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Aggravated Felony

The following is a list of the aggravated felony offenses listed in INA § 101(a)(43), arranged in alphabetical order. The capital letter following the offense refers to the subsection of § 101(a)(43) where the offense appears. See [Practice Advisory on Aggravated Felonies](#).

Aggravated Felonies under INA §101(a)(43) (displayed alphabetically; statute subsection noted after category)

- alien smuggling- smuggling, harboring, or transporting of aliens except for a first offense in which the person smuggled was the parent, spouse or child. (N)
- attempt to commit an aggravated felony (U)
- bribery of a witness- if the term of imprisonment is at least one year. (S)
- burglary- if the term of imprisonment is at least one year. (G)
- child pornography- (I)
- commercial bribery- if the term of imprisonment is at least one year. (R)
- conspiracy to commit an aggravated felony (U)
- counterfeiting- if the term of imprisonment is at least one year. (R)
- crime of violence as defined under 18 USC 16 resulting in a term of at least one year imprisonment, if it was not a “purely political offense.” (F)
- destructive devices- trafficking in destructive devices such as bombs or grenades. (C)

- drug offenses- any offense generally considered to be “drug trafficking,” plus cited federal drug offenses and analogous felony state offenses. (B)
- failure to appear- to serve a sentence if the underlying offense is punishable by a term of 5 years, or to face charges if the underlying sentence is punishable by 2 years. (Q and T)
- false documents- using or creating false documents, if the term of imprisonment is at least twelve months, except for the first offense which was committed for the purpose of aiding the person’s spouse, child or parent. (P)
- firearms- trafficking in firearms, plus several federal crimes relating to firearms and state analogues. (C)
- forgery- if the term of imprisonment is at least one year. (R)
- fraud or deceit offense if the loss to the victim exceeds \$10,000. (M)
- illegal re-entry after deportation or removal for conviction of an aggravated felony (O)
- money laundering- money laundering and monetary transactions from illegally derived funds if the amount of funds exceeds \$10,000, and offenses such as fraud and tax evasion if the amount exceeds \$10,000. (D)
- murder- (A)
- national defense- offenses relating to the national defense, such as gathering or transmitting national defense information or disclosure of classified information. (L)(i)
- obstruction of justice if the term of imprisonment is at least one year. (S)
- perjury or subornation of perjury- if the term of imprisonment is at least one year. (S)
- prostitution- offenses such as running a prostitution business. (K)
- ransom demand- offense relating to the demand for or receipt of ransom. (H)

- rape- (A)
- receipt of stolen property if the term of imprisonment is at least one year (G)
- revealing identity of undercover agent- (L)(ii)
- RICO offenses- if the offense is punishable with a one-year sentence. (J)
- sabotage- (L)(i)
- sexual abuse of a minor- (A)
- slavery- offenses relating to peonage, slavery and involuntary servitude. (K)(iii)
- tax evasion if the loss to the government exceeds \$10,000 (M)
- theft- if the term of imprisonment is at least one year. (G)
- trafficking in vehicles with altered identification numbers if the term of imprisonment is at least one year. (R)
- treason- federal offenses relating to national defense, treason (L)

PRACTICE TIP: An LPR is not “rendered inadmissible” under the controlled substance and CIMT grounds unless they were convicted of, or made a qualifying admission that they committed, the offense. The government’s suspicion, allegation, or evidence that the person committed the offense is not enough to render them inadmissible and stop their clock, without a conviction or admission of conduct.

- If a conviction is vacated based on legal error so that it is eliminated for immigration purposes, then commission of the offense did not stop the clock because the person never was legitimately “rendered inadmissible.” (Of course, where it is possible a more direct option is to vacate the deportable conviction/s that are the bases for removal, and terminate the proceedings.)
- If there was no conviction and an LPR refuses to admit the conduct to DHS, they are not

rendered inadmissible and the clock does not stop.

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