

Michigan Criminal Immigration Consequences Reference Chart

2nd Edition - April 2023

DISCLAIMER

This document is designed primarily for **criminal defense attorneys and immigration attorneys advising criminal defendants**. The analysis of offenses is deliberately conservative, because criminal defense practitioners must be conservative in their immigration advice to noncitizen clients. For some offenses, viable arguments exist to contest removability in immigration proceedings contrary to our analysis, but it is beyond the scope and purpose of this chart. **Immigration practitioners representing noncitizens in affirmative and defensive cases should rarely, and probably never, concede a criminal ground of removability and should always research potential defenses.** Furthermore, this chart analyzes individual offenses in a vacuum. The actual impact of an offense will vary dramatically depending on the client's immigration status, prior criminal record, and other pending charges. Because immigration consequences of crimes is a complex and ever-evolving area of law, practitioners should use this chart only as a starting point. **This chart is not a substitute for legal research or obtaining immigration counsel for your client.**

Michigan has a lot of criminal statutes. Many of these statutes define multiple distinct crimes. The analytical framework used to evaluate the potential immigration consequences of a state offense, and how the courts apply that framework, frequently change. Addressing every crime with precision and accuracy—and keeping the information up-to-date—is a herculean task. **The authors of this chart welcome feedback, suggestions, and updates.**

This document is not intended for government attorneys or immigration judges.

HOW TO USE THIS CHART

For each Michigan criminal offense listed, the chart is divided into three categories: crime involving moral turpitude (CIMT), aggravated felony (AF), and other grounds of inadmissibility or deportability. The chart indicates the likelihood that each offense would be deemed to be a CIMT, AF, and/or some other specified crime-related ground of inadmissibility or deportability.

To rank the likelihood of an offense being a CIMT, AF, or other ground, we will use the following terminology:

1. **YES**—The immigration statute and/or case law clearly deem this offense to constitute the listed ground.
2. **LIKELY**—The immigration statute and/or case law may not be directly on point or clearly indicate that this offense constitutes the listed ground, but analyzed in the context of relevant immigration case law, the offense is likely to be deemed as such by immigration officials and/or the immigration courts.
3. **POSSIBLY**—The immigration statute and/or case law are unclear as to whether this offense would constitute the listed ground, and there are unresolved legal issues both for and against such classification. Such a finding may be avoidable, depending upon such factors as how defense counsel structures a plea agreement, or under which particular prong of the offense defendant is convicted.
4. **UNLIKELY**—The immigration statute and/or case law may not be directly on point or clearly indicate that this offense constitutes the listed ground, but analyzed in the context of relevant immigration case law, the offense is not likely to be deemed as such by immigration officials and/or immigration courts.

GROUND NOT ADDRESSED BY THIS CHART

This chart does not address the following ways in which a criminal offense may impact a noncitizen's eligibility for relief, except where noted otherwise:

1. **Ineligibility for asylum/withholding of removal for a Particularly Serious Crime:** Some offenses are regarded as per se "particularly serious," while others could be found to be so, and this would render a noncitizen ineligible for asylum and withholding of removal. 8 U.S.C. § 1158(b)(2)(A). All AFs are considered PSCs for purposes of asylum eligibility, 8 U.S.C. § 1158(b)(2)(B)(i). AFs resulting in an aggregate term of imprisonment of at least 5 years are considered PSCs for purposes of withholding of removal eligibility. 8 U.S.C. § 1231(b)(3)(B). But an offense need not be an AF or result in a particular sentence to qualify as a PSC.
2. **Ineligibility for/revocation of DACA for a Serious Misdemeanor:** Some offenses that do not trigger specific immigration consequences still fall under the broad category of "serious misdemeanors" that render noncitizens ineligible for Deferred Action for Childhood Arrivals (DACA). The most notable of these serious misdemeanors is Operating While Intoxicated (OWI).
3. **Ineligibility for naturalization for an offense that rebuts Good Moral Character:** Some offenses rebut the "good moral character" that an LPR must show for the five years prior to applying for naturalization. Good moral character is defined at 8 U.S.C. § 1101(f).
4. **Ineligibility for any form of relief as a matter of discretion:** Nearly every form of immigration relief (immigrant/nonimmigrant visas, adjustment/change of status, naturalization, removal defenses, waivers, parole, bond from ICE detention, etc.) is only granted at the discretion of an immigration officer or judge. Criminal convictions that do not trigger specific immigration consequences under the INA may nonetheless impact the exercise of discretion. Immigration agencies have considerable discretion to look beyond the record of conviction in assessing a noncitizen's entitlement to the requested relief.
5. **Ineligibility to petition a family member:** In some instances, a **U.S. citizen's criminal history** can impact their ability to sponsor a family member for lawful permanent resident status. See, e.g. the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, 120 Stat. 587, 8 U.S.C. § 1154(a)(1)(A)(viii)(I).
6. **Inadmissibility to countries other than the United States:** Some nations' laws contain different grounds of inadmissibility than is found in U.S. law. For instance, convictions for Operating While Intoxicated (OWI) may trigger inadmissibility to Canada under Canadian law.

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Offense	MCL	Crime Involving Moral Turpitude (CIMT)	Aggravated Felony (AF)	Other Immigration Consequences	Notes & Relevant Case Law
Inchoate Offenses					
Conspiracy (Generally)	750.157a	Likely, if underlying offense is a CIMT	Likely, if underlying offense is an aggravated felony	Can carry other immigration consequences if the underlying crime also does so.	<i>Matter of Short</i> , 20 I&N Dec. 136 (BIA 1989).
Accessory After the Fact	750.505	Likely, if the underlying offense is a CIMT	Likely under 8 USC § 1101(a)(43)(S), if sentence is at least 1 year.	Can carry other immigration consequences if the underlying crime also does so.	<i>Matter of Rivers</i> , 25 I&N Dec. 623 (BIA 2011); <i>Matter of Valenzuela Gallardo</i> , 27 I&N Dec. 449 (BIA 2018); <i>Gallardo v. Barr</i> , ___ F.3d ___, (9th Cir. 2020).
Attempt (Generally)	750.92	Likely, if underlying offense is a CIMT	Likely, if underlying offense is an aggravated felony	Can carry other immigration consequences if the underlying crime also does so.	
Aiding & Abetting	767.39	Likely, if the underlying offense is a CIMT	Likely, if the underlying offense is an aggravated felony. <i>Gonzales v. Duenas-Alvarez</i> , 549 U.S. 183 (2007); <i>Matter of Juan Delgado</i> , 27 I&N Dec. 100 (BIA 2017).	Can carry other immigration consequences if the underlying crime also does so.	Jesus Ramon Garcia-Campos, 2018 WL 4611499 (BIA July 27, 2018) (unpublished); <i>Matter of Juan Delgado</i> , 27 I&N Dec. 100 (BIA 2017).
Homicide Offenses					
Leaving the Scene of an Accident Causing Death	257.617(3)	Unlikely	No		<i>Compare Cerezo v. Mikasey</i> , 512 F.3d 1163 (9th Cir. 2008) (not a CIMT) and <i>Ninez-Isquez v. Barr</i> , 965 F.3d 272 (4th Cir. 2020) (same) with <i>Garcia-Maldonado v. Gonzales</i> , 491 F.3d 819 (5th Cir. 2007) (is a CIMT).
Reckless Driving Causing Death	257.626(4)	Unlikely because of mens rea	Unlikely because of mens rea		<i>Leocal v. Ashcroft</i> , 543 U.S. 1 (2004); but see <i>Borden v. U.S.</i> , cert. granted No. 19-5410
Operating While Intoxicated Causing Death	257.626(4)	Unlikely because of mens rea	Unlikely because of mens rea		<i>Leocal v. Ashcroft</i> , 543 U.S. 1 (2004); but see <i>Borden v. U.S.</i> , cert. granted No. 19-5410
Murder - 1st Degree	750.316	Yes	Yes. 8 USC §§ 1101(a)(43)(A) and (F) [if sentence is at least one year for the latter]. <i>Matter of M-W</i> , 25 I&N Dec. 748 (BIA 2012).		Note on prison and parole: Noncitizen prisoners in MDOC custody who have final orders of removal shall be paroled halfway through their minimum sentence, unless they are serving a sentence for CSC-1, CSC-2, Murder-1st Deg. or Murder-2nd Deg. or they were sentenced as a habitual offender. See MCL 791.234b.
Murder - 2nd Degree	750.317	Likely	Yes. 8 USC §§ 1101(a)(43)(A) and (F) [if sentence is at least one year for the latter]. <i>Matter of M-W</i> , 25 I&N Dec. 748 (BIA 2012).		Even where there was no intent to murder but the death resulted from extreme recklessness or a malignant heart, this still counts as the aggravated felony of murder. <i>Matter of M-W</i> , 25 I&N Dec. 748 (BIA 2012). Note on prison and parole: Noncitizen prisoners in MDOC custody who have final orders of removal shall be paroled halfway through their minimum sentence, unless they are serving a sentence for CSC-1, CSC-2, Murder-1st Deg. or Murder-2nd Deg. or they were sentenced as a habitual offender. See MCL 791.234b.
Delivery of Schedule 1 or 2 Controlled Substance Causing Death	750.317a	Yes	Yes	Controlled substance offense	Whether this triggers removability as a controlled substance offense or as a controlled substance trafficking aggravated felony may depend on the identity of the substance and whether the identity of the substance is an element of the offense.
Involuntary Manslaughter	750.321	Most likely, if harm was intentional or if gross negligence to perform a legal duty.	Unlikely, but if sentence of at least 1 year see <i>Borden v. U.S.</i> , cert. granted No. 19-5410		
Voluntary Manslaughter	750.321	Yes	Unlikely, but if sentence of at least 1 year see <i>Borden v. U.S.</i> , cert. granted No. 19-5410		<i>Matter of Torres-Varela</i> , 23 I&N Dec. 78 (BIA 2001).
Willful Killing of Fetal Child - Manslaughter	750.322	Most likely, if harm was intentional or if gross negligence to perform a legal duty.	If involuntary, no	Possibly a crime of child abuse	
Discharging Firearm Pointed at Another Person Resulting in Death - Manslaughter	750.329	Most likely, if harm was intentional or if gross negligence to perform a legal duty.	If involuntary, no	Firearms offense	
Intent to Assist Individual in Suicide	750.329a	Possibly, if the act was intentional or if gross negligence to perform a legal duty.	Probably not		
Criminal Sexual Conduct, Sex-Related Offenses					

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Offense	MCL	Crime Involving Moral Turpitude (CIMT)	Aggravated Felony (AF)	Other Immigration Consequences	Notes & Relevant Case Law
Failing to Register, Sex Offender	28.724	Yes, Matter of Tobbar-Lobo, 24 I&N Dec. 143 (BIA 2007).	No	A conviction under 18 USC § 2250 triggers removal under 8 USC § 1227(a)(2)(A)(v).	
Possessing Child Sexual Abusive Material	750.145c(4)	Unlikely, but avoid if possible.	Unlikely, but avoid if possible.		Arturo Mandujano-Torres, A091 480 873 (BIA Jan. 4, 2017) (unpublished).
Indecent Exposure	750.335a	Possibly	Unlikely		Matter of Alfonso Cortes Medina, 26 I&N Dec. 79 (BIA 2013); Juan Ramirez-Serna, 2018 WL 3007184 (BIA Apr. 17, 2018) (unpublished).
Prostitution	750.448 - .462	Likely. Matter of W., 4 I&N Dec. 401 (BIA 1951); Robin v. Holder, 670 F.3d 1085 (9th Cir. 2012).	Yes, if statute involves owning, controlling, managing, or supervising prostitution business, or transporting for purposes of prostitution. 8 USC § 1101(a)(43)(K). Matter of Ding, 27 I&N Dec. 295 (BIA 2018).	Might trigger inadmissibility under 8 USC § 1182(a)(2)(D)	Note, "prostitution" in the INA has been held to require "sexual intercourse for hire." <i>Keplino v. Gonzalez</i> , 454 F.3d 1057 (9th Cir. 2006). The INA also distinguishes between a single act and a pattern of activity. This is relevant to 1182(a)(2)(D) but less so for the CIMT provision.
Criminal Sexual Conduct (1st degree)	750.520b	Yes	Possibly AF "rape" under 8 USC § 1101(a)(43)(A), depending on subsection; Possibly AF: crime of violence or sexual abuse of a minor.	Not all CSC crimes are Agg Felonies. Many committed under against a minor prong would be AFs and possibly Crimes of Child Abuse 1227(a)(2)(E)(i), and others might be COVs 1227(a)(2)(E)(i) if sentence 1yr+. Also consequences under Adam Walsh Act re: right to petition foreign family members.	<i>Esquivel-Quintana v. Sessions</i> , 137 S.Ct. 1562 (2017); <i>Matter of Keeley</i> , 27 I&N Dec. 146 (BIA 2017); <i>Keeley v. Whitaker</i> , 910 F.3d 878 (6th Cir. 2018). <u>Note on prison and parole:</u> Noncitizen prisoners in MDOC custody who have final orders of removal shall be paroled halfway through their minimum sentence, unless they are serving a sentence for CSC-1, CSC-2, CSC-2, Murder-1st Deg, or Murder-2nd Deg, or they were sentenced as a habitual offender. See MCL 791.234b.
Criminal Sexual Conduct (2nd degree)	750.520c	Likely	Possibly AF crime of violence or sexual abuse of a minor, depending on the specific subsection	Could be crime of child abuse, 1227(a)(2)(E)(i); If crime of violence, could be crime of domestic violence if victim is a protected person under 8 USC 1227(a)(2)(E)(i)	<i>Esquivel-Quintana v. Sessions</i> , 137 S.Ct. 1562 (2017); <i>Matter of Keeley</i> , 27 I&N Dec. 146 (BIA 2017); <i>Keeley v. Whitaker</i> , 910 F.3d 878 (6th Cir. 2018). <u>Note on prison and parole:</u> Noncitizen prisoners in MDOC custody who have final orders of removal shall be paroled halfway through their minimum sentence, unless they are serving a sentence for CSC-1, CSC-2, CSC-2, Murder-1st Deg, or Murder-2nd Deg, or they were sentenced as a habitual offender. See MCL 791.234b.
Criminal Sexual Conduct (3rd degree)	750.520d	Likely	Possibly AF "rape" under 8 USC § 1101(a)(43)(A), depending on subsection; Possibly AF: crime of violence or sexual abuse of a minor.	Could be crime of child abuse, 1227(a)(2)(E)(i); If crime of violence, could be crime of domestic violence if victim is a protected person under 8 USC 1227(a)(2)(E)(i)	<i>Esquivel-Quintana v. Sessions</i> , 137 S.Ct. 1562 (2017); <i>Matter of Keeley</i> , 27 I&N Dec. 146 (BIA 2017); <i>Keeley v. Whitaker</i> , 910 F.3d 878 (6th Cir. 2018). <u>Note on prison and parole:</u> Noncitizen prisoners in MDOC custody who have final orders of removal shall be paroled halfway through their minimum sentence, unless they are serving a sentence for CSC-1, CSC-2, CSC-2, Murder-1st Deg, or Murder-2nd Deg, or they were sentenced as a habitual offender. See MCL 791.234b.
Criminal Sexual Conduct (4th degree)	750.520e	Likely but arguable	Possibly AF crime of violence or sexual abuse of a minor, depending on the specific subsection	Could be crime of child abuse, 1227(a)(2)(E)(i), but arguable	With all CSC offenses, the specific subdivision is critical to determining whether the offense is a CIMT, a crime of child abuse, or an aggravated felony rape, aggravated felony sexual abuse of a minor, or, if the sentence is 1 year or more, an aggravated felony crime of violence offense. Where the crime is based on the age of the victim, key factors include whether the offender knew the victim's age, the age element in the statute, and what, if any, age difference is required by the statute.
Weapons/Firearms, Assault/DV, and Disorderly Offenses					
Child Abuse (1st degree)	750.136b(2)	Likely	Possibly	Crime of child abuse, 1227(a)(2)(E)(i)	<i>Matter of Velazquez-Herrera</i> , 24 I&N Dec. 503 (BIA 2008).
Child Abuse (2nd degree)	750.136b(3)	Possibly	Unlikely	Could be crime of child abuse, 1227(a)(2)(E)(i)	<i>Matter of Velazquez-Herrera</i> , 24 I&N Dec. 503 (BIA 2008).

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Offense	MCL	Crime Involving Moral Turpitude (CIMT)	Aggravated Felony (AF)	Other Immigration Consequences	Notes & Relevant Case Law
Child Abuse (3rd degree)	750.1366b(5)	Possibly	Unlikely	Could be crime of child abuse, 1227(a)(2)(E)(f)	<i>Matter of Velazquez-Herrera</i> , 24 I&N Dec. 503 (BIA 2008).
Child Abuse (4th degree)	750.1366b(7)	Possibly	Unlikely	Could be crime of child abuse, 1227(a)(2)(E)(f)	<i>Matter of Velazquez-Herrera</i> , 24 I&N Dec. 503 (BIA 2008).
Vulnerable Adult Abuse - 1st Degree	750.145n	Likely	Unlikely		<i>Gelin v. U.S. Atty Gen.</i> , 837 F.3d 1236, 1243-46 (11th Cir. 2016)
Ethnic Intimidation	750.147b	Yes	No		
Criminal Nonsupport (Spouse or Children)	750.165	Unlikely	No	Could impact good moral character and discretion	Immigration prosecutors have argued that nonpayment of child support is a CIMT, however, it is unlikely that it would ultimately be deemed a CIMT.
Disorderly Person	750.168	No	No	No	Best practice would be to avoid a plea to 750.167(b) or (f) [relating to prostitution]. Consultation with immigration counsel about the subsection and factual predicate are critical.
Disturbance of Lawful Meeting	750.170	No	No	No	
Felon in Possession of a Firearm	750.224f	Yes	Possibly, under 8 USC § 1101(a)(43)(E) if analogous to an enumerated offense in 18 USC § 922.	Firearms offense, 8 USC 1227(a)(2)(C)	
Carrying a Dangerous Weapon with Unlawful Intent	750.226	Likely	Unlikely, but avoid a sentence of 1 year	If record of conviction identifies weapon as a firearm, could trigger removability under 8 USC 1227(a)(2)(C)	Cadren Everald Todd, 2006 WL 3485847 (BIA Oct. 26, 2006) (unpublished).
Carrying a Concealed Weapon (CCW) (Non-Firearm / Dangerous Weapon)	750.227(1)	Unlikely	Unlikely	Not a firearms offense if CCW under the "dangerous weapons" prong.	See Cadren Everald Todd, 2006 WL 3485847 (BIA Oct. 26, 2006) (unpublished).
Carrying a Concealed Weapon (CCW) (Firearm / Pistol)	750.227(2)	Unlikely	Unlikely	Firearms offense, 8 USC 1227(a)(2)(C). All offenses on this chart where firearms is an element raises potential for 237(a)(2)(C) charge. But see notes.	Seek modification to 750.227(1) (non-firearm). Antique Firearms Exception: There is a decent argument that certain Michigan firearms convictions do not trigger removability because they lack an exception for antique weapons. Recent Supreme Court decisions on the realistic probability test may make this a winning argument. However, because of the uncertainty around this, still advise against a plea to any firearms offenses if at all possible, and only look for a plea to a safer firearms offense if it is unavoidable. Offenses with firearms may not be CIMTs if no willingness to risk potential serious harm: "The BIA found in an unpublished opinion that an Oklahoma statute criminalizing the use of a vehicle to "facilitate the intentional discharge of any kind of firearm [...] in conscious disregard for the safety of any other person or persons" is a CIMT. See <i>Matter of Cadren Everald Todd</i> , No. AXXXX XX5 194, 2006 WL 3485847 (BIA Oct. 26, 2006). However, it did so since "the willingness to risk the potential serious harm [...] is enough to bring it within the realm of turpitudinous behavior." <i>Id.</i> " Source: https://www.saltcoalition.org/sites/default/files/2021-09-09%20-%20CAIR%20Coalition%20-%20CIR%20Chart%20-%20Section%20-%20-%20-%20Firearms%200ffenses.pdf
Felony Firearm	750.227b	Yes, if underlying felony is a CIMT	Yes, if underlying felony and sentence would be aggravated felony. <i>Sandoval-Hernandez v. Barr</i> , No. 18-3537 n.1 (6th Cir. March 5, 2019). (2) Possibly under 8 USC § 1101(a)(43)(E) and 18 USC § 924(b)	Firearms offense, 8 USC 1227(a)(2)(C)	
Transporting/Possessing a Firearm in a Motor Vehicle	750.227d	Unlikely	Unlikely	Firearms offense, 8 USC 1227(a)(2)(C)	Cadren Everald Todd, 2006 WL 3485847 (BIA Oct. 26, 2006) (unpublished). Note regarding Concealed Pistol License (CPL) eligibility: This is the only firearm-related offense in Michigan that will preserve a person's eligibility for a CPL. A noncitizen "lawfully admitted into the United States" who satisfies other requirements can be granted a CPL. https://www.michigan.gov/msp/services/cw/concealed-pistol-license-requirements <i>Matter of Flores-Abarca</i> , 26 I&N Dec. 922 (BIA 2017).

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Offense	MCL	Crime Involving Moral Turpitude (CIMT)	Aggravated Felony (AF)	Other Immigration Consequences	Notes & Relevant Case Law
Discharge of a Firearm from A Motor Vehicle	750.234a(1)(a)	Likely	Possibly	Firearms offense, 8 USC 1227(a)(2)(C)	Cadren Everaldo Todd, 2006 WL 3485847 (BIA Oct. 26, 2006) (unpublished).
Kidnapping	750.349	Likely	Possibly, under 8 USC § 1101(a)(43)(H) if described in 18 USC 875, 876, 877, or 1202 (relating to demand for or receipt of ransom. Unlikely but could be an aggravated felony crime of violence depending on the subsection and sentence.	Depending on the subsection, could also implicate other removal grounds like sexual abuse of a minor or rape.	
Unlawful Imprisonment	750.349b	Possibly			
Stalking	750.411h	Unlikely	No	Possibly a crime of domestic violence or stalking under 8 USC 1227(A)(2)(E)	Matter of Ajami, 22 I&N Dec. 949 (BIA 1999) (may no longer be good law); Matter of U. Singh, 25 I&N Dec. 670 (BIA 2012); Matter of Sanchez-Lopez, 27 I&N Dec. 256 (BIA 2018)
Aggravated Stalking	750.411i	Possibly	No	Possibly a crime of domestic violence or stalking under 8 USC 1227(A)(2)(E)	Matter of Ajami, 22 I&N Dec. 949 (BIA 1999) (may no longer be good law); Matter of U. Singh, 25 I&N Dec. 670 (BIA 2012); Matter of Sanchez-Lopez, 27 I&N Dec. 256 (BIA 2018)
Obstructing Phone Lines	750.540	Possibly	Unlikely	Unlikely	
Malicious Use of a Telecommunications Device	750.540e	Possibly	Unlikely	Unlikely	
Assault & Battery (Simple)	750.81(1)	Unlikely	No, because sentence cannot be at least 1 year	If crime of violence, could be crime of domestic violence if victim is a protected person under 8 USC 1227(a)(2)(E)(i)	Based on our reading of the MCL, a conviction for domestic assault/simple assault & battery doesn't entail an intent to injure (and is therefore not a CIMT), even though assault is a specific intent crime in Michigan. See also Maurizio Flores Ventura, 2018 WL 3416233 (BIA May 24, 2018) (unpublished); Matter of Julio Cesar Abotaldejo-Guzman, 25 I&N Dec. 465 (BIA 2011).
Domestic Assault	750.81(2), (4), (5)	Unlikely	No, because sentence cannot be at least 1 year	If crime of violence, could be crime of domestic violence if victim is a protected person under 8 USC 1227(a)(2)(E)(i)	Even if victim is a protected person under 8 USC § 1227(a)(2)(E)(i), unlikely to be a "crime of domestic violence" because it does not require violent force. Matter of S-S-P, (BIA Aug. 4, 2017) (unpublished). S-S-P, XXXX XXX 854 (BIA Aug. 4, 2017) (unpublished); <i>Shan v. Lynch</i> , 828 F.3d 440 (6th Cir. 2016). Under finalized but currently enjoined rules, could trigger bar to asylum. 85 Fed. Reg. 67202 (10/21/2020).
Assault (Aggravated)	750.81a(1)	Possibly; Compare Deng v. Holder, No. 13-4295 (6th Cir. July 10, 2014) and Matter of Sangchal Lee, A200-298-115 (BIA July 5, 2013) (unpublished) and Hernandez v. Whitaker, 914 F.3d 430 (6th Cir. 2019)	Likely if sentence of 1 year or more. US v. Harris, 853 F.3d 318 (6th Cir. 2017); US v. Burris, 912 F.3d 386 (6th Cir. 2019).	If crime of violence, could be crime of domestic violence if victim is a protected person under 8 USC 127(a)(2)(E)(i)	<i>Hernandez v. Whitaker</i> , 914 F.3d 430 (6th Cir. 2019); <i>US v. Harris</i> , 853 F.3d 318 (6th Cir. 2017); <i>US v. Burris</i> , 912 F.3d 386 (6th Cir. 2019).
Assaulting, Resisting or Obstructing a Police Officer or Person Performing Duties	750.81d(1)	Unlikely since statute includes nonviolent civil disobedience, e.g. sit-ins	Unlikely, under 8 USC § 1101(a)(43)(F) but avoid a sentence of 1 year or more.	Most likely not a crime of violence, since does not have an element of use of force.. <i>Sessions v. Dimitrova</i>	Ronal Antonio Dominguez, 2017 WL 6555134 (BIA Oct. 3, 2017) (unpublished).
Felonious Assault (Assault with a Dangerous Weapon)	750.82	Unlikely. Hernandez v. Whitaker, 914 F.3d 430 (6th Cir. 2019);	Likely if sentence of 1 year or more. US v. Harris, 853 F.3d 318 (6th Cir. 2017); but see Matter of J-G-P, 27 I. & N. Dec. 642 (BIA 2019)	Unlikely to trigger removability as firearms offense under 8 USC 1227(a)(2)(C) because statute not divisible as to type of weapon; if crime of violence, could be crime of domestic violence	<i>Hernandez v. Whitaker</i> , 914 F.3d 430 (6th Cir. 2019); <i>US v. Harris</i> , 853 F.3d 318 (6th Cir. 2017).
Assault with Intent to Murder	750.83	Likely	Likely if sentence of 1 year or more.	If crime of violence, could be crime of domestic violence if victim is a protected person under 8 USC 127(a)(2)(E)(i)	
Assault with Intent to do Great Bodily Harm Less than Murder	750.84	Likely	Likely if sentence of 1 year or more. Hassan Ibrahim Bazzi, 2007 WL 1125702 (BIA Feb. 23 2007)(unpublished)	If crime of violence, could be crime of domestic violence if victim is a protected person under 8 USC 127(a)(2)(E)(i)	
Assault with Intent to Commit a Felony	750.87	Likely, if intended felony is a CIMT	Unlikely, though may depend on underlying felony	Possibly, though may depend on underlying felony	

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Offense	MCL	Crime Involving Moral Turpitude (CIMT)	Aggravated Felony (AF)	Other Immigration Consequences	Notes & Relevant Case Law
Assault with Intent to Rob and Steal; Unarmed	750.88	Likely	Likely if sentence of 1 year or more. 8 USC § 1101(a)(43)(F) and possibly (G), Shuti v. Barr, 19-4224 (6th Cir. Nov. 12, 2020); U.S. v. Fuller-Ragland, 931 F.3d 456 (6th Cir. 2019).		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016).
Assault with Intent to Rob and Steal; Armed	750.89	Likely	Likely if sentence of 1 year or more. 8 USC § 1101(a)(43)(F) and possibly (G), Shuti v. Barr, 19-4224 (6th Cir. Nov. 12, 2020); U.S. v. Fuller-Ragland, 931 F.3d 456 (6th Cir. 2019).	Unlikely to trigger removability as firearms offense under 8 USC 1227(a)(2)(C) because statute not divisible as to the type of weapon.	<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016); US v. Harris, 853 F.3d 318 (6th Cir. 2017).
Fraud, Theft, Deception, and Computer Offenses					
Unlawful Possession of Personal Identification of Another	28.295(3)	Unlikely	Unlikely		
Fraudulent Receipt of Public Assistance Benefits (>\$500)	400.60	Likely, because of the “willful false statement or representation” element	Possibly under 8 USC 1101(a)(43)(M)(i) if amount of loss exceeds \$10,000.		
Checks Without Sufficient Funds	750.131	Likely	Possibly under 8 USC 1101(a)(43)(M)(i) if amount of loss exceeds \$10,000.		<i>Matter of Khalik</i> , 17 I&N Dec. 518 (BIA 1980).
Drawing Check on Bank Without Account	750.131a(1)	Yes	Possibly under 8 USC 1101(a)(43)(M)(i) if amount of loss exceeds \$10,000.		
Three Insufficient Fund Checks Within 10 Days	750.131a(2)	Yes	No		
Use of a Computer to Commit Specified Crimes	750.145d	Likely, if underlying crime is a CIMT	Likely, if underlying crime is an aggravated felony	Can carry other immigration consequences if the underlying crime also does so.	
Stealing, Removing, or Hiding Another’s Financial Transaction Device Without Consent	750.157n	Yes	No		
Possession of Another’s Financial Transaction Device with Intent to Use, Deliver, Circulate, or Sell	750.157p	Yes, if sentence is at least 1 year.	No		
Embezzlement	750.174	Yes	Not aggravated felony fraud/deceit offense under 8 USC 1101(a)(43)(M)(i) if there is an intent to injure as opposed to an intent to defraud. To be safe, keep the amount of loss under \$10,000. Could also be aggravated felony theft offense under 8 USC 1101(a)(43)(G), so keep sentence to less than one year.		<i>Akimsade v. Holder</i> , 678 F.3d 138 (2d Cir. 2012); <i>Valanxi v. Ashcroft</i> , 278 F.3d 203 (3d Cir. 2002); <i>Matter of Reyes</i> , 28 I&N Dec. 52 (A.G. 2020) (theft/fraud hybrid offenses).
Malicious Threats to Extort Money	750.213	Yes	Yes, if sentence is at least 1 year.		
False Pretenses	750.218	Yes	Unlikely, but should avoid a loss to the victim of \$10,000 to avoid fraud/deceit aggravated felony		

MI Criminal Immigration Consequences Chart

Offense	MCL	Crime Involving Moral Turpitude (CIMT)	Aggravated Felony (AF)	Other Immigration Consequences	Notes & Relevant Case Law
Forgery	750.248	Yes	Likely, if sentence is at least 1 year. 8 USC § 1101(a)(43)(R)		
Uttering and Publishing	750.249	Likely	Likely, if loss to victim exceeds \$10,000, 8 USC § 1101(a)(43)(M)(i), or if sentence of at least 1 year. 8 USC § 1101(a)(43)(R).		<i>Yevemin v. Holder</i> , 738 F.3d 708 (6th Cir. 2013).
Larceny - \$20,000+ or 3rd Offense of \$1,000+	750.356(2)	Likely	Likely, if sentence is 1 year or more.		
Larceny - \$1,000 to \$20,000 or 2nd Offense of \$1,000+	750.356(3)	Likely	Likely, if sentence is 1 year or more.		
Larceny - \$200 to \$1,000 or 2nd Offense	750.356(4)	Likely	Likely, if sentence is at least 1 year	Under INA 237(a)(2)(A)(i), this is a removable offense because it is punishable by imprisonment for not more than 1 year, even though it is categorized as a misdemeanor.	
Larceny - Less than \$200	750.356(5)	Likely	No		
Larceny from a Vehicle	750.356a(1)	Likely	Likely, if sentence is at least 1 year. 8 USC § 1101(a)(43)(G)		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016).
Fraud, Retail (1st degree - Price Switching)	750.356c(1)(a)	Likely	Likely, if loss to victim exceeds \$10,000		<i>Kawashima v. Holder</i> , 565 U.S. 478 (2012); <i>Pilla v. Holder</i> , 458 Fed.Appx. 518 (6th Cir. 2012); <i>Katherine Lim Miawe Co.</i> , 2018 WL 1756892 (BIA Jan. 8, 2018) (unpublished).
Fraud, Retail (1st degree - Theft)	750.356c(1)(b)	Likely	Likely, if sentence is at least 1 year		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016); see also <i>Matter of Reyes</i> , 28 I&N Dec. 52 (A.G. 2020) (theft/fraud hybrid offenses).
Fraud, Retail (1st degree - False Exchange)	750.356c(1)(c)	Likely	Likely, if loss to victim exceeds \$10,000		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016); see also <i>Matter of Reyes</i> , 28 I&N Dec. 52 (A.G. 2020) (theft/fraud hybrid offenses).
Fraud, Retail (2nd/3rd degree - Price Switching)	750.356d(1)(a)	Likely	Unlikely, but avoid sentence of 1 year and loss to victim of \$10,000		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016); see also <i>Matter of Reyes</i> , 28 I&N Dec. 52 (A.G. 2020) (theft/fraud hybrid offenses).
Fraud, Retail (2nd/3rd degree - Theft)	750.356d(1)(b)	Likely	Likely, if sentence is at least 1 year or loss to victim exceeds \$10,000		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016); see also <i>Matter of Reyes</i> , 28 I&N Dec. 52 (A.G. 2020) (theft/fraud hybrid offenses).
Fraud, Retail (2nd/3rd degree - False Exchange)	750.356d(1)(c)	Likely	Likely, if sentence is at least 1 year or loss to victim exceeds \$10,000		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016); see also <i>Matter of Reyes</i> , 28 I&N Dec. 52 (A.G. 2020) (theft/fraud hybrid offenses).
Larceny from a Person	750.357	Likely	Yes, if sentence is at least 1 year		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016).
Larceny in a Building	750.360	Likely	Yes, if sentence is at least 1 year		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016); see also <i>Matter of Reyes</i> , 28 I&N Dec. 52 (A.G. 2020) (theft/fraud hybrid offenses).
Larceny by Conversion	750.362	Likely	Likely, if loss to victim exceeds \$10,000 or possibly if sentence is at least 1 year		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016); <i>Matter of Garcia-Madruga</i> , 24 I&N Dec. 436 (BIA 2008); <i>Matter of Reyes</i> , 28 I&N Dec. 52 (A.G. 2020) (theft/fraud hybrid offenses).
False Report of a Felony	750.411a(1)(b)	Likely, unless statute does not require intent to defraud or mislead police	No		
Unlawfully Driving Away an Automobile (UDAA)	750.413	Likely	Possibly if sentence is at least 1 year		
Unlawful Use of an Automobile (UUA)	750.414	Unlikely	Unlikely, but avoid a sentence of at least 1 year		

MI Criminal Immigration Consequences Chart

Offense	MCL	Crime Involving Moral Turpitude (CIMT)	Aggravated Felony (AF)	Other Immigration Consequences	Notes & Relevant Case Law
Perjury Committed in Courts	750.422	Yes	Yes, if sentence is at least 1 year.		
Perjury	750.423	Yes	Yes, if sentence is at least 1 year.		
Receiving or Concealing Stolen Property (RCSP)	750.535	Unlikely; arguably not a CIMT because includes "reason to believe", "mens rea."	Unlikely; arguably not an AF because includes "reason to believe", "mens rea"		<i>Matter of Bepean Joseph Deang</i> , 27 I&N Dec. 57 (BIA 2017).
Fraudulent Access to Computers - Less than \$200	752.794; 752.797(1)(a)	Possibly	No		
Fraudulent Access to Computers - \$200 to \$1,000 or 2nd Offense	752.794; 752.797(1)(b)	Possibly	No		
Fraudulent Access to Computers - \$1,000 to \$20,000 or 3rd Offense	752.794; 752.797(1)(c)	Likely	Likely, if loss to victim exceeds \$10,000		
Fraudulent Access to Computers - \$20,000+ or 4th Offense	752.794; 752.797(1)(d)	Likely	Likely, if loss to victim exceeds \$10,000		
Prohibited Access to Computer System	752.795	It depends on which portion of the divisible statute individual convicted of	Unlikely		
Use of a Computer to Commit a Crime	752.796	Likely, if underlying crime is a CIMT	Likely, if underlying crime is an aggravated felony	Can carry other immigration consequences if the underlying crime also does so. Note: If punished under 752.797(3)(a), this is a removable offense under INA 237(a)(2)(A)(i), because it is punishable by "imprisonment for not more than 1 year," even though it is categorized as a misdemeanor.	
Use of a Computer to Commit a Crime	752.796	see "Inchoate Crimes"			
Burglary/Robbery, Home Invasion, Property Destruction Offenses					
Arson	750.72-.76	Likely, but see <i>Rosa Pena v. Sessions</i> , 882 F.3d 284 (1st Cir. 2018) (remanding to BIA); <i>Matter of S</i> , 31 I&N Dec. 617 (BIA 1949);	Likely, if described in 8 USC § 1101(a)(43)(E)(i) & USC 844(d)-(f). In re <i>Shanta Dargbeh</i> , 2017 WL 4418334 (BIA Jul. 21, 2017) (unpublished) & (BIA Sept. 11, 2019) (unpublished)		<i>Matter of S</i> , 31 I&N Dec. 617 (BIA 1949); In re <i>Shanta Dargbeh</i> , 2017 WL 4418334 (BIA Jul. 21, 2017) (unpublished); pending decision on remand in <i>Rosa Pena v. Sessions</i> , 882 F.3d 284 (1st Cir. 2018) which may affect the CIMT analysis.
Breaking and Entering	750.110	Likely, if the underlying offense is a CIMT	Likely, if crime of violence under 18 USC § 16(a) and sentence is at least 1 year		
Home Invasion	750.110a(2-4)	Likely	Possibly, if the underlying offense is an AF Likely, if sentence is at least 1 year. 8 USC § 1101(a)(43)(G)		CIMT: <i>Matter of J-G-D-F</i> , 27 I&N Dec. 82 (BIA 2017). AF: <i>Matter of Ramon Jasso Aranguez</i> , 27 I&N Dec. 178 (BIA 2017, vacated & remanded on other grounds); <i>US v. Quarles</i> , 850 F.3d 836 (6th Cir. 2017); <i>Quarles v. US</i> , 587 U.S. ___ (2019).

MI Criminal Immigration Consequences Chart

Offense	MCL	Crime Involving Moral Turpitude (CIMT)	Aggravated Felony (AF)	Other Immigration Consequences	Notes & Relevant Case Law
Entering Without Breaking	750.111	Depends on the underlying offense; see notes.	Depends on the underlying offense; see notes.		An Immigration Judge can see whether the target offense is a CIMT using the modified categorical approach; check this chart to see if that misdemeanor/target offense is likely to be a CIMT. <i>See also regarding similar statute:</i> Mykola Nykholat, A087 261 881 (BIA June 3, 2011) (unpublished); entering without permission in violation of Mich. Comp. Laws § 750.115(1) is not a crime involving moral turpitude because the statute does not require an intent to commit a morally turpitudinous crime.
Entering Without Permission	750.115	Unlikely, see unpublished BIA decision in notes	Unlikely		Mykola Nykholat, A087 261 881 (BIA June 3, 2011) (unpublished); entering without permission in violation of Mich. Comp. Laws § 750.115(1) is not a crime involving moral turpitude because the statute does not require an intent to commit a morally turpitudinous crime.
Possession of Burglar's Tools	750.116	Likely. The CIMT analysis is tied to the CIMT analysis of breaking and entering (MCL 750.110), above	Possibly		The CIMT analysis is tied to the CIMT analysis of breaking and entering (MCL 750.110), above; Manuel Agustin Plazaola Vargas, 2005 WL 1104252 (BIA Mar. 29, 2005) (unpublished).
Breaking, Escaping, or Attempting to Break or Escape from Prison	750.193	Yes	Yes		
Breaking, Escaping, or Leaving Jail	750.195	Yes	Yes		
Breaking or Entering a Vehicle with Intent to Steal Property, Damaging the Vehicle	750.356a(3)	Likely	Likely, if sentence is at least 1 year		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016); Joao Maria Oliveira Pavao, 2009 WL 1653712 (BIA May 11, 2009)(unpublished).
Malicious Destruction of Property	750.377a	Likely	Likely if it is a crime of violence under 18 USC 16(a) and the sentence is at least one year.		
Robbery (Armed)	750.529	Likely	Likely as crime of violence, if sentence is at least 1 year.		Alain Patrana, 2014 WL 7691444 (BIA Dec. 22, 2014) (unpublished).
Carjacking	750.529a	Likely. <i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016).	Likely, if sentence is at least 1 year. Chaney v. U.S., 917 F.3d 895 (6th Cir. 2019).	Could be firearms offense, 8 USC 1227(a)(2)(C)	<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016). U.S. v. Fuller-Ragland, 931 F.3d 456 (6th Cir. 2019).
Robbery (Unarmed)	750.530	Likely	Likely as crime of violence, if sentence is at least 1 year.		<i>Matter of Guillermo Diaz-Lizarraga</i> , 26 I&N Dec. 847 (BIA 2016).
Controlled Substances Offenses					
Manufacture/Possession with Intent to Deliver (anything but marijuana)	333.7401(2)(a)	Yes	Yes	Also a removable "controlled substance offense" [8 USC § 1227(a)(2)(B)] and triggers inadmissible "reason to believe" a drug trafficker ground [8 USC § 1182(e)(2)(C)]	Possible safe harbor if substance identified in record of conviction is not on the federal controlled substance schedules.
Manufacture/Possession with Intent to Deliver (>5kg Marijuana)	333.7401(2)(d)(i)-(ii)	Yes	Likely because quantity is defined as more than 5kg	Also a removable "controlled substance offense" [8 USC § 1227(a)(2)(B)] and triggers inadmissible "reason to believe" a drug trafficker ground [8 USC § 1182(e)(2)(C)]	
Manufacture/Possession with Intent to Deliver (<5kg Marijuana)	333.7401(2)(d)(iii)	Yes	Unlikely, at least not under subsection for the lowest quantity, because it include can social sharing of small amounts of marijuana for no remuneration.	Also a removable "controlled substance offense" [8 USC § 1227(a)(2)(B)] and triggers inadmissible "reason to believe" a drug trafficker ground [8 USC § 1182(e)(2)(C)]	
Possession of Controlled Substance (anything but marijuana)	333.7403(2)(a)(iv)	Unlikely	No, unless it would be a federal felony (more than a certain amount of crack, or certain recidivist offenses)	Also a removable "controlled substance offense" [8 USC § 1227(a)(2)(B)] and triggers inadmissible "reason to believe" a drug trafficker ground [8 USC § 1182(e)(2)(C)]	Possible safe harbor if substance identified in record of conviction is not on the federal controlled substance schedules.

MI Criminal Immigration Consequences Chart

Offense	MCL	Crime Involving Moral Turpitude (CIMT)	Aggravated Felony (AF)	Other Immigration Consequences	Notes & Relevant Case Law
Possession of Marijuana	333.7403(2)(d)	Unlikely	No	A controlled substance offense. If a single conviction involving less than 30 grams for personal use would not be deportable offense under 8 USC § 1227(a)(2)(B)(i) but could trigger inadmissibility under 8 USC § 1182(a)(2)(A)(i)(I)	
Drug House, Keeping	333.7405	Possibly	Yes, if it would be regarded as federal felony drug offense. This has been found to be drug trafficking. Aggs Felony but I think they're wrong.; Yes, 8 USC § 1101(a)(43)(B), because it has been found analogous to a federal felony. US v. Grayson, 731 F.3d 605 (6th Cir. 2013).	Could trigger controlled substance grounds	
Controlled Substance Obtained by Fraud	333.7407	Yes	Potentially	Could trigger controlled substance grounds	
Driving-Related Offenses					
Driving Without a License	257.301	No	No	None	
Fleeing & Eluding - 4th Degree	257.602a(2)	Possibly. Ruiz-Lopez v. Holder, 682 F.3d 513 (6th Cir. 2012)	Unlikely, but see U.S. v. Ball, 771 F.3d 964 (6th Cir. 2014)		Note, <i>Ball</i> precedes <i>Shuti v. Lynch</i> , 828 F.3d 440 (6th Cir. 2016).
Fleeing & Eluding - 3rd Degree	257.602a(3)	Possibly. Ruiz-Lopez v. Holder, 682 F.3d 513 (6th Cir. 2012)	Unlikely, but see U.S. v. Ball, 771 F.3d 964 (6th Cir. 2014)		Note, <i>Ball</i> precedes <i>Shuti v. Lynch</i> , 828 F.3d 440 (6th Cir. 2016).
Fleeing & Eluding - 2nd Degree	257.602a(4)	Possibly. Ruiz-Lopez v. Holder, 682 F.3d 513 (6th Cir. 2012)	Unlikely, but see U.S. v. Ball, 771 F.3d 964 (6th Cir. 2014)		Note, <i>Ball</i> precedes <i>Shuti v. Lynch</i> , 828 F.3d 440 (6th Cir. 2016).
Fleeing & Eluding - 1st Degree	257.602a(5)	Possibly. Ruiz-Lopez v. Holder, 682 F.3d 513 (6th Cir. 2012)	Unlikely, but see U.S. v. Ball, 771 F.3d 964 (6th Cir. 2014)		
Leaving the Scene of an Accident Causing Serious Injury	257.617(b)	Unlikely	No		Compare <i>Cerezo v. Mukasey</i> , 512 F.3d 1163 (9th Cir. 2008) (not a CIMT) and <i>Nunez-Vasquez v. Barr</i> , 965 F.3d 272 (4th Cir. 2020) (same) with <i>Garcia-Maldonado v. Gonzales</i> , 491 F.3d 819 (5th Cir. 2007) (is a CIMT).
Leaving the Scene of an Accident	257.618	Unlikely	Unlikely		
Operating While Intoxicated (OWI)	257.625	No	No	"Serious misdemeanor" triggers denial/revocation of DACA; harmful to chances of being released on bond by D; triggers inadmissibility to Canada.	Alcohol-related driving offenses can lead to prudential revocation of visas and inadmissibility on medical/health-related grounds, prevent an applicant from meeting good moral character requirements for naturalization and other benefits, and result in discretionary denial of relief. <i>Matter of Castillo-Perez</i> , 27 I. & N. Dec. 664 (A.G. 2019).
Driving While License Suspended or Revoked	257.904	No	No	None	