

New Resource on Immigration Consequences of a Criminal Conviction

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Categories : [Crimes and Elements](#), [Procedure](#), [Uncategorized](#)

Tagged as : [collateral consequences](#), [immigration](#), [removal](#)

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I am excited to announce the release of the 2017 edition of our manual, specific to North Carolina law and practice, on the [immigration consequences of a criminal conviction](#). We hope that this online manual, which can be viewed at no charge, will be a useful resource in understanding this challenging area of law.

It is especially important for criminal defense attorneys to understand this field in representing noncitizen clients. For years, national practice standards have recognized criminal defense counsel's role in advising noncitizen defendants about the immigration consequences of a criminal conviction. Now such advice is constitutionally required by the U.S. Supreme Court's landmark decision in *Padilla v. Kentucky*, 559 U.S. 356 (2010). *See also State v. Nkiam*, ___ N.C. App. ___, 778 S.E.2d 863 (2015) (recognizing requirements of *Padilla*), which I previously blogged about [here](#). A failure to give competent advice to clients about the immigration consequences of a criminal conviction may constitute ineffective assistance of counsel.

Our goal has been to develop a clear, usable resource to assist attorneys in meeting their constitutional obligations. The manual explains, among other things, the different types of immigration status of noncitizens, the criminal grounds for removal (deportation) and other immigration consequences, and potential options for minimizing those consequences. In addition, the manual includes an [extensive chart](#) assessing the likelihood of removal based on conviction of commonly-charged North Carolina offenses.

There are several ways to find what you need in the manual:

Drop down menus. A navigation bar for the immigration manual and other manuals in the School's Indigent Defense Manual Series appears at the top of the [defender manuals website](#). To explore a specific manual, move your mouse to the navigation bar and a drop down menu with chapters will appear. Move your mouse to the right of a chapter name and sections appear (in manuals beginning in 2011, which have been separated into sections).

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Sections. The Section box to the right displays the sections in the chapter that you're viewing. Click on the link to jump to another section.

Related content. When you're viewing a section of a manual, the Related Content box to the right displays links to related chapters and sections.

The Indigent Defense Manual series is designed for online use; however, you may download and print portions for your personal use. The manuals will also be available soon for purchase as soft-bound books (rather than in three-ring binders, which we previously used). If you'd like to be notified when the immigration manual is available for purchase, click [here](#).

I have the happy duty of writing this blog, but the credit for this achievement really belongs to Sejal Zota, the principal author of both this edition and the first edition of the manual. Formerly an immigration law specialist at the School of Government, she is the Legal Director of the National Immigration Project of the National Lawyers Guild and, fortunately for us, still resides nearby in Durham. The Office of Indigent Defense Services and the School of Government also deserve recognition for their support of this manual. Their collaboration on this and other education projects has enhanced the resources available to indigent defenders.

Questions, comments, and suggestions are welcome. You may contact Sejal Zota at sejal@nlpnl.org or John Rubin at rubin@sog.unc.edu.