Colloquy Regarding Immigration Consequences Required by Padilla and Sandoval

Notice at Arraignment re: Immigration Consequences

Court to Defendant: You are not required to disclose your immigration or citizenship status to the court. But if you are not a citizen of the United States you should tell your lawyer, even if you do not have legal immigration status to be here, because you have the right to receive advice from your lawyer about the specific consequences and risks that your case may have on your immigration status. Depending on the facts of your case, a plea of guilty or a conviction at trial can result in your deportation and may have other negative immigration consequences, such as preventing you from gaining citizenship or lawful status to remain in the United States. In some cases, if you are convicted, detention and deportation will be required. Defense counsel must advise a noncitizen client of adverse immigration consequences.

Colloquy for the Beginning of Trial re: Immigration Consequences

Court to Defendant: You are not required to disclose your immigration or citizenship status to the court. If you are not a citizen of the United States, whether or not you have lawful immigration status, a conviction may result in detention, deportation, exclusion from the United States, or denial of naturalization or other immigration benefits, depending on the specific facts and circumstances of your case. In some cases, detention and deportation will be required. Immigration law is a complex area of law and any changes in the law could affect the consequences of a conviction. Your lawyer must advise you about these issues. You are not entitled to an immigration lawyer at public expense.

Or For a Self-Represented Individual (proceeding pro se)

(This advisement should also be given when the court grants a waiver of right to counsel.)

Court to Defendant: You are not required to disclose your immigration or citizenship status to the court. But if you are not a citizen of the United States, you have the right to receive advice from a lawyer about the specific consequences and risk that your case may have on your immigration status. You are not entitled to an immigration lawyer at public expense. Depending on the facts of your case, a plea of guilty or a conviction at trial can result in your deportation and may have other negative immigration consequences, such as preventing you from gaining citizenship or lawful status to remain in the United States. In some cases, if you are convicted, detention and deportation will be required. This is a complicated area of law and if applicable, I strongly advise you to talk with an attorney. Do you wish to set this over so that you can consult with an attorney?

Court: *Counsel, the Court wishes to ensure that you have complied with your obligations to advise your client of any adverse immigration consequences that may follow from this plea. I am not asking you to disclose anything about your client's citizenship or immigration status. Do you need any additional time to discuss this issue with your client*?

Colloquy for Entering a Plea re: Immigration Consequences

Court to Defendant: You are not required to disclose your immigration or citizenship status to the court. If you are not a citizen of the United States, whether or not you have lawful immigration status, your plea or admission of guilt [or entry of an *Alford* plea] may result in detention, deportation, exclusion from the United States, or denial of naturalization or other immigration benefits, depending on the specific facts and circumstances of your case. In some cases, detention and deportation will be required. Immigration law is a complex area of law and any changes in the law could affect the consequences of a conviction. Your lawyer must advise you about these issues. You are not entitled to an immigration lawyer at public expense.

Court: *Counsel, the Court wishes to ensure that you have complied with your obligations to advise your client of any adverse immigration consequences that may follow from a conviction. I am not asking you to disclose anything about your client's citizenship or immigration status. Do you need any additional time to discuss this issue with your client?*

Or For a Self-Represented Individual (proceeding pro se)

(This advisement should also be given when the court grants a waiver of right to counsel.)

Court to Defendant: You are not required to disclose your immigration or citizenship status to the court. If you are not a citizen of the United States, whether or not you have lawful immigration status, your plea or admission of guilt [or entry of an *Alford* plea] may result in detention, deportation, exclusion from the United States, or denial of naturalization or other immigration benefits, depending on the specific facts and circumstances of your case. In some cases, detention and deportation will be required. Immigration law is a complex area of law and any changes in the law could affect your plea. You have a right to seek advice from a lawyer about these issues before you take a plea or admit guilt to any offense. You are not entitled to an immigration lawyer at public expense. Upon request, the court will allow you additional time to consider the appropriateness of the plea in light of this notice. Do you wish to have additional time to talk with a lawyer?

Contact the Washington Defender Association Immigration Project for advice and assistance.
Website: www.defensenet.org
Telephone: 206-623-4321

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