

Consequences of DUI's on naturalization and green card

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Submitted by Chief Editor on Jan 6th 2009

Dear Mr.Khanna, I have reading all your post and found you quite informative. I will appreciate if you can let me know the possible consequences of my case. I was in restaurant in Gaithersburg MD on Jan 29 2008 with my boss who was visiting from Atlanta. I had a beer and 2 glasses of wine with dinner came out sat in the car and started backing up. As you know it was winter and had rained earlier the windscreen at the back got fogged out. While backing up I hit a car parked. Police was in that parking lot and arrested for drunk driving. I blew .09. I was given a bunch of tickets after being 30 minutes in the precinct and was released. In the court they dismissed 2 tickets like DUI and DUI par se and convicted me DWI and Failure to control Speed to Avoid Collision. BTW DWI in MD is a lesser offence when you blow less than the state .08 BAC typically .07. And Failure to control speed to avoid collision which is maximum fine \$130.00.Now the Judge gave me Supervised Probation till I finish my MADD Class. After that the Probation goes to Unsupervised for 12 Months. Now I am elligible to file citizenship. I have finished 5 years of LPR time with minimal travel aborad. Now my questions are : 1.) Will I get deported or removed. 2.) Will I have problems while entering POE while travelling from overseas. 3.) Will my Citizenship be denied if I file after my probation gets over. Please share your knowledge It will immensely help my stress. This one mistake of my life has really taken a toll in my life. Your earliest reply will highly appreciated.

ANSWER:

Let us look at the law for green cards and removal (deportation) first.

Remember the following GENERAL elements of the law (there is more to it).

1. Traffic violations that are not considered crimes under state law have no implications and create no problems for your green card.
2. If you have only one conviction ever and it is a misdemeanor, you are AUTOMATICALLY protected by law and forgiven under a provision of law called "petty offense exception."
3. If you have a conviction for a felony we have to look at the law very carefully, but not all felonies are necessarily a problem fro your green card

For naturalization, even too many traffic tickets can become an issue, if CIS wants to make it so. Generally speaking they look at only the last five years from your application for your history, but there is no law prohibiting them from going back further in time.

Any kind of crimes could become a problem for naturalization and you must get yourself a lawyer if you have a criminal history of any kind.

Both traffic tickets and crimes go to the issue of "good moral character," a prerequisite to naturalization.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [2] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [3]

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