720 ILCS 5/24-3	Unlawful sale of firearms	Yes, firearm trafficking.	Possibly.	Firearm offense.	Unlawful possession of a firearm
720 ILCS 5/24-3A	Gunrunning	Yes, firearms trafficking offense.	Possibly.	Firearm offense.	Unlawful possession of a firearm
720 ILCS 5/25-1(a)(1)	Mob action	Likely to be a crime of violence if defendant receives a sentence of a year or more.	Likely	n/a	Disorderly conduct.
720 ILCS 5/25-1(a)(2)	Mob action, misdemeanor	No.	Possibly, but it lacks an intent to do harm element.	n/a	Disorderly conduct.
<b>CRIMES AGAINST PUBLIC ORDER AND GOVERNMENT</b>					
720 ILCS 5/25-1(a)(3)	Mob action with intent to do violence, misdemeanor	No.	Likely.	n/a	Disorderly conduct.
720 ILCS 5/26-1	Disorderly conduct, misdemeanor	No.	No.	n/a	

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STATUTE	NAME OF OFFENSE	AGGRAVATED FELONY?	MORAL TURPITUDE ?	OTHER GROUNDS?	SUGGESTIONS OR POSSIBLE ALTERNATE PLEA
720 ILCS 5/29A-1	Commercial bribery	No. Although commercial bribery is an aggravated felony if the defendant receives a one-year sentence, this offense is punishable by less than one year.	Possibly.	n/a	
720 ILCS 5/30-1	Treason	Yes, treason ground.	Yes.	n/a	Misprision of treason
720 ILCS 5/30-2	Misprision of treason	No. <sup>14</sup>	Possibly. <sup>15</sup>	n/a	
720 ILCS 5/31-4	Obstruction of justice	Yes, under obstruction of justice ground, provided the defendant receives a one-year sentence and the record of conviction establishes "obstruction of judicial process."	Possibly.	n/a	
720 ILCS 5/31-6	Failure to report to serve sentence	Yes, if crime for which defendant fails to appear is punishable by five years or more.	Possibly.	n/a	If original charge will not make defendant subject to removal, try to factor defendant's flight into the sentence for the original offense rather than

<sup>14</sup> *Matter of Espinoza-Gonzalez*, 22 I&N Dec. 889. (BIA 1999)

<sup>15</sup> *Compare Matter of S-C*, 3 I&N Dec. 350 (BIA 1948) (holding that a conviction for misprision of felony was not a crime involving moral turpitude) *with Itani v. Ashcroft*, 298 F.3d 1213 (11th Cir. 2002) (holding that a conviction for misprision of felony is a crime involving moral turpitude).

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STATUTE	NAME OF OFFENSE	AGGRAVATED FELONY?	MORAL TURPITUDE ?	OTHER GROUNDS?	SUGGESTIONS OR POSSIBLE ALTERNATE PLEA
					pleading to an aggravated felony offense.
720 ILCS 5/32-2	Perjury	Yes, perjury ground.	Yes.	n/a	
720 ILCS 5/32-3	Perjury, subornation of	Yes, perjury ground.	Yes.	n/a	
720 ILCS 5/32-10	Violation of bail bond	Yes, if crime for which defendant fails to appear is punishable by two years or more.	Possibly.	n/a	If original charge will not make defendant subject to removal, try to factor defendant's flight into the sentence for the original offense rather than pleading to an aggravated felony offense.
720 ILCS 5/33-1	Bribery	Yes, if defendant receives a sentence of a year or more.	Yes.	n/a	Commercial bribery
720 ILCS 5/46-1	Insurance fraud	Yes, a fraud offense if record the conviction establishes that loss to the victim exceeds \$10,000 or a theft offense if the defendant receives a sentence of a year or more.	Yes.	n/a	Try to have offense treated as class 3 felony or misdemeanor, which would establish that the loss to the victim does not exceed \$10,000

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<b>CONTROLLED SUBSTANCE OFFENSES</b>					
720 ILCS 550/4 (a)-(c)	First offense possession of cannabis for personal use (misdemeanor)	No.	No.	No.	Ground of deportability has an exception for first time possession for personal use marijuana offenses
720 ILCS 550/4 (d)-(g)	Felony possession of cannabis	Yes.	No.	Yes, controlled substance offense.	Plead to possessing amount that qualifies for misdemeanor treatment.
720 ILCS 550/5	Manufacture, delivery, or possession with intent to deliver cannabis	Yes	Yes.	<i>Matter of Khourn</i> , 21 I & N Dec. 1041 (BIA 1997).	Yes, controlled substance offense.
720 ILCS 570/401	Manufacture of controlled substance	Yes.	Yes.	<i>Matter of Khourn</i> , 21 I & N Dec. 1041 (BIA 1997).	Yes, controlled substance offense.
720 ILCS 570/402	Felony possession of controlled substance	Yes.	No.	No.	Yes, controlled substance offense.
720 ILCS 600/3/5	Possession of drug paraphernalia	No.	No.	No.	Yes, controlled substance offense.