



**Transcript for the 09 December 2010 webchat  
"Crimes of Moral Turpitude (CIMT) and Substance Abuse violations"**

**TRANSCRIPT STARTS**

Q: My employer looking to apply for a intra-company visa for some work that we have with our US office. I have some drug convictions from over 15 years ago. Will this be a problem?

A: A person who has a drug conviction is permanently banned from traveling to the US without a waiver from the Department of Homeland Security. More information will be discussed at your time of interview. Please ring the Call Center for additional information.

Q: I want to know if a caution for fraud by misrepresentation is a crime involving a CIMT, and if cautions are equivalent to convictions for immigration purposes?

A: A caution is not a conviction under UK law; however, arrests should always be disclosed at time of a visa interview.

Q: If you take voluntary removal from the U.S. for what is deemed a crime of moral turpitude, what is the process you have to follow to be allowed to return?

A: If you wish to travel to the US while having committed a crime of moral turpitude, you must apply for a visa and request a waiver of ineligibility from the Department of Homeland Security.

Q: Is drink driving a crime involving moral turpitude?

A: No, however, you must disclose as an in eligibility may apply

Q: I was arrested for domestic battery on 2007 whilst on vacation in my holiday home in Florida. I was detained overnight and released the following day. The charge was dropped but the U.S. immigration Officer said I should have answered yes to the moral turpitude question but I did not consider it to be relevant to my situation. I was eventually allowed to proceed with my vacation on an I94. How should I proceed as I wish to come back on vacation in summer 2011?

A: In order to prevent problems or possible turnaround at the port of entry, you must apply for a visa to determine if you overcome immigrant intent and have no ineligibilities.



Q: Can anyone help me in relation to a visa query. I paid for a 10 year visa due to a criminal record in which I had. Does this mean I have to apply for ESTA for my next trip to the US?

A: If you have a current 10-year-visa you do not need to fill in the online ESTA form. If your visa has expired, filling out the online form would depend upon your criminal record. If it's a crime of moral turpitude, such as theft, shoplifting, GBH, etc., or a conviction for anything drug related, you will need to apply for a visa with the Embassy.

Q: But will the fact that I have already travelled under the visa waiver program without realizing I was suppose to disclose my caution create a ineligibility?

A: If you have only ever had a caution, you will not be ineligible for a visa. However, you must disclose your arrest at the time of your interview.

Q: I have a benefit fraud conviction. How do I go about getting a visa for a holiday to Florida?

A: Please ring the Call Center to arrange a visa appointment

Q: I cannot download the VCU1 Personal Data Form. Where can it be located?

A: Follow the link provided to you by the Call Center.

Q: I have a criminal record from 14 yrs ago. Where do I stand with visiting the US next year in April for up to five nights?

A: It really depends on your conviction. Please visit our website for additional information.

Q: I don't understand why I need to apply for a visa just because of one drink driving conviction. I don't want to work in America, I just want to visit. Can't I do this on the ESTA?

A: A drunk driving offense is considered very serious. You must apply for a visa. Depending on when the conviction occurred, we will need to determine that there is no harmful behavior associated with your alcohol use.

Q: Can you enter America with a criminal background?

A: Please visit the website to determine if you require a visa.



Q: I have a criminal conviction from almost 12 years ago, It was for claiming benefits as a single parent while working (classed as benefit fraud) it is my one and only ever conviction and wrong doing. I am expecting my Police certificate in the post soon. I need a Visa to visit my partner whom is currently working in Philadelphia for 6 months. Do you expect my previous conviction will prevent me getting a visa or as it is some time ago and I have never been in trouble since I could get a visa to visit the USA?

A: Claiming benefits to which you are not entitled is a crime of moral turpitude. Please ring the Call Center to schedule an interview.

Q: Can I still come to America if I have a criminal damage caution?

A: A caution for criminal damage is not a CIMT. If this is the only caution you have ever received, you are not ineligible to travel on VWP.

Q: A friend of mine is coming on holiday to Orlando with us in November but he is a bit worried about a fixed penalty notice for breach of the peace. He has filled in a visa waiver document online but he was wondering if the fixed penalty would cause any problems at customs in the US. Can you please advise?

A: Breach of the peace is not a crime of moral turpitude. However, we do not know the details of the arrest. Your friend should ring the Call Center to avoid confusion and any problems at the Port of Entry.

**TRANSCRIPT ENDS**