



# One Day To Protect New Yorkers

We won! On April 12, 2019, the governor signed One Day to Protect New Yorkers into law.

What the new law does is simple—change the maximum possible sentence for class A misdemeanors and unclassified misdemeanors from 365 days to 364 days. How the new law could affect any particular individual is much more complicated!

## Basics

### What is a class A misdemeanor?

A class A misdemeanor or an unclassified misdemeanor is a type of offense under New York State law for which a sentence of 15 to 364 days in jail may be imposed.

Common class A misdemeanors include shoplifting, jumping the turnstile, and carrying a fake ID. About 40% of people convicted of class A misdemeanors are not sentenced to any jail time by the court.

### How do I know if I have a class A misdemeanor conviction?

To find out what your conviction is, go to the criminal court where you saw a judge and ask the clerk for your “certificate of disposition.” If the certificate says “AM” next to the number of the law you were convicted under, it means your conviction is an A misdemeanor.

### Why do we care about this one-day change?

Immigration law is harsh and unfair. Certain convictions with a sentence or a *potential* sentence of 365 days can trigger devastating consequences, including putting your lawful status at risk and ineligibility for immigration relief or bond.

## Common Misconceptions

### Does this law only benefit people who are undocumented?

No. This law can benefit people who are undocumented, people with green cards, and people with other immigration statuses.

### Does this mean no one with a class A misdemeanor conviction can be deported?

No. Immigration law is complicated and depending on the specifics of your status and your conviction, a class A misdemeanor can still put you at risk of losing your status, barring you from getting bond or status in the future, and/or increasing the risk that you are targeted by ICE for detention and deportation.

You should consult with a trusted, knowledgeable immigration attorney to find out exactly how a conviction impacts your status.

## Past Convictions

**I was convicted of an A misdemeanor before this law was passed. How do I know if I can benefit?**

If you have a class A misdemeanor conviction from before the law went into effect on April 12, 2019, consult with a trusted immigration attorney to see if you could benefit.

If it has been less than 13 months since you were sentenced, reach out to your criminal defense attorney to see if you could benefit from a direct appeal of your conviction.

People who could benefit include: undocumented people in removal proceedings or applying for a green card, green card holders, and people who have had DACA but were not able to renew because of time spent in jail. We especially encourage those who had previously been advised their conviction posed negative immigration consequences to check whether the new law changes that analysis.

## Future Convictions

**If I'm being charged with a class A misdemeanor now, or if the prosecutor is offering me a deal if I plead guilty to a class A misdemeanor, how does this law benefit me?**

Important: Do NOT plead guilty to anything or accept an offer from the prosecutor without fully understanding the immigration consequences. Your criminal defense attorney has an obligation, under the U.S. Constitution, to explain to you any and all immigration consequences of any proposal coming from the prosecutor before you decide whether or not to accept it.

Some immigration consequences stem from the actual sentence imposed, and other immigration consequences stem from what the maximum *possible* sentence that could be imposed for a conviction. Depending on your situation, you could benefit from not getting a full 365-day sentence, or just from the fact that you could not be sentenced to 365 days under the law—even if you are not sentenced to any jail time at all. But remember, some convictions, regardless of the sentence imposed or the potential sentence, can carry negative immigration consequences, so it is important to get individualized advice before you plead guilty or go to trial.

## Consult with an Expert

If you think this law may apply to you and want to learn more, call our hotline at 212-725-6422. Please note that we do NOT provide representation in criminal or immigration court, but could provide advice and referrals.

If you live or work in New York City, call 1-800-354-0365 to get a comprehensive immigration legal consult through ActionNYC. ActionNYC is a NYC program that offers free, safe immigration legal help in your community and in your language.

If you do not live or work in New York City, call the New Americans Hotline at 1-800-566-7636 to get referrals to organizations where you could obtain a comprehensive immigration legal consult.

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