

Crimes

Money Laundering

- Money Laundering & the Circumstance-Specific Approach UNLAWFUL Operation of a Motor Vehicle

Money Laundering & the Circumstance-Specific Approach

The full text of *Matter of Dominguez Reyes* can be found here:

<https://www.justice.gov/d9/2024-12/4083.pdf>

Unlicensed Operation of a Motor Vehicle

VTL 511(3)(a) Unlicensed Operation

Unlicensed operation of a motor vehicle in the first degree in violation of section 511(3)(a)(i) of the New York Vehicle and Traffic Law, which prohibits a person from driving under the influence of alcohol or drugs while knowing or having reason to know that his or her license is suspended, is categorically a crime involving moral turpitude. *Matter of Lopez-Meza*, 22 I&N Dec. 1188 (BIA 1999), followed. See *Matter of Margaret VUCETIC*, 28 I&N Dec. 276 (BIA 2021)

N.Y. Veh. & Traf. Law § 511(3)(a)(i) (McKinney 2014). This provision requires a defendant to operate a motor vehicle on a public highway while under the influence of alcohol or a drug knowing or having reason to know his or her license or privilege of operating such a motor vehicle or privilege of obtaining a license to operate such a vehicle is suspended, revoked, or otherwise withdrawn. CJI2d[NY] Veh. & Traf. Law § 511(3)(a)(i) (2020).

Matter of Margaret VUCETIC (BIA 2021)

There is a *mens rea* element because it requires that he know that his license is revoked or suspended already.

FULL DECISION: <https://www.justice.gov/eoir/file/1381766/dl?inline=>

CHART

RELIEF¹ AGGRAVATED FELONY DEPORTABLE/ INADMISSIBLE CRIME STOP TIME, GMC and OTHER TIME REQUIREMENTS NATURALIZATION

(Affirmative or with Request to Terminate Removal Proceedings) INA § 310, et seq., 8 USC § 1421, et seq.

AF is a permanent bar to GMC, and thus to naturalization, unless conviction is before 11/29/903 Not a bar per se, but removable applicants may be referred to removal proceedings Requires certain period (e.g., preceding three or five years) of good moral character.

GMC bars include several crimesgrounds of inadmissibility plus some bars unique to GMC.⁴ LPR CANCELLATION For Long-Time Lawful Permanent Residents⁵ INA § 240A(a), 8 USC § 1129b(a)

AUTOMATIC BAR

(For AF convictions from before April 24, 1996, or arguably April 1, 1997, see § 212(c) Relief,)

NOT A BAR 7 YEARS RESIDENCE since admission in any status; periods of unlawful status since admission count toward this. 6

The 7-year clock stops at whichever comes first: being served with a qualifying NTA7 or committing an offense referred to in 212(a)(2).⁸ Ninth Circuit held that some convictions before 4/1/97 do not stop clock.⁹