

Effects of a DUI charge on Immigration status:

A DUI arrest can instantly result in immigration procedures and the possibility of deportation if you are an unauthorized (illegal) immigrant. The smartest decision you can make right now is to retain legal counsel.

If you are lawfully residing in the US, a single DUI charge won't be enough to send you packing. The Immigration & Nationality Act (INA), which does not mention DUI as a deportable felony, contains the majority of the regulations for deporting immigrants based on crimes. Additionally, it excludes DUI from the list of grounds for refusing an immigrant's green card.

DUI, however, is a charge that is frequently added to additional criminal counts, making it simple to find yourself in a scenario where a conviction might have an impact on your immigration status or even lead to deportation. Additionally, a DUI might be considered a negative factor when applying for some types of immigration benefits, such as DACA for kids or the citizenship process.

All circumstances where a DUI impacts your immigration status will be thoroughly examined below:

Factors:

Whether a crime contains criminal intent or, more precisely, whether it qualifies as a "crime of moral turpitude" is the main factor the INA considers when determining whether crimes have an impact on immigration status. DUI is not often understood to need criminal intent. Therefore, even if you are charged with DUI and plead guilty or are found guilty, your immigration status will not be affected by the charge. You won't lose your citizenship, or permanent residence status (also known as a "green card"), or be deported as a result of this.

This is accurate regardless of whether your DUI caused someone harm or even death. Although DUI manslaughter is a serious offense, nobody ever drinks and drives with the intent to kill.

There are, nevertheless, several complication issues. These include driving under the influence of drugs or alcohol when your license is suspended, or if you have a kid in the car:

- DUI sanctions for drug offenses are the same whether alcohol, a legal drug, or an illicit substance caused the intoxication. However, your immigration status will alter if you are arrested for a DUI involving illicit narcotics. This is so because drug offenses are expressly included in the INA as reasons for deportation or being denied a visa or

green card. Your immigration status may be jeopardized if you consume any restricted substance that is prohibited by federal law.

- Driving while your license is suspended or revoked is illegal from the moment you reach for your car keys, unlike DUI in general where there is no presumption of criminal intent. The law sees this as intent to commit a crime since you knew taking the activity was against the law yet did it regardless. Therefore, the charge of operating a vehicle with a suspended license may result in immigration-related action. Deportation may result from that charge, not the DUI itself. Regardless of whether your license was revoked due to a past DUI or another cause, this is accurate.
- DUI with a Young Person in the Car. When a youngster is present in the car, the court takes DUIs considerably more severely since the driver is thought to be endangering the minor.
- However, there are two ways that prosecutors might approach this case: either they will simply ask for "increased" (harsher) punishments for the DUI allegation, or they can also charge the driver with child endangerment. Child Endangerment is a distinct offense that does contain a supposed criminal intent knowingly breaching the law and can thus have an impact on immigration status, perhaps leading to deportation. A capable DUI attorney will fight to get this case dismissed, keeping you from facing deportation.

Immediately contact a **DUI defense lawyer** if you ever encounter such situations so that you can save your immigration status.