

IMMIGRATION CONSEQUENCES OF SELECTED VIRGINIA STATUTES

by Mary Holper
October 2007

Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
CRIMES AGAINST THE PERSON					
18.2-32 Murder	Yes	Yes, under (A)			
18.2-35 Voluntary manslaughter	Yes	Yes, under (F) if sentence imposed is at least one year			Keep sentence under one year; Plead to 18.2-36
18.2-36 Involuntary manslaughter	Yes	No			
18.2-36.1(A) Vehicular manslaughter	No	No	Yes, if record of conviction shows driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction
18.2-36.1(B) Vehicular manslaughter	Yes	No	Yes, if record of conviction shows driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction; Plead to 18.2-36.1(A)

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18.2-41 Wounding my mob	Yes	Yes, under (F) if sentence imposed is at least one year Yes, under (E) if record of conviction shows shooting firearm		Yes, firearms offense if record of conviction shows wounding by firearm and firearm meets federal definition	Keep sentence under one year; keep reference to firearm out of record of conviction
18.2-42 Assault and battery by mob	Probably not	Possibly, under (F) if sentence imposed is at least one year			Keep sentence under one year
18.2-46.3(A) Recruitment of persons for criminal street gang	Probably not	No			
18.2-46.3(B) Recruitment of persons for criminal street gang	Probably	Yes, under (F) if sentence imposed is at least one year			Keep sentence under one year; Plead to 18.2-46.3(A)
18.2-47 (misdemeanor) Abduction and kidnapping	Probably	Probably not			
18.2-47 (felony) Abduction and kidnapping	Yes	Probably, under (F) if sentence imposed is at least one year			Keep sentence under one year; Plead to misdemeanor

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18.2-49 Threatening, attempting or assisting in abduction	Yes	Yes, under (H) if for ransom; Yes, under (F) if sentence imposed is at least one year; Yes, under (K) if abduction for purposes of prostitution and committed for commercial advantage			
18.2-49.1 Violation of court order regarding custody and visitation	Probably not	Probably not		Yes, violation of restraining order if defendant violates portion that protects victim against threats of harassment, violence, or injury	
18.2-51 Unlawful or malicious wounding	Yes	Probably, under (F), if sentence imposed is at least one year; Yes, under (E) if record of conviction shows defendant shot firearm		Yes, firearms offense if record of conviction shows defendant shot firearm and firearm meets federal definition	Keep sentence under one year; Keep reference to firearm out of record of conviction

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18.2-51.2 Aggravated malicious wounding	Yes	Yes, under (F) if sentence imposed is at least one year; Yes, under (E) if record of conviction shows defendant shot firearm		Yes, firearms offense if record of conviction shows defendant shot firearm and firearm meets federal definition	Keep sentence under one year; Keep reference to firearm out of record of conviction
18.2-51.3 Reckless endangerment	Probably	Probably not			
18.2-55.1 Hazing of youth gang members (reckless act)	No	No			
18.2-55.1 Hazing of youth gang members (intentional act)	Yes	Probably, under (F) if sentence imposed is at least one year			Keep sentence under one year; Plead to reckless conduct
18.2-57(A) Assault and battery	No	Possibly, under (F) if sentence imposed is at least one year		Yes, domestic violence offense if immigration court finds crime of violence and facts show domestic	This offense is always charged as aggravated felony crime of violence, so keep sentence under one year

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18.2-57(C) Assault and battery on police officer	Yes	Possibly, under (F) if sentence imposed is at least one year			This offense is always charged as aggravated felony crime of violence, so keep sentence under one year
18.2-57.2 Assault and battery on a family member	Probably not	Possibly, under (F) if sentence imposed is at least one year		Yes, domestic violence offense if immigration court determines that it is a crime of violence	This offense is always charged as aggravated felony crime of violence, so keep sentence under one year; This offense will probably be charged as CIMT if record of conviction shows injury to victim
18.2-58 Robbery	Yes	Yes, under (G) and probably (F) if sentence imposed is at least one year		Yes, firearms offense if record of conviction shows defendant used firearm and firearm meets federal definition	Keep sentence under one year; Keep reference to firearm out of record of conviction

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18.2-58.1 Carjacking	Probably	Yes, under (F) and (G) if sentence imposed is at least one year		Yes, firearms offense if record of conviction shows defendant used firearm and firearm meets federal definition	Keep sentence under one year; Keep reference to firearm out of record of conviction
18.2-59 Extorting money by threats	Yes	Yes, under (H); Possibly under (F) if sentence imposed is at least one year			
18.2-60 Felony threats	Probably	Probably, under (F) if sentence imposed is at least one year			Keep sentence under one year; Plead to misdemeanor
18.2-60 Misdemeanor threats	Probably not	Probably, under (F) if sentence imposed is at least one year			Keep sentence under one year
18.2-60.3 Stalking	Probably	Probably, under (F) if sentence imposed is at least one year		Yes, stalking offense	Keep sentence under one year

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18.2-60.4 Violation of protective order	No	No		Yes, violation of restraining order if defendant violates portion that protects victim against threats of harassment, violence, or injury	
16.1-253.2 Misdemeanor violation of provisions of protective orders	No	No		Yes, violation of restraining order if defendant violates portion that protects victim against threats of harassment, violence, or injury	
16.1-253.2 Felony violation of provisions of protective orders	Yes, if causation of injury; Yes, if record of conviction shows breaking and entering home with intent to commit CIMT	Probably, under (F) if sentence imposed is at least one year		Yes, violation of restraining order if defendant violates portion that protects victim against threats of harassment, violence, or injury; Yes, domestic violence offense if immigration court finds crime of violence	Keep sentence under one year; Plead to misdemeanor

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18.2-61 Rape	Yes	Yes, under (A); Yes, under (F) if sentence imposed is at least one year			
18.2-63 Carnal knowledge	Yes	Yes, under (A); Yes, under (F) if sentence imposed is at least one year			
18.2-67.1 Forcible sodomy against child	Yes	Yes, under (A); Yes, under (F) if sentence imposed is at least one year		Yes, child abuse offense	
18.2-67.1 Forcible sodomy against adult	Yes	Yes, under (F) if sentence imposed is at least one year			Keep sentence under one year
18.2-67.2 Object sexual penetration against child	Yes	Yes, under (A); Yes, under (F) if sentence imposed is at least one year		Yes, child abuse offense	
18.2.-67.2 Object sexual penetration against adult	Yes	Yes, under (F) if sentence imposed is at least one year			Keep sentence under one year
18.2-67.3 Aggravated sexual battery against child	Yes	Yes, under (A); Yes, under (F) if sentence imposed is at least one year		Yes, child abuse offense	

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18.2-67.3 Aggravated sexual battery against adult	Yes	Yes, under (F) if sentence imposed is at least one year			Keep sentence under one year
18.2-67.4 Sexual battery against child	Yes	Yes, under (A); Yes, under (F) if sentence imposed is at least one year		Yes, child abuse offense	
18.2-67.4 Sexual battery against adult	Yes	Probably not if sexual abuse committed by ruse; other offenses yes under (F) if sentence imposed is at least one year			Plead to sexual abuse by ruse; Keep sentence under one year because this offense will be charged as aggravated felony crime of violence
18.2-67.5 Attempted rape, etc.	Yes	Yes			
CRIMES INVOLVING FIREARMS					
18.2-53 Shooting, etc., in attempt or commission of a felony	Yes	Yes, under (F) if sentence imposed is at least one year; Yes, under (E) if record of conviction shows defendant shot firearm		Yes, firearms offense if record of conviction shows defendant shot firearm and firearm meets federal definition	Keep sentence under one year; Keep reference to firearm out of record of conviction

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18.2-53.1 Use of firearm in commission of felony	Yes	Yes, under (F) if sentence imposed is at least one year; Yes, under (E) if record of conviction shows defendant shot firearm		Yes, firearms offense	Keep sentence under one year; Keep reference to defendant shooting firearm out of record of conviction
18.2-53.1 Display of firearm in commission of felony	Probably	Yes, under (F) if sentence imposed is at least one year		Yes, firearms offense	Keep sentence under one year
18.2-56.1 Reckless handling of firearm	No	No		Yes, firearms offense if firearm if firearm meets federal definition	
18.2-56.2(A) Recklessly leaving unsecured firearms around juveniles	No	No		Probably firearms offense if firearm meets federal definition	
18.2-56.2(B) Knowingly authorizing child to use firearm	Probably	No		Probably firearms offense if firearm meets federal definition	Plead to 18.2-56.2(A)
18.2-154 Malicious shooting at or throwing missiles, etc., at train, car, vessel	Yes	Probably, under (E); Yes, under (F) if sentence is at least one year		Yes, firearms offense if firearm meets federal definition	

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18.2-154 Unlawful shooting at or throwing missiles, etc., at train, car, vessel	Probably not	Probably, under (E)		Yes, firearms offense if firearm meets federal definition	
18.2-279 Maliciously or willfully discharging firearms or missiles within or at building or dwelling house	Probably	Probably, under (E); Yes, under (F) if sentence imposed is at least one year		Yes, firearms offense if firearm meets federal definition	
18.2-279 Unlawfully discharging firearms or missiles within or at building or dwelling house	Probably not	Probably, under (E); Yes, under (F) if sentence imposed is at least one year		Yes, firearms offense if firearm meets federal definition	
18.2-280 Willfully discharging firearms in public places	Probably	Probably, under (E); Probably, under (F) if sentence imposed is at least one year		Yes, firearms offense if firearm meets federal definition	
18.2-282 Pointing, holding or brandishing firearm	Probably not	Probably, under (F) if sentence imposed is at least one year		Yes, firearms offense if firearm meets federal definition	Keep sentence under one year

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18.2-286 Shooting in or across road or street	Probably not	Probably not		Yes, firearms offense if firearm meets federal definition	Plead to non-firearm weapon
18.2-286.1 Shooting from vehicle so as to endanger persons	Yes	Probably, under (E); Yes, under (F) if sentence imposed is at least one year		Yes, firearms offense	
18.2-287.4 Carrying loaded firearm in public areas	Probably not	No		Yes, firearms offense	
18.2-300 Possession of sawed-off shotgun for any purpose	No	No		Yes, firearms offense	
18.2-300 Possession of sawed-off shotgun in crime of violence	Probably	Yes, under (F) for underlying crime of violence if sentence imposed is at least one year		Yes, firearms offense	Plead to possession for any purpose
18.2-300 Use of sawed-off shotgun	Yes	Probably, under (E); Probably, under (F) if sentence imposed is at least one year		Yes, firearms offense	Plead to possession for any purpose

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18.2-308 Carrying concealed weapon	Probably not	No		Yes, firearms offense if firearm meets federal definition	Plead to non-firearm weapon
18.2-308.2:01 Possession or transportation of certain firearms by certain persons	Probably not	Yes, under (E)		Yes, firearms offense	Plead to 18.2-308
18.2-308.2:1 Sale, etc., of firearms to certain persons	No	No		Yes, firearms offense if firearm meets federal definition	
CRIMES AGAINST PROPERTY					
18.2-77 Arson	Yes	Yes, under (F) if sentence imposed is at least one year			Keep sentence under one year
18.2-89 Burglary	Yes, if record of conviction shows burglary with intent to commit CIMT	Yes, under (F) if sentence imposed is at least one year		Yes, firearms offense if defendant armed with firearm described in federal definition	Keep sentence under one year; Keep intent to commit CIMT (i.e. larceny) and firearm out of record of conviction

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18.2-90 Breaking and entering with intent to commit murder, rape, robbery, or arson	Yes	Yes, under (F) if sentence imposed is at least one year		Yes, firearms offense if defendant armed with firearm described in federal definition	Keep sentence under one year; Keep intent to commit CIMT (i.e. larceny) and firearm out of record of conviction
18.2-91 Statutory burglary	Yes, if record of conviction shows burglary with intent to commit CIMT	Yes, under (F) if sentence imposed is at least one year		Yes, firearms offense if defendant armed with firearm described in federal definition	Keep sentence under one year; Keep intent to commit CIMT (i.e. larceny) and firearm out of record of conviction
18.2-92 Breaking and entering dwelling house with intent to commit other misdemeanor	Yes, if record of conviction shows burglary with intent to commit CIMT	Yes, under (F) if sentence imposed is at least one year		Yes, firearms offense if defendant armed with firearm described in federal definition	Keep sentence under one year; Keep intent to commit CIMT (i.e. larceny) and firearm out of record of conviction
18.2-94 Possession of burglary tools	Possibly, if record of conviction shows possession with intent to use in CIMT burglary	Possibly, under (G) and (U) if sentence is at least one year			Keep sentence under one year

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18.2-95 Grand larceny	Yes	Yes, under (G) if sentence imposed is at least one year			Keep sentence under one year
18.2-96 Petty larceny	Yes	Yes, under (G) if sentence imposed is at least one year			Keep sentence under one year
18.2-96.1 Identification of certain personalty	Possibly	Possibly, under (G) and (U) if sentence imposed is at least one year			Keep sentence under one year
18.2-98 Larceny of bank notes, checks, etc.	Yes	Yes, under (G) if sentence imposed is at least one year			Keep sentence under one year
18.2-102 Unauthorized use of animal, aircraft, vehicle, or boat	No	Yes, under (G) or (F) if sentence imposed is at least one year			Keep sentence under one year
18.2-103 Concealing or taking possession of stolen merchandise	Yes	Yes, under (G) if sentence imposed is at least one year			Keep sentence under one year
18.2-103 Altering price tags or switching containers	Yes	Probably not			This offense will likely be charged as a an aggravated felony theft offense, so keep sentence under one year

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18.2-105.2 Manufacture or sale of devices to shield against electronic detection of shoplifting	Probably	Possibly, under (G) and (U) if sentence imposed is at least one year			Keep sentence under one year
18.2-107 Theft of public records by others than officers	Yes	Yes, under (G), if sentence imposed is at least one year			Keep sentence under one year
18.2-107 Fraudulently secrete or destroy public record	Yes	Yes, under (M), if loss to victim exceeds \$10,000			Keep loss to victim under \$10,000
18.2-108 Receiving stolen goods	Yes	Yes, under (G) if sentence imposed is at least one year			Keep sentence under one year
18.2-108.1 Receipt of stolen firearm	Yes	Yes, under (E); Yes, under (G) if sentence imposed is at least one year		Yes, firearms offense if firearm meets federal definition	
18.2-108.01 Larceny with intent to sell or distribute	Yes	Yes, under (G) if sentence imposed is at least one year			Keep sentence under one year
18.2-108.01 Larceny with intent to sell or distribute property that defendant should have known was stolen	Possibly not	Yes, under (G) if sentence imposed is at least one year			Keep sentence under one year

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18.2-109 Receipt or transfer of possession of stolen vehicle, aircraft, boat	Yes	Yes, under (G) if sentence imposed is at least one year			Keep sentence under one year
18.2-109 Receipt or transfer of possession of stolen vehicle, aircraft, boat which defendant should have known was stolen	Possibly not	Yes, under (G) if sentence imposed is at least one year			Keep sentence under one year
18.2-111 Embezzlement	Yes	Yes, under (G) if sentence imposed is at least one year; Yes, under (M) if loss to victim exceeds \$10,000			Keep sentence under one year; Keep loss to victim under \$10,000
18.2-119 Trespass after having been forbidden to do so	Possibly, if record of conviction shows that defendant trespassed with intent to commit CIMT	No			Keep intent to commit CIMT (i.e. larceny) out of record of conviction

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18.2-121 Entering property of another for purposes of damaging it	Probably, if record of conviction shows that defendant entered property of another with intent to commit CIMT (i.e. intentional destruction of property)	Probably, under (G) if record of conviction shows defendant unlawfully entered structure and sentence imposed is at least one year			Keep record of conviction clear of unlawful entry; Keep sentence under one year
18.2-134 Trespass on posted property	Probably not	No			Keep intent to commit CIMT (i.e. larceny) out of record of conviction
18.2-137(A) Unlawful destruction of property	No	No			
18.2-137(B) Misdemeanor intentional destruction of property	Probably	Probably not			Plead to misdemeanor unlawful destruction of property
18.2-137(B) Intentional destruction of property	Probably	Probably, under (F) if sentence imposed is at least one year			Plead to misdemeanor unlawful destruction of property; Keep sentence under one year

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18.2-138 Misdemeanor damaging public buildings or book, etc.; Felony damaging books, etc.	Yes	Probably not			
18.2-138 Felony damaging public buildings	Yes	Probably, under (F) if sentence imposed is at least one year			Plead to misdemeanor; Keep sentence under one year
18.2-146 Tampering with vehicle	Probably	Probably not			
18.2-147 Entering or setting a vehicle in motion	Yes, if record of conviction shows that defendant entered vehicle with intent to commit CIMT (i.e. intentional destruction of property)	No			Keep any reference to intent to commit CIMT out of record of conviction

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18.2-147.1 Breaking and entering railroad cars, etc.	Yes, if record of conviction shows that defendant entered vehicle with intent to commit CIMT (i.e. intentional destruction of property)	Probably, under (G) if sentence imposed is at least one year		Yes, firearms offense if record of conviction shows defendant used firearm and firearm meets federal definition	Keep sentence under one year; Keep any reference to intent to commit CIMT and firearm out of record of conviction
18.2-152 Misdemeanor stealing from or tampering with parking meter, etc.	Yes	Probably not			
18.2-152 Felony stealing from or tampering with parking meter, etc.	Yes	Probably, under (F) if sentence imposed is at least one year			Keep sentence under one year; Plead to misdemeanor
18.2-152.3 Computer Fraud	Yes	Yes, under (G) if sentence imposed is at least one year; Yes, under (M) if loss to victim exceeds \$10,000			Keep sentence under one year; Keep loss to victim under \$10,000

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18.2-152.6 Theft of computer services	Yes	Probably, under (G) if sentence imposed is at least one year; Probably, under (M) if loss to victim exceeds \$10,000			Keep sentence under one year; Keep loss to victim under \$10,000
CRIMES INVOLVING FRAUD					
18.2-168 Forging public records	Yes	Yes, under (R) if sentence imposed is at least one year; Yes, under (M) if loss to victim exceeds \$10,000			Keep sentence under one year; Keep loss to victim under \$10,000
18.2-171 Making or having anything designed for forging any writing	Yes	Yes, under (R) if sentence imposed is at least one year; Probably, under (M) and (U) if loss to to victim exceeds \$10,000			Keep sentence under one year; Keep loss to victim under \$10,000

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18.2-172 Forging, uttering, etc. other writings	Yes	Yes, under (R) if sentence imposed is at least one year; Yes, under (M) if loss to victim exceeds \$10,000			Keep sentence under one year; Keep loss to victim under \$10,000
18.2-173 Having in possession forged coin or bank notes	Yes	Yes, under (R) if sentence imposed is at least one year; Probably, under (M) and (U) if loss to victim exceeds \$10,000			Keep sentence under one year; Keep loss to victim under \$10,000
18.2-178 Obtaining money by false pretense	Yes	Yes, under (M) if loss to victim exceeds \$10,000			Keep loss to victim under \$10,000; Keep sentence under one year because offense will probably be charged as aggravated felony theft offense
18.2-178 Obtaining signature by false pretense	Yes	Yes, under (M) if loss to victim exceeds \$10,000; Yes, under (R) if sentence imposed is at least one year			Keep loss to victim under \$10,000; Keep sentence under one year

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18.2-181; 18.2-181.1 Issuing bad checks, larceny	Yes	Yes, under (M) and (U) if loss to victim exceeds \$10,000			Keep loss to victim under \$10,000; Keep sentence under one year because offense will probably be charged as aggravated felony theft offense
18.2-186.2 False statements or failure to disclose material facts in order to obtain housing benefits	Yes	Yes, under (M) and (U) if loss to victim exceeds \$10,000			Keep loss to victim under \$10,000
63.2-522 False statements to obtain public assistance	Yes	Yes, under (M) if loss to victim exceeds \$10,000			Keep loss to victim under \$10,000
63.2-523 Unauthorized use of food stamps, benefit transfer cards, etc.	Yes	Yes, under (M) if loss to victim exceeds \$10,000			Keep loss to victim under \$10,000
18.2-186.3(A)(1); (B)(1) Identity theft	Yes	Yes, under (M) if loss to victim exceeds \$10,000; Probably, under (G) if sentence imposed is at least one year			Keep loss to victim under \$10,000; Keep sentence under one year

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18.2-186.3 (A)(2);(A)(3);(A)(4); (B)(2); (B)(3) Identity theft	Yes	Yes, under (M) if loss to victim exceeds \$10,000; Probably not, under (G) if sentence imposed is at least one year			Keep loss to victim under \$10,000; Keep sentence under one year because offense will likely be charged as aggravated felony theft offense
18.2-192 Credit card theft	Yes	Yes, under (G) if sentence imposed is at least one year			Keep sentence under one year
18.2-193 Credit card forgery	Yes	Yes, under (R) if sentence imposed is at least one year; Yes, under (M) if loss to victim exceeds \$10,000			Keep sentence under one year; Keep loss to victim under \$10,000
18.2-195(1)(a) Credit card fraud	Yes	Yes, under (M) if loss to victim exceeds \$10,000; Probably, under (G) if sentence imposed is at least one year			Keep sentence under one year; Keep loss to victim under \$10,000
18.2-195(1)(b); (1)(c); 2(c) Credit card fraud	Yes	Yes, under (M) if loss to victim exceeds \$10,000			Keep loss to victim under \$10,000

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-195(1)(d) Credit card fraud	Yes	Yes, under (M) if loss to victim exceeds \$10,000; Probably not, under (G) if sentence imposed is at least one year			Keep loss to victim under \$10,000; Keep sentence under one year because offense may be charged as aggravated felony theft offense
18.2-195(2)(a); (2)(b) Credit card fraud	Yes	Yes, under (M) if loss to victim exceeds \$10,000; Possibly, under (G) and (U) if sentence imposed is at least one year			Keep loss to victim under \$10,000; Keep sentence under one year
18.2-197 Criminally receiving goods and services fraudulently obtained	Yes	Yes, under (G) if sentence imposed is at least one year; Yes, under (M) if loss to victim exceeds \$10,000			Keep sentence under one year; Keep loss to victim under \$10,000
18.2-204.1 Fraudulent use of birth certificates, drivers' licenses	Yes	Probably under (M) if loss to victim exceeds \$10,000		Yes, firearms offense if conviction under (C) and firearm meets federal definition	Keep loss to victim under \$10,000; Keep firearms out of record of conviction

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-204.2(A) Manufacture, sale, etc. of fictitious identification	Yes	Yes, under (P) if document is immigration document or passport, sentence imposed is at least one year, and not first-time offense for purpose of aiding spouse, child or parent			Keep type of document out of record of conviction; Keep sentence under one year
18.2-204.2(C) Possession of fictitious identification	Yes, if record of conviction shows possession with intent to use	Yes, under (P) if document is immigration document or passport, sentence imposed is at least one year, and not first-time offense for purpose of aiding spouse, child or parent			Keep type of document out of record of conviction; Keep sentence under one year

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-206 Procuring animal, aircraft, vehicle or boat with intent to defraud	Yes	Yes, under (M) if loss to victim exceeds \$10,000			Keep loss to victim under \$10,000; Keep sentence under one year because offense will probably be charged as aggravated felony theft offense
CRIMES INVOLVING CONTROLLED SUBSTANCES					
18.2-248.1(a)(1); (b) Gift or distribution or possession with intent to give, distribute less than ½ oz. marijuana or of small amount as accommodation only	Probably	Probably not, under (B) if record of conviction does not show remuneration	Yes		Keep reference to remuneration out of record of conviction
18.2-248.1(a)(2); (a)(3); (c) Sale, gift, distribution, or possession with intent to sell, give or distribute controlled substance	Probably	Yes, under (B)	Yes		Plead to 18.2-248.1(a)(1) or accommodation only section and keep reference to remuneration out of record of conviction

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-248.1(d) Subsequent offense for above-mentioned acts	Probably	Probably not, under (B) if previous conviction not aggravated felony and subsequent conviction record does not contain previous record	Yes		If previous conviction is not aggravated felony, keep records of previous conviction out of record of conviction
18.2-248.01 Transporting controlled substances into Commonwealth	Yes	Yes, under (B)	Yes		
18.2-248.5 Manufacture, sell, give, distribute, or possess with intent to distribute illegal stimulants and steroids	Yes	Yes, under (B)	Yes		
18.2-250 Simple possession of a controlled substance	Probably	No	Yes		Plead to 18.2-250.1 for 30 grams or less of marijuana
18.2-250.1 Possession of marijuana (first offense)	Yes	No	No, if possession of 30 grams or less of marijuana		Plead to possession of 30 grams or less of marijuana or keep amount of marijuana out of record of conviction

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-250.1 Second offense for simple possession	Yes	Probably not, under (B) if conviction record from first offense is not part of record of conviction	Yes		Keep previous record for simple possession out of record of conviction
18.2-251.2 Possession or distribution of flunitrazepam	Probably	Yes, under (B)	Yes		
18.2-251.4 Defeating drug screening tests	Probably	Probably not	Probably		
18.2-251.4 Defeating alcohol screening tests	Probably	Probably not	No		
18.2-255(A)(i); (A)(ii) Distribution of certain drugs to minors or causing minors to assist in distribution	Probably	Yes, under (B)	Yes		

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-255(B)(i); (B)(ii) Distribution of imitation drugs to minors or causing minors to assist in distribution	Probably	Probably, under (M) if loss to victim exceeds \$10,000; Probably not, under (B) if actual substance is not controlled substance	Probably		Keep record clean if imitation drug is actually a federal controlled substance; Keep loss to victim under \$10,000
18.2-255.1 Distribution, sale or advertisement of paraphernalia to minor	Probably	Yes, under (B)	Probably		
18.2-255.2 Sale of drugs near certain properties	Probably	Yes, under (B) if sold near properties described in federal offense	Yes		Keep record clean of where drugs were sold
18.2-255.2 Sale of imitation drugs near certain properties	Probably	Probably not, under (B) if actual substance is not controlled substance	Probably		Keep record clean if imitation drug is actually a federal controlled substance
18.2-258 Keeping drug house	Probably	Probably, under (B)	Probably		

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-258.1 Obtaining drugs by fraud, deceit, or forgery	Yes	Yes, under (B); Yes, under (M) if loss to victim exceeds \$10,000; Yes, under (R) if forgery sections and sentence imposed is at least one year	Yes		
54.1-3466 Possession of controlled paraphernalia	Probably	No	Yes		
54.1-3466 Distribution of controlled paraphernalia	Probably	No, under (B) if record of conviction does not show remuneration	Yes		Keep reference to remuneration out of record of conviction
18.2-265.3(A); (B) Sale or possession with intent to sell drug paraphernalia; Sale of drug paraphernalia to minors	Probably	Yes	Yes		Plead to 18.2-265.3(C) and keep reference to remuneration out of record of conviction
18.2-265.3(C) Distribution of paraphernalia to minors	Probably	No, under (B) if record of conviction does not show remuneration	Yes		Keep reference to remuneration out of record of conviction

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-265.5 Advertisement of drug paraphernalia	Probably	Probably, under (B) and (U)	Probably		
DRIVING OFFENSES					
18.2-51.4 Maiming as a result of DUI	Yes	No	Yes, if record of conviction shows driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction
18.2-266 Simple DUI	No	No	Yes, if record of conviction shows driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction
46.2-341.24 DUI commercial vehicle	No	No	Yes, if record of conviction shows driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction
18.2-268.3 Refusal to take test when previously convicted of DUI	No	No	No		

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-270 Subsequent offense DUI	No	No	Yes, if record of conviction shows driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction
18.2-272 Driving after forfeiture of license	No	No	Yes, if record of conviction shows driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction
46.2-300 Driving without license	No	No	No		
18.2-323.1 Drinking while driving; possession of open container while driving	No	No	No		
46.2-357(B)(1); (B)(2) Driving while habitual offender; Driving while habitual offender and driving endangers life, limb, or property	No	No	Possibly, if underlying offense involved driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
46.2-357(B)(2) Committing certain DUI while habitual offender	Yes	No	Yes, if record of conviction shows driving under the influence of a controlled substance		Keep reference to driving under the influence of a controlled substance out of record of conviction
46.2-852 Reckless driving	No	No	No		
46.2-853 Driving vehicle that is not under control	No	No	No		
46.2-894 Failure to report an accident after property damage	No	No	No		
46.2-894 Failure to report an accident after bodily injury	Probably	No	No		Plead to failure to report after property damage
46.2-895 Passenger failure to report an accident after property damage	No	No	No		
46.2-895 Passenger failure to report an accident after bodily injury	Possibly	No	No		Plead to failure to report after property damage

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
CRIMES INVOLVING MORALS AND DECENCY/CRIMES AGAINST PUBLIC ORDER					
18.2-346 Being a prostitute or prostitution	Yes	Probably under (A) if facts show minor was involved in prostitution		Yes, inadmissible for engaging in prostitution within 10 years of admission	
18.2-370 Indecent liberties	Yes	Yes, under (A)		Yes, child abuse offense	
18.2-370.1 Indecent liberties by person in custodial or supervisory relationship	Yes	Yes, under (A)		Yes, child abuse offense	
18.2-371(i) Contributing to the delinquency of a minor by rendering child in need of supervision	No	No		Possibly offense relating to child abuse, abandonment, or neglect	

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-371(i) Contributing to the delinquency of a minor by rendering child delinquent	Probably not, unless act committed by child is CIMT	Possibly, under (F) if delinquent act by child is crime of violence and sentence imposed is at least one year; Probably, under (A) if delinquent act by child is sexual act		Possibly offense relating to child abuse, abandonment, or neglect	Keep reference to child's commission of CIMT or crime of violence out of record of conviction
18.2-371(i) Contributing to the delinquency of a minor by rendering child abused or neglected by omission that causes injury	Yes	No		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2-371(i), contributing by rendering a child in need of supervision
18.2-371(i) Contributing to the delinquency of a minor by rendering child abused or neglected by infliction of injury	Yes	Yes, under (F) if inflicts or threatens to inflict physical (not mental) injury and sentence imposed is at least one year		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2-371(i), contributing by rendering a child in need of supervision

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-371(i) Contributing to the delinquency of a minor by failing to provide necessary care	Probably	No		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2-371(i), contributing by rendering a child in need of supervision
18.2-371(i) Contributing to the delinquency of a minor by abandoning such child	Probably	No		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2-371(i), contributing by rendering a child in need of supervision
18.2-371(i) Contributing to the delinquency of a minor by allowing sexual act to be committed on child	Yes	Yes, under (A)		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2-371(i), contributing by rendering a child in need of supervision
18.2-371(i) Contributing to the delinquency of a minor by rendering child abused or neglected by unreasonable absence	Probably not	No		Yes, offense relating to child abuse, abandonment, or neglect	

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-371(i) Contributing to the delinquency of a minor by knowingly leaving the child with an unrelated person whom the parent knows is a convicted sex offender	Probably not	No		Possibly offense relating to child abuse, abandonment, or neglect	
18.2-371(i) Contributing to the delinquency of a minor by rendering child in need of services	Probably	No		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2-371(i), contributing by rendering a child in need of supervision
18.2-371(ii) Engaging in consensual sexual intercourse with a child	Yes	Yes, under (A)		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2-371(i), contributing by rendering a child in need of supervision
18.2-371.1(A) Abuse or neglect of children by willful omission that causes injury	Yes	No		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2-371(i), contributing by rendering a child in need of supervision or plead to 18.2-371.1(B)

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-371.1(A) Abuse or neglect of children by willful act that causes injury	Yes	Probably, under (F) if sentence imposed is at least one year		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2-371(i), contributing by rendering a child in need of supervision or plead to 18.2-371.1(B); Keep sentence under one year
18.2-371.1(B) Abuse or neglect of children by reckless act that does not cause injury	No	No		Yes, offense relating to child abuse, abandonment, or neglect	Plead to 18.2-371(i), contributing by rendering a child in need of supervision
18.2-374 Production, publication, sale, possession, etc. of obscene items	Probably not	Possibly under (I) if facts shows child pornography			
18.2-374.1 Production, publication, sale, possession with intent to distribute, financing, etc. of child pornography	Probably	Yes, under (I)			
18.2-374.1:1(A) Possession of child pornography	Probably	Yes, under (I)			

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-387 Indecent exposure	Probably	Probably, under (A) if indecent exposure to a minor			
18.2-288 Profane swearing and public intoxication	No	No			
18.2-405 Rioting	Probably not	Probably, under (F) if sentence imposed is at least one year		Yes, firearms offense if record of conviction shows firearm and firearm meets federal definition	Keep sentence under one year; Keep reference to firearm out of record of conviction
18.2-406 Unlawful assembly	Probably not	No		Yes, firearms offense if record of conviction shows firearm and firearm meets federal definition	Keep reference to firearm out of record of conviction
18.2-415 Disorderly conduct	No	No			
18.2-416 Abusive language	No	No			

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-427 Use of profane, threatening or indecent language over airways	Probably not	No			
CRIMES AGAINST THE ADMINISTRATION OF JUSTICE					
18.2-434 Perjury	Yes	Yes, under (S) if sentence imposed it at least one year; Yes, under (M) if loss to victim exceeds \$10,000			Keep sentence under one year; Keep loss to victim under \$10,000
18.2-438 Bribes to officers or candidates for office	Yes	Yes, under (S) if sentence imposed is at least one year			Keep sentence under one year
18.2-460(A) Obstruction of justice without force or threats	Probably not	Possibly, under (S) if offense meets federal definition and sentence imposed is at least one year			Keep sentence under one year; Keep record of conviction clean of type of offense

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-460(B) Obstruction of justice through threats or force	Probably	Probably, under (F) if sentence imposed is at least one year; Possibly, under (S) if offense meets federal definition and sentence imposed is at least one year			Keep sentence under one year; Keep record of conviction clean of type of offense
18.2-460(C) Obstruction of justice through threats of bodily harm or force	Probably	Probably, under (F) if sentence imposed is at least one year; Possibly, under (S) if offense meets federal definition and sentence imposed is at least one year			Keep sentence under one year; Keep record of conviction clean of type of offense
18.2-460(D) Obstruction of justice through false statements	Yes	Probably, under (S) if sentence imposed is at least one year; Yes, under (M) if loss to victim exceeds \$10,000			Keep sentence under one year; Keep loss to victim under \$10,000

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Offense	CIMT	Aggravated felony	Crime relating to a controlled substance	Other immigration consequences	Alternate pleas and practice tips
18.2-478 Escape from jail or custody by force or violence without setting fire to jail	Yes	Yes, under (F) if sentence imposed is at least one year; Probably, under (S) if sentence imposed is at least one year			Keep sentence under one year; Plead to 18.2-479
18.2-479 Escape from jail or custody without force or violence or fire	Probably	Probably not			
18.2-479.1(A) Resisting lawful arrest by intentionally preventing officer from arresting	Probably not	Probably not			
18.2-479.1(B) Resisting lawful arrest by intentionally fleeing from officer	Probably	Probably not			Plead to 18.2-479.1(A)
18.2-817 Disregarding signal by law enforcement officer to stop	Probably	Probably not			Plead to 18.2-479.1(A)
4.1-322 Possession/drinking alcoholic by interdicted persons	No	No			

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