

**Source: U.S. Department of State Foreign Affairs Manual Volume 9 – Visas**

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**9 FAM 40.21(a) N2.1 Evaluating Moral Turpitude Based Upon Statutory Definition of Offense and U.S. Standards**

The presence of moral turpitude is determined by the nature of the statutory offense for which the person was convicted, and not by the acts underlying the conviction.

**9 FAM 40.21(a) N2.2 Defining “Moral Turpitude”**

A conviction for a statutory offense will involve moral turpitude if one or more of the elements of that offense have been determined to involve moral turpitude. The most common elements involving moral turpitude are:

- (1) Fraud;
- (2) Larceny; and
- (3) Intent to harm persons or thing.

**mor·als** - founded on the fundamental principles of right conduct rather than on legalities, enactment, or custom: *moral obligations*.

**eth·ics** - a system of moral principles: *the ethics of a culture*.

- the rules of conduct recognized in respect to a particular class of human actions or a particular group, culture, etc.: *medical ethics; Christian ethics; Masonic ethics*.
- concerned with how a moral person should behave

**val·ues** - the ideals, customs, institutions, etc., of a society toward which the people of the group have an affective regard.

- any object or quality desirable as a means or as an end in itself
- beliefs of a person or social group in which they have an emotional investment (either for or against something); "he has very conservatives values;" "he has Masonic values."

Category	Crimes Involving Moral Turpitude	Crimes <i>NOT</i> Involving Moral Turpitude
<p><b>Crimes Against Property</b></p>	<p><b>Fraud:</b></p> <ul style="list-style-type: none"> <li>• Making false representation</li> <li>• Knowledge of such false representation by the perpetrator</li> <li>• Reliance on the false representation by the person defrauded</li> <li>• An intent to defraud</li> <li>• The actual act of committing fraud</li> </ul> <p><b>Evil intent:</b></p> <ul style="list-style-type: none"> <li>• Arson</li> <li>• Blackmail</li> <li>• Burglary</li> <li>• Embezzlement</li> <li>• Extortion</li> <li>• False pretenses</li> <li>• Forgery</li> <li>• Fraud</li> <li>• Larceny (grand or petty)</li> <li>• Malicious destruction of property</li> <li>• Receiving stolen goods (with guilty knowledge)</li> <li>• Robbery</li> <li>• Theft (when it involves the intention of permanent taking)</li> <li>• Transporting stolen property (with guilty knowledge)</li> </ul>	<ul style="list-style-type: none"> <li>• Damaging private property (where intent to damage not required)</li> <li>• Breaking and entering (requiring no specific or implicit intent to commit a crime involving moral turpitude)</li> <li>• Passing bad checks (where intent to defraud not required)</li> <li>• Possessing stolen property (if guilty knowledge is not essential)</li> <li>• Joy riding (where the intention to take permanently not required)</li> <li>• Juvenile delinquency</li> </ul>

Category	Crimes Involving Moral Turpitude	Crimes NOT Involving Moral Turpitude
<p align="center"><b>Crimes Committed Against Governmental Authority</b></p>	<ul style="list-style-type: none"> <li>• Bribery</li> <li>• Counterfeiting</li> <li>• Fraud against revenue or other government functions</li> <li>• Mail fraud</li> <li>• Perjury</li> <li>• Harboring a fugitive from justice (with guilty knowledge)</li> <li>• Tax evasion (willful)</li> </ul>	<ul style="list-style-type: none"> <li>• Black market violations</li> <li>• Breach of the peace</li> <li>• Carrying a concealed weapon</li> <li>• Desertion from the Armed Forces</li> <li>• Disorderly conduct</li> <li>• Drunk or reckless driving</li> <li>• Drunkenness</li> <li>• Escape from prison</li> <li>• Failure to report for military induction</li> <li>• False statements (not amounting to perjury or involving fraud)</li> <li>• Firearms violations</li> <li>• Gambling violations</li> <li>• Immigration violations</li> <li>• Liquor violations</li> <li>• Loan sharking</li> <li>• Lottery violations</li> <li>• Possessing burglar tools (without intent to commit burglary)</li> <li>• Smuggling and customs violations (where intent to commit fraud is absent)</li> <li>• Tax evasion (without intent to defraud)</li> <li>• Vagrancy</li> </ul>

Category	Crimes Involving Moral Turpitude	Crimes NOT Involving Moral Turpitude
<p><b>Crimes Committed Against Person, Family Relationship, and Sexual Morality</b></p>	<ul style="list-style-type: none"> <li>• Abandonment of a minor child (if willful and resulting in the destitution of the child)</li> <li>• Adultery (see INA 101** repealed by Public Law 97-116)</li> <li>• Assault (this crime is broken down into several categories, which involve moral turpitude):               <ul style="list-style-type: none"> <li>○ Assault with intent to kill, commit rape, commit robbery or commit serious bodily harm</li> <li>○ Assault with a dangerous or deadly weapon</li> </ul> </li> <li>• Bigamy</li> <li>• Contributing to the delinquency of a minor</li> <li>• Gross indecency</li> <li>• Incest (if the result of an improper sexual relationship)</li> <li>• Kidnapping</li> <li>• Lewdness</li> <li>• Manslaughter:               <ul style="list-style-type: none"> <li>○ Voluntary</li> <li>○ Involuntary, where the statute requires proof of recklessness</li> </ul> </li> <li>• Mayhem</li> <li>• Murder</li> <li>• Pandering</li> <li>• Prostitution</li> <li>• Rape (including “Statutory rape” by virtue of the victim's age)</li> <li>• Sodomy</li> </ul>	<ul style="list-style-type: none"> <li>• Assault (simple) (i.e., any assault, which does not require an evil intent or depraved motive, although it may involve the use of a weapon, which is neither dangerous nor deadly)</li> <li>• Bastardy (i.e., the offense of begetting a bastard child)</li> <li>• Creating or maintaining a nuisance (where knowledge that premises were used for prostitution is not necessary)</li> <li>• Fornication</li> <li>• Incest (when a result of a marital status prohibited by law)</li> <li>• Involuntary manslaughter (when killing is not the result of recklessness)</li> <li>• Libel</li> <li>• Mailing an obscene letter</li> <li>• Mann Act violations (where coercion is not present)</li> <li>• Riot</li> <li>• Suicide (attempted)</li> </ul>

Category	Crimes Involving Moral Turpitude	Crimes NOT Involving Moral Turpitude
<p><b>Attempts, Aiding and Abetting, Accessories and Conspiracy</b></p>	<ul style="list-style-type: none"> <li>• An attempt to commit a crime deemed to involve moral turpitude</li> <li>• Aiding and abetting in the commission of a crime deemed to involve moral turpitude</li> <li>• Being an accessory (before or after the fact) in the commission of a crime deemed to involve moral turpitude</li> <li>• Taking part in a conspiracy (or attempting to take part in a conspiracy) to commit a crime involving moral turpitude</li> </ul>	<p>where the attempted crime would not itself constitute moral turpitude.</p>