



Best Practices for Intakes about Criminal Legal System Contacts

It is important to ask every client, regardless of their age, gender, or your perceptions of them, about any contacts with the criminal legal system. Failing to do so can put your client at risk of arrest by DHS, deportation, and future charges of misrepresentation.

KEY STEPS FOR SCREENING

1. Talk with your client about their full criminal history, including any police stops, tickets, arrests, or convictions.
2. Gather thorough objective documentation of criminal history.
3. Determine if your client's contacts with the criminal legal system make him or her deportable (if your client is currently in-status).
4. Determine if your client's contacts disqualify him or her from the immigration benefit he or she is seeking.
5. Determine how his or her contacts impact any discretionary decision.
6. Counsel client about risk of negative immigration consequences and explain the client's immigration options, including whether a pardon or post-conviction relief would mitigate immigration consequences.

SAMPLE INTAKE QUESTIONS

FIRST: Determine **each contact with the criminal legal system** by asking questions like:

- Have you ever been arrested?
- Have you ever been stopped by the police?
- Has anyone ever called the police on you?
- Have you ever been taken to a precinct?
- Have you ever been given a ticket?
- Have you ever been handcuffed by police?

SECOND: For each contact, determine the **outcome**, by asking questions like:

- Did you have a lawyer?
- Did you have to see a judge?
- Did you have to go to court to fight a case?
- Did you plead guilty or go to trial?
- Did you have to go to a class?
- Did you have to go to counseling?
- Did you have to go to a program, like drug treatment, batterer's intervention, etc.?
- Did a lawyer or judge tell you charges would be dropped or lowered if you pled guilty and completed a program?

See other side for document checklist.

DOCUMENT CHECKLIST

- ☐ Timeline of immigration and ticket/arrest history
- ☐ Certificates of disposition for each arrest that resulted in charges
- ☐ Decline to prosecute letters for arrests that did not result in charges
- ☐ Transit Adjudication Bureau (TAB) tickets
- ☐ Relevant documents if there are indicia that the client benefited from a **rehabilitative vacatur** (charges dropped or lowered after completion of a rehabilitative program) or ever **admitted guilt on the record**. This includes:
 - Full record of conviction, including:
 - Charging document
 - Plea and sentencing minutes

CONNECT WITH IDP



CALL: 212-725-6422 (voicemail line)

EMAIL: info@immdefense.org

LEARN MORE: immdefense.org

GET LEGAL ADVICE: immdefense.org/webform

GET OUR NEWSLETTER:

immdefense.org/about/newsletter

DONATE: immdefense.org/donate