

Post Conviction Relief Board of Immigration Appeals 2025 Matter of De Jesus Platon

“ The evidence of post-conviction relief under section 1473.7 of the California Penal Code that the respondent submitted in support of his motion to remand does not demonstrate that his conviction was vacated for a procedural or substantive defect in the underlying criminal proceedings and not for reasons of rehabilitation or immigration hardship. See [Matter of DE JESUS-PLATON](#) , 29 I&N Dec. 7 (BIA 2025).

Full Decision https://www.justice.gov/d9/2025-02/4086_0.pdf

Follows the decision from [In Re Pickering, 223 I&N Dec. 621 \(BIA 2003\)](#) and [Matter of VELASQUEZ-RIOS, 27 I&N Dec. 470 \(BIA 2018\)](#)

Matter of Pickering (BIA 2003)

“(1) If a court vacates an alien’s conviction for reasons solely related to rehabilitation or immigration hardships, rather than on the basis of a procedural or substantive defect in the underlying criminal proceedings, the conviction is not eliminated for immigration purposes.

(2) Where the record indicated that the respondent’s conviction for possession of a controlled substance was quashed by a Canadian court for the sole purpose of avoiding the bar to his acquisition of permanent residence, the court’s action was not effective to eliminate the conviction for immigration purposes.

[In Re Pickering, 223 I&N Dec. 621 \(BIA 2003\)](#)

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Matter of Velasquez Rios (BIA 2018)

“The amendment to section 18.5 of the California Penal Code, which retroactively lowered the maximum possible sentence that could have been imposed for an alien’s State offense from 365 days to 364 days, does not affect the applicability of section 237(a)(2)(A)(i)(II) of the Immigration and Nationality

Act, 8 U.S.C. § 1227(a)(2)(A)(i)(II) (2012), to a past conviction for a crime involving moral turpitude “for which a sentence of one year or longer may be imposed.”

<https://www.justice.gov/eoir/page/file/1098611/dl> *Matter of Velasquez Rios*, **27 I&N Dec. 470 (BIA 2018)**

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