

Crimes Involving Moral Turpitude (CIMT) and Criminal Proceedings

Definition and Legal Meaning

A **Crime Involving Moral Turpitude (CIMT)** is an offense that reflects conduct that is **inherently dishonest, depraved, or morally reprehensible**. The term is not clearly defined by statute but has been shaped through decades of immigration and criminal case law. Courts generally describe a CIMT as an act that shocks the public conscience, demonstrates a person's **intent to harm, defraud, or exploit others**, or shows **grave disrespect for societal norms**.

How CIMTs Connect to Criminal Prosecutions

When a person is charged with or convicted of a crime, prosecutors focus on proving the criminal elements under state or federal law. However, for **noncitizens**, a conviction may also carry **immigration consequences** if the crime qualifies as a CIMT.

During prosecution:

- The **criminal court** determines guilt and sentencing.
- The **immigration court** later reviews the conviction record to decide whether it qualifies as a CIMT, which can trigger **inadmissibility, deportability, or denial of naturalization**.

Because CIMTs are interpreted differently across jurisdictions, even a misdemeanor conviction can have severe effects for immigrants.

Examples of Common CIMTs

- Fraud or deceit-based crimes
 - Theft or robbery (with intent to permanently deprive)
 - Forgery, embezzlement, or perjury
 - Murder, voluntary manslaughter, or aggravated assault
 - Sexual offenses involving coercion, exploitation, or abuse
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Revenge Pornography as a CIMT

Revenge pornography—the intentional distribution of intimate images without consent—is increasingly prosecuted under state laws and can qualify as a **crime involving moral turpitude**, depending on the facts.

Why it may qualify as a CIMT:

- It involves **intentional harm**, humiliation, or exploitation of another person.
- The act is considered **malicious and morally depraved**, violating another's privacy and dignity.
- Courts view the act as **an abuse of trust and power**, often with significant emotional and social damage to the victim.

Legal consequences:

- States prosecute revenge pornography under statutes related to privacy invasion, harassment, or cyber exploitation.
 - Conviction can lead to jail time, fines, sex offender registration (in some states), and **immigration consequences** if the offender is a noncitizen.
 - In immigration court, the intent and nature of harm are critical factors in determining whether the act qualifies as a CIMT. Revenge pornography usually meets that threshold because it involves **willful intent to cause serious harm**.
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Criminal Prosecution and Immigration Proceedings

When a person is charged with a CIMT offense, two tracks may unfold:

1. Criminal Court Process

- **Arrest and Charges:** The local or state prosecutor files criminal charges.
- **Arraignment:** The defendant enters a plea.
- **Trial or Plea Bargain:** Evidence is presented or negotiated.
- **Sentencing:** The court imposes penalties if convicted.

2. Immigration Consequences

- **ICE Notification:** After conviction, Immigration and Customs Enforcement (ICE) may initiate removal proceedings.
- **Notice to Appear (NTA):** The immigrant receives an official charging document for immigration court.
- **Immigration Court Hearing:** The judge determines whether the conviction qualifies as a CIMT and whether removal is warranted.

- **Possible Relief:** The person may seek waivers, asylum, or cancellation of removal, depending on eligibility.
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Defenses and Exceptions

- **Petty Offense Exception:** If the potential sentence is one year or less and the actual sentence imposed is six months or less, the crime may not count as a CIMT.
 - **Juvenile Exception:** Crimes committed under age 18 with limited confinement time may not trigger deportation.
 - **Post-Conviction Relief:** Appeals, expungements, or vacated judgments may alter immigration outcomes.
 - **Good Moral Character Evaluation:** For naturalization or discretionary relief, demonstrating rehabilitation and remorse may influence the court's judgment.
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Key Takeaway

A **CIMT conviction**, especially for offenses involving **intentional harm or exploitation** such as **revenge pornography**, can result in **criminal penalties** and **immigration removal**. The immigration system treats such offenses as evidence of moral corruption and unfitness for U.S. residence or citizenship.

Criminal defense attorneys and immigration lawyers often coordinate closely in such cases, because even a minor plea deal can have devastating long-term immigration effects.