

Statutory Triggers for INADMISSIBILITY and/or DEPORTABILITY (for low-level TN crimes)

Type of offense	AVOID (this includes attempt, solicitation, & facilitation)	Better Options (<i>should</i> be OK)
Driving offenses	<ul style="list-style-type: none"> ▪ Reckless Endangerment (misd) ▪ Reckless Endangerment (fel) ▪ Altered title ▪ LSA with injury or death (55-10-101) 	<ul style="list-style-type: none"> ▪ No DL / revoked DL / suspended DL ▪ DUI (even multiple offenses) ▪ Reckless Driving ▪ LSA w/ property damage only (55-10-101) ▪ Habitual Motor Vehicle Offender (HMVO)
DV & assault	<ul style="list-style-type: none"> ▪ Domestic violence – A misd version (even if domestic relationship is just mentioned in warrant) ▪ Child abuse / neglect (of any sort) ▪ Stalking / Harassment etc ▪ Order of Protection violation or <i>admission</i> ▪ False imprisonment 	<ul style="list-style-type: none"> ▪ Simple assault (with no domestic relationship in warrant) ▪ Offensive contact assault (B misd) (even if DV) ▪ Vandalism (probably safe, but unclear)
Theft & property crimes	<ul style="list-style-type: none"> ▪ Theft / theft of services ▪ Arson ▪ Forgery, criminal simulation, use of a credit card 	<ul style="list-style-type: none"> ▪ Joyriding ▪ Reckless burning ▪ Misd Illegal possession of credit card – sub-§ (a) <i>only</i>
Burglary & trespass	<ul style="list-style-type: none"> ▪ Burglary 	<ul style="list-style-type: none"> ▪ Agg crim trespass - B misd or under sub-§ (a)(2) ▪ Agg crim trespass – A misd under (a)(3) (probably safe, but unclear) ▪ Simple trespass or motor vehicle trespass ▪ Disorderly Conduct ▪ Poss of burglary tools
Drugs	<ul style="list-style-type: none"> ▪ Simple possession** ▪ Paraphernalia** ▪ Any felony drug crime is an “agg felony” 	<ul style="list-style-type: none"> ▪ Salvia Divinorum (39-17-438) ▪ Jimsonweed (39-17-426)
Weapons	<ul style="list-style-type: none"> ▪ Possession of a firearm 	<ul style="list-style-type: none"> ▪ Possession of any non-gun weapon (or where record is unclear) – see 39-17-1309, 1311, etc
Police interaction	<ul style="list-style-type: none"> ▪ Evading arrest w/ motor vehicle ▪ Criminal impersonation ▪ Accessory after the fact (felony) 	<ul style="list-style-type: none"> ▪ Evading arrest (with no MV) ▪ Resisting arrest (probably safe, but unclear) ▪ Use of false ID (39-16-303 – C misd) ▪ Disorderly conduct
Sex	<ul style="list-style-type: none"> ▪ Prostitution, Patronizing, and Promoting 	<ul style="list-style-type: none"> ▪ Indecent exposure (B misd only)

Remember that ANY conviction or underlying charge can be used against a person in discretionary determinations (bond hearings, asylum applications, defenses to deportation, citizenship “good moral character” findings)

** A first offense related to < 30 g MJ does not trigger deportability, but it DOES still trigger inadmissibility