

What was

Padilla v. Kentucky

about?

Jose Padilla was a Vietnam War veteran who had a green card for 40 years. His criminal defense attorney advised him to plead guilty to transporting marijuana for sale and told him not to worry about deportation because Mr. Padilla had lived in the United States for so long. Mr. Padilla followed his attorney's incorrect advice, making his deportation near certain.

The Supreme Court declared that every immigrant has the right to accurate advice from their defense lawyer on the immigration consequences of their criminal case.

Questions your criminal defense attorney should ask you:

- Where were you born?
- When did you enter the United States?
- How did you enter the United States?
 - lawful permanent resident/green card holder
 - visa holder
 - crossed border without documents
 - refugee
 - other
- What is your current immigration status?
 - lawful permanent resident/green card holder
 - visa holder
 - undocumented
 - asylee
 - temporary protected status
 - other
- Have you ever been ordered deported or removed from the United States?
- What is the immigration status of your spouse, parents, and children?



**IMMIGRANT
DEFENSE
PROJECT**

Free Legal Hotline: 212.725.6422

ATTENTION IMMIGRANTS

**EVEN A
MINOR CRIMINAL OFFENSE
COULD MAKE YOU
DEPORTABLE**

KNOW YOUR RIGHTS

What does

Padilla v. Kentucky

mean for you?

- *Padilla* says the U.S. Constitution requires your criminal defense attorney to provide you with accurate advice about the immigration consequences of any guilty plea that you take in your criminal case.
- If you had a prior conviction and didn't receive this advice, you might be able to reopen your case and avoid dangerous immigration consequences.

This brochure will provide information on how to fight your deportation and questions to ask your criminal defense lawyer.

Even if your criminal case seems minor, you could face the following immigration consequences:

- You could be deported from the United States.
- You could be unable to return to the United States.
- Your application for naturalization (citizenship) could be denied.
- Your application for lawful permanent resident (green card) status could be denied.
- You could be deported even if you fear persecution upon return to your country of origin.
- You could be unable to renew your green card or to travel outside of the United States.
- You could be held in an immigration detention center in a state far from your home after your criminal sentence.

Remember, if you cannot afford an attorney while you're in immigration proceedings, the government will not provide you with one.

What can you do to fight your deportation?

- Give this brochure to your attorney. Tell your attorney your immigration status and history and discuss the possible risk of deportation with your attorney before pleading guilty. You may be able to stay in the United States by taking a different plea or by going to trial.
- Call the **Immigrant Defense Project** to discuss your case at **212.725.6422**. We are attorneys who can explain the immigration consequences of your criminal case. Although we do not provide direct representation, you, a loved one, or your attorney can call us for free. We are **NOT AFFILIATED** with the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), or any other government agency.

You have rights.