



# MCLE Self-Study Test

## Advising Immigrants: Duties of the Defense Bar, the Prosecutors and the Bench

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### MCLE SELF-STUDY TEST

1. What percentage of Contra Costa County is foreign born?  
a. 50%                      b. 13%  
c. 25%                      d. 33%
2. Under *Padilla v. Kentucky*, defense counsel must investigate, advise and mitigate adverse immigration consequences.  
 True                       False
3. Failing to provide advice about immigration consequences is NOT considered ineffective assistance of counsel for criminal defense attorneys.  
 True                       False
4. Which of the following is NOT a consequence of criminal conviction for non-citizens?  
a. Mandatory deportation  
b. Permanent inadmissibility  
c. Loss of house ownership  
d. Family separation and detention
5. What is NOT the top priority for criminal defense attorneys when defending a non-citizen?  
a. Avoiding a conviction  
b. Negotiating an immigration safe plea  
c. Ensuring they obtain legal residency  
d. Gathering immigration history
6. In most cases, non-citizens can get their criminal convictions expunged from their immigration record.  
 True                       False
7. A misdemeanor can lead to severe immigration consequences such as inadmissibility.  
 True                       False
8. What is ONE way a non-citizen can qualify for immigration relief such as VAWA, or naturalization?  
a. Demonstrating good moral character for five years  
b. Creating a thriving business  
c. Staying in the same residence for seven years  
d. Getting record expunged
9. Serving 180 days or more in custody creates a presumption of bad moral character.  
 True                       False
10. When resolving a case with immigration consequences, defense counsel should utilize a "\_\_\_\_ plea,"  
a. Shepard  
b. Palmer  
c. Padilla  
d. Soriano

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11. Prosecutors are NOT required to consider adverse immigration consequences in plea negotiations  
 True                       False
12. What local policy has been implemented to help guide prosecutorial discretion in plea negotiations?  
 a. Mandatory harsh sentences for violent crimes  
 b. Immigration policy to evaluate potential adverse immigration consequences  
 c. Victim notification policy  
 d. Policy on aggravated and mitigated factors
13. In considering immigration safe pleas, prosecutors consider:  
 a. Severity of the crime  
 b. Impact on the victim and the community  
 c. The history and character of the accused  
 d. All of the above
14. The court's advisement about immigration consequences protects against future claims of ineffective assistance of counsel  
 True                       False
15. In most cases, the court must inquire about a person's immigration status or compel a party to disclose it in open court.  
 True                       False

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