

International Travel Risks for Green Card Holders After Blanche v. Lau (2026)

[rnlawgroup](https://www.rnlawgroup.com)



The Supreme Court issued a significant immigration decision on June 23, 2026 that lawful permanent residents with pending criminal charges or criminal history involving offenses that may qualify as crimes involving moral turpitude (CIMTs) need to understand before their next international trip.

In *Blanche v. Lau*, 609 U.S. ____ (2026), a 6-3 Court held that border officers do not need clear and convincing evidence that a green card holder has committed a crime involving moral turpitude before treating that person as an applicant for admission rather than as someone already admitted to the United States. The decision does not mean every arrest makes an LPR inadmissible. But it does mean that a returning green card

holder with a pending charge or criminal history involving a possible CIMT may face a much higher risk of being treated as an applicant for admission, paroled rather than admitted, and forced to litigate admissibility in removal proceedings.

What Specific Part of the Law Does *Blanche v. Lau* Address?

The decision specifically concerns the exception contained in INA §101(a)(13)(C)(v), which applies to lawful permanent residents who have committed offenses described in INA §212(a)(2), including crimes involving moral turpitude. The Supreme Court's ruling does not affect the other exceptions contained in INA §101(a)(13)(C), such as abandonment of LPR status, absence from the United States for more than 180 days, or departure while removal proceedings were pending. Green card holders concerned about those other exceptions should consult an immigration attorney separately.

What Is *Blanche v. Lau* and Why Does It Matter for Green Card Holders?

Muk Choi Lau was a Chinese citizen who became a lawful permanent resident in 2007. While a New Jersey trademark counterfeiting charge was pending against him, he briefly traveled to China. When he returned to JFK International Airport in June 2012, a border officer paroled him rather than admitted him, based on the existence of the pending charge. He had not been convicted of anything at that point.

After Lau pled guilty in 2013, the government initiated removal proceedings charging him as inadmissible due to a crime involving moral turpitude. The Board of Immigration Appeals upheld the removal order. The Second Circuit vacated it, holding the government needed clear and

convincing evidence at the border, at the moment of reentry, that Lau had committed the offense. The Supreme Court reversed.

The Court held that removing a green card holder on inadmissibility grounds involves two separate steps:

- **Step one:** The government must ultimately establish that the LPR committed an offense described in INA §212(a)(2) in order to treat the returning LPR as seeking admission rather than as already admitted. The border officer is not required to possess clear and convincing evidence of that offense at the moment of the LPR's reentry.
- **Step two:** The government must show conviction or admission to the offense to establish inadmissibility at the removal hearing.

Those two steps do not have to happen at the same time. The border officer's decision to parole Lau was made based on the pending charge, and the guilty plea entered more than a year later supplied the evidentiary basis in removal proceedings. The Court's holding is not that a pending charge alone is a legally sufficient standard at the border. Rather, the Court held that no clear-and-convincing evidentiary standard applies to border officers at all when making the step-one determination. The evidentiary burden is satisfied at the removal hearing.

What Is the Difference Between Inadmissibility and Deportability for Green Card Holders?

This distinction is the heart of why Blanche v. Lau matters.

When a green card holder returns from international travel, the default rule under 8 U.S.C. §1101(a)(13)(C) is that they are treated as already admitted. If the government wants to remove an already-admitted LPR, it must proceed on **deportability** grounds under INA §237, and the

government bears the burden of proving deportability by clear and convincing evidence.

But if a border officer treats the returning LPR as “seeking an admission” instead, the government can proceed on **inadmissibility** grounds under INA §212. In inadmissibility proceedings, the burden shifts to the LPR to establish admissibility. In practical terms, the government no longer bears the burden of proving deportability by clear and convincing evidence. Instead, the returning LPR must demonstrate that they are not inadmissible. The government’s charging options are also broader, including crimes involving moral turpitude regardless of when they were committed, rather than only offenses committed within five years of admission as required for deportability charges.

Being treated as an applicant for admission rather than admitted carries serious practical consequences, even before any removal proceeding is resolved:

- CBP may confiscate your physical green card (I-551) at the border
- You should immediately seek an I-551/ADIT stamp or other temporary evidence of LPR status; do not assume a parole I-94 alone resolves your work or status documentation needs
- You may be detained or paroled into the country without formal admission
- LPR status is not finally lost unless removal proceedings result in a final order of removal, but the period of uncertainty can create practical difficulties involving employment verification, travel, and proof of status

Which Green Card Holders Face Elevated Risk After *Blanche v. Lau*?

The decision is most directly relevant to LPRs whose criminal history may

involve an offense identified in INA §1182(a)(2), which includes crimes involving moral turpitude. Green card holders in the following situations should consult an immigration attorney before traveling internationally:

- **Pending criminal charges involving a possible CIMT.** This is the highest-risk scenario under Blanche v. Lau. A pending charge can create risk of secondary inspection and scrutiny at reentry, and under the Court's holding, the government can satisfy its evidentiary burden at a later removal hearing rather than at the border.
- **Prior convictions for offenses that may qualify as CIMTs.** This includes many fraud offenses, theft with intent to deprive, offenses involving intentional harm or deception, and other categories. The CIMT analysis is highly fact-specific. A minor sentence or no jail time does not mean the offense falls outside this category.
- **Prior arrests or dismissed charges involving possible CIMTs.** An arrest alone is not legally sufficient to establish that a CIMT was committed. But an arrest or dismissed charge can appear in border databases and can create risk of secondary inspection and questioning. It is not a legal standard, but it is a practical trigger.
- **Expunged or sealed records involving possible CIMTs.** Federal immigration law generally does not recognize state expungements as eliminating the immigration consequences of a conviction. The underlying record may still be accessible to CBP through law enforcement databases.

Can Green Card Holders Travel Internationally with a Criminal Record? What to Do Before Your Trip

1. Consult an Immigration Attorney Before You Book Your Trip

This is the most important step. Whether a given offense qualifies as a crime involving moral turpitude, whether a petty offense exception applies, whether your specific disposition affects your risk profile, and whether travel is advisable at all are judgment calls that require individualized legal analysis. Do not rely on what you were told at the time of your criminal case. Criminal defense attorneys are not always focused on immigration consequences, and the law has continued to evolve.

2. Carry Documentation of Your Criminal History and Its Disposition

If your arrest, charge, or conviction was resolved favorably, bring documentation proving it. Recommended documents to carry include:

- Certified court disposition records showing dismissal, acquittal, or completion of sentence
- A certificate of disposition from the court clerk
- Copies of any expungement or sealing orders, along with advice from your immigration attorney about how to address those records at the border
- Documentation of completed probation or diversion programs

CBP officers have access to international, federal, state, and local law enforcement databases. A charge that appears unresolved in a database can trigger scrutiny even if it was disposed of years ago. Proactive documentation gives you the ability to address questions directly rather than relying on a database to tell an accurate story.

3. Seriously Consider Delaying Travel If Criminal Charges Are Pending

Traveling while charges are pending carries the highest risk under Blanche v. Lau. Unless travel is unavoidable, consider waiting until pending matters are fully and favorably resolved before leaving the United States. If travel

cannot be avoided, consult an immigration attorney before you go, not after you return.

4. Understand What “Crime Involving Moral Turpitude” Means for Your Offense

The term “crime involving moral turpitude” has no precise statutory definition. Courts and the BIA have applied it across decades of litigation to a wide range of offenses. Common categories that may qualify include fraud, theft with intent to deprive, assault with intent to harm, and offenses involving intentional wrongdoing or moral depravity. If you are unsure whether your record includes a qualifying offense, an immigration attorney can analyze your specific conviction under current BIA and circuit court standards before you travel.

5. Know What to Do If CBP Does Not Admit You at the Border

If CBP treats you as an applicant for admission and declines to admit you at reentry, contact an immigration attorney immediately. Ask CBP about obtaining an I-551/ADIT stamp or other temporary evidence of your LPR status. Do not assume that a parole I-94 alone addresses your documentation needs for employment authorization or proof of status. The sooner you engage counsel, the better positioned you will be to respond to any removal proceedings that follow.

What Did the *Blanche v. Lau* Dissent Argue?

Justice Jackson, joined by Justices Sotomayor and Kagan, dissented sharply. The dissent argued that the statute’s “shall not” language imposes a sequencing requirement: the government must determine that an exception applies before treating a returning LPR as seeking admission, not justify the determination with evidence gathered afterward.

Justice Jackson warned that the majority's holding gives the government a blank check to parole LPRs at the border and seek retroactive justification at a later removal hearing, undermining the statutory protections Congress built into §1101(a)(13)(C).

The dissent did not carry the day. The majority rule is now controlling law in all federal circuits. Green card holders should plan accordingly.

The Court left one issue open on remand: whether trademark counterfeiting qualifies as a crime involving moral turpitude under the categorical approach. That question is specific to Lau's case and does not change the broader standard the Court established for border inspections going forward.

Frequently Asked Questions: Can Green Card Holders Travel with a Criminal Record?

Does Blanche v. Lau mean any arrest can make me inadmissible as a green card holder?

No. An arrest alone is not legally sufficient to establish that a CIMT was committed or to render you inadmissible. But an arrest involving a possible CIMT can create practical risk at the border, including secondary inspection and scrutiny. Consult an immigration attorney before traveling if you have any arrest involving a possible CIMT.

What happens if CBP does not admit me when I return from a trip?

If CBP treats you as an applicant for admission and paroles you rather than admitting you, contact an immigration attorney immediately. Seek an I-551/ADIT stamp or other temporary evidence of LPR status. Your green card status is not finally lost at that point, but you may face removal

proceedings, and the posture of those proceedings is less favorable than deportability proceedings would be.

Does a DUI count as a crime involving moral turpitude for green card travel purposes?

A simple DUI generally does not qualify as a CIMT, although DUI offenses involving aggravating circumstances may present different issues. This analysis is highly jurisdiction-specific. Consult an immigration attorney before traveling if you have a DUI on your record.

My criminal case was expunged. Am I safe to travel internationally on my green card?

Not necessarily. Federal immigration law generally does not recognize state expungements as eliminating the immigration consequences of a conviction. The underlying record may still be accessible to CBP. Speak with an immigration attorney before traveling.

I have a pending charge but need to travel for work. What should I do?

Contact an immigration attorney before you travel. Traveling with a pending charge involving a possible CIMT is the highest-risk scenario under *Blanche v. Lau*. If travel is unavoidable, you need legal advice specific to your situation before you go, not after you return.

Can I travel internationally on my green card if I have a prior arrest that was dismissed?

A dismissed charge does not automatically create an immigration bar, but it can appear in border databases and create risk of secondary inspection. Carry documentation of the dismissal and consult an immigration attorney before traveling if the underlying offense may involve a CIMT.

Contact RN Law Group

If you are a green card holder with pending charges or criminal history involving offenses that may qualify as crimes involving moral turpitude and are considering international travel, our immigration attorneys can evaluate your risk, help you prepare documentation, and advise you on whether and how to travel safely.

By: Steven Brown



Steven A. Brown is a Partner at Reddy Neumann Brown PC, where he leads the firm's Litigation Team, addressing delays and denials of immigration benefits, FOIA requests, and policy and regulatory challenges. Steven is dedicated to delivering practical and effective solutions for clients facing unreasonably delayed or unlawfully withheld immigration benefits, including Employment Authorization Documents (EADs), advance parole, green cards, 221(g) decisions, EB-5 delays, and other immigration-related matters. His litigation efforts were instrumental in *Shergill, et al. v. Mayorkas*, a landmark case that led to the U.S. government recognizing that under the INA, L-2 and E visa spouses are authorized to work incident to their status, eliminating the need for separate EAD applications. This case has transformed work authorization for thousands of families across the United States.