

Immigration Resource Guide for Judges

Washington State
July 2013

Produced by the Washington State Supreme Court
Gender and Justice Commission and
Minority and Justice Commission

*This project was supported by Grant No. SJI-10-E-096
awarded by the State Justice Institute*

Dear Colleagues:

We are pleased to present this *Immigration Resource Guide* as a tool to assist you in understanding areas of immigration law relevant to your decision-making. As you know, the decisions we make in state court may have consequences in other venues. We recognize that immigration law is a complex area of law. This Resource Guide is not intended to be a comprehensive treatise on the topic. Rather, it is designed to help you become familiar with some general concepts and to provide some statutory and case law reference points that can “jump start” your own research should it become necessary. The goal is to help you remain a neutral but informed forum for ensuring that each person is properly advised of immigration consequences.

The development of this Resource Guide is the result of a coordinated effort between the Gender and Justice and the Minority and Justice Commissions. In addition, the Washington Defender Association, which is funded by the Legislature to provide assistance to prosecutors, defenders, and judges on topics related to immigration law, has provided invaluable support and assistance on this project. Ms. Ann Benson served as primary drafter of the book and her commitment to the effort is deeply appreciated.

The following individuals also deserve our recognition and gratitude:

Myra Downing, Executive Director of the Administrative Office of the Courts
Shayna Israel
Pam Dittman
Erin Sanders
Alanna Peterson

Finally, we caution the user to be aware that immigration laws are subject to change. The discussion of immigration reform is currently being undertaken by Congress and implementation of any policy changes could significantly change some of the practices and policies discussed in the Resource Book.

Sincerely,

Judge Ann Schindler

Judge Mary Yu

TABLE OF CONTENTS

CHAPTER ONE – An Overview of Relevant Immigration Law & Procedure	1-1
CHAPTER TWO – Immigration Enforcement and the Criminal Justice System.....	2-1
CHAPTER THREE – The Implications of <i>Padilla v. Kentucky</i> and <i>State v. Sandoval</i>	3-1
CHAPTER FOUR – Washington State Crimes and the Grounds of Deportation and Inadmissibility	4-1
CHAPTER FIVE – The Importance of the Criminal Record of Conviction in Determining Immigration Consequences	5-1
CHAPTER SIX – Convictions Under Immigration Law.....	6-1
CHAPTER SEVEN – Sentences Under Immigration Law	7-1
CHAPTER EIGHT – Juveniles	8-1
CHAPTER NINE – Vienna Convention Issues	9-1