



U.S. Citizenship and Immigration Services

USCIS Implements Two Decisions from the Attorney General on Good Moral Character Determinations

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WASHINGTON—U.S. Citizenship and Immigration Services today announced new [policy guidance \(PDF, 404 KB\)](#) implementing two decisions from the attorney general regarding how two or more DUI convictions affect good moral character (GMC) requirements and how post-sentencing changes to criminal sentences affect convictions and sentences for immigration purposes.

On Oct. 25, the attorney general decided in [Matter of Castillo-Perez](#) that two or more DUI convictions during the statutory period could affect an applicant’s good moral character determination. When applying for an immigration benefit for which GMC is required, applicants with two or more DUI convictions may be able to overcome this presumption by presenting evidence that they had good moral character even during the period within which they committed the DUI offenses. The term DUI includes all state and federal impaired-driving offenses, including driving while intoxicated, operating under the influence, and other offenses that make it unlawful for an individual to operate a motor vehicle while impaired.

Also on Oct. 25, the attorney general decided in [Matter of Thomas and Thompson](#) that the definition of “term of imprisonment or a sentence” generally refers to an alien’s original criminal sentence, without regard to post-sentencing changes. Post-sentencing orders that change a criminal alien’s original sentence will only be relevant for immigration purposes if they are based on a procedural or substantive defect in the underlying criminal proceeding.

“In response to two decisions from the attorney general, USCIS has updated policy guidance on establishing good moral character for immigration purposes,” said USCIS Deputy Director Mark Koumans. “As the attorney general directed, this guidance enhances public safety by ensuring that USCIS adjudicators consider driving under the influence convictions with the appropriate standard of scrutiny.”

Under U.S. immigration law, there are consequences for criminal convictions and sentences that could render applicants inadmissible, deportable, or ineligible for an immigration benefit. Also, certain immigration benefits require an applicant to demonstrate that an alien has GMC to be eligible for the benefit. For example, naturalization applicants must demonstrate GMC. To find more information about this update, view the [USCIS Policy Manual](#).

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