

Padilla v. Kentucky's Inapplicability to Undocumented and Non-Immigrant Visitors]

39 Rutgers L. Rec. 47 (2012) | [WestLaw](#) | [LexisNexis](#) | [PDF](#)

The Supreme Court's recognition in *Padilla v. Kentucky* that the Sixth Amendment right to counsel requires criminal defense attorneys to advise noncitizen defendants of the possibility of deportation prior to pleading guilty promises to lift the veil of misinformation from many plea negotiations. This promise, however, means little to non-immigrant visitors and undocumented people because they lack a critical characteristic that animated the *Padilla* Court: the right to remain in the United States indefinitely. Therefore, *Padilla's* advice mandate, this essay argues, does not apply to undocumented individuals and non-immigrants facing criminal charges, continuing to leave them subject to the perils of incorrect or incomplete advice.

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