

Practice Areas

BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries:

- Australia
- Chile / SingaporeE-1

E-1 Visas

E-2 Visas

PERM Labor Certification

HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

FAMILY

Spouse / Fiancée Visas

Permanent Residence for Family
within U.S.

Naturalization /Citizenship

AMNESTY

Illinois Domestic Violence Conviction Basis for Deportation

August 16th, 2011 by [admin](#)

The U.S. Court of Appeals for the 7th Circuit recently ruled that a permanent resident's second conviction for domestic violence under the Illinois domestic battery statute constituted an "aggravated felony" and basis for removal proceedings against him.

In that case, the permanent resident subject to removal had been in the country and was a "Green card" holder for a long period of time. In his first tangle with the law, he pled guilty to a misdemeanor battery charge for holding a knife to his wife (the mother of his three children) during a domestic argument.

When he was again arrested for taking a similar action against his wife a year later, he was charged with a felony and sentenced to prison. The State Department then initiated a removal action and his attorney argued that his felony conviction did not constitute an "aggravated felony" that would support removal.

The case went all the way to the 7th Circuit, which held that the battery conviction necessarily involved bodily harm and was, therefore, a crime of violence and an "aggravated felony."

This decision points out the dangers that a simple domestic dispute can present to a permanent resident who is in this country legally, and should provide caution to the wise.

If you are an individual seeking immigration advice for you or your family, please do not hesitate to contact our offices for an appointment at (847)564-0712 and/or feel free to check out the pertinent portion of [our Website](#) for general information.