

Cancellation of Removal for Non-Residents

Cancellation of removal is a pardon that may allow you to remain in the United States legally even if you entered without papers and do not have legal status. If you win cancellation, you will get lawful permanent residence (a green card). For the judge to give you this pardon you have to satisfy all of the legal requirements below and in addition the judge must believe that you deserve it.

LEGAL REQUIREMENTS FOR 10 YR CANCELLATION OF REMOVAL:

(** You must meet each and every one of these! **)



1. You have lived continuously in the U.S. for at least 10 years.

a. *When did you arrive in the U.S.?* _____

b. *Have you left the U.S. temporarily since you arrived?* _____

If so, when and for how long? _____

2. You can demonstrate “good moral character” during those ten years. What constitutes “good moral character” is not defined, but if you have a criminal history, it is possible you will not satisfy this requirement. It is not possible to show good moral character if you have spent 180 days in jail or have ever been convicted of an aggravated felony.

a. *Have you ever been convicted of any crimes or been arrested for anything?* _____

b. *For what and when were you convicted in each case?* _____

c. *How many days have you spent in jail in the U.S.?* _____

3. You have a spouse, parent, or child who is a U.S. citizen or lawful permanent resident.

a. *Who?* _____ U.S. Citizen? Lawful Permanent Resident? (Circle one)

4. This person will suffer EXTREME AND UNSUAL HARDSHIP if you are deported. This is the hardest requirement to satisfy! Removal of a family member always causes a great deal of hardship. However, cancellation requires extraordinary hardship. Hardship that is beyond normal and/or economic for a family. An example of “extreme hardship” is when someone has a medical condition that is only treatable in the U.S.

How will your spouse, parent, or child suffer EXTRAORDINARY hardship? _____

Great job! If you think that you may qualify for cancellation of removal for certain nonpermanent residents please speak with us individually so that we may answer any questions and help you with the next steps.

Rocky Mountain Immigrant Advocacy Network (RMIAN): (303)866-9308

RMIAN is a non-profit organization and is not part of the government.

This document provides general information and should not be considered specific legal advice.