

CANCELLATION OF REMOVAL FOR NON-PERMANENT RESIDENTS

This section discusses a form of relief for people who are not yet lawful permanent residents (green card holders) and who have lived in the United States for at least ten (10) years. The section also provides information about the type of proof necessary in order to have this relief granted.

What are the basic requirements for cancellation of removal?

If you are not a lawful permanent resident and you meet the requirements outlined below you might be eligible to apply for cancellation:

1. You have lived in the United States for **10 years** or more;
2. You can show that you have “good moral character” (explained below);
3. You have a spouse, parent or child (under age 21) who is legal permanent residents or U.S. citizen; and
4. You can show that a member of your family will suffer “exceptional” and “extremely unusual” hardship if you are removed from the United States. Hardship to yourself does not count.

How do you apply Cancellation?

- If you believe that you are eligible for cancellation, you should tell the Immigration Judge.
- The Immigration Judge will give you [Form EOIR 42B](#) Application for Cancellation of Removal to fill out and submitted with the court. To have a successful application, you should submit documents to support your application and have witnesses testify in court.

How do you show that you are eligible for Cancellation?

1. **Continuous Presence for ten (10) years:** To show the judge that you have been living in the United States for at least ten (10) years, you should collect and submit the following evidence:
 - Rent Receipts
 - School records
 - Medical or dental records
 - Social Security records
 - Payroll records and income tax records
 - Utility bills
 - Children’s birth certificates
 - Marriage certificate
2. **Good Moral Character:** To show the judge that you are a person of good moral character you should collect the following evidence:
 - Letters from family members, co-workers, neighbors, or religious leaders
 - Photographs of you and your family
 - Tax records
 - You must show the judge that you have not been convicted of certain crimes and have not been found to be a habitual drunkard, gambler, or prostitute
3. **Exceptional and Extremely Unusual Hardship:** In order to win your cancellation case, you must show that deportation will cause “exceptional and unusual hardship” to your children or family that are either U.S. citizens or legal permanent residents.
 - **To prove your family’s dependence on you for financial and emotional support, you should gather:**
 - Proof of child support payments
 - Letters from your family
 - Bills of family expenses
 - Proof of family member’s insurance

- **To prove your family’s medical problems, you should gather:**
 - Doctor’s letter
 - Copies of medical Records
 - Copies of prescriptions
 - Letter from social worker
 - Copies of treatment records
- **To prove your children’s ties to the United States, you should gather:**
 - Evidence that your children are attending school.
 - Evidence of your children’s performance in school, such as report cards.
 - Evidence that your children have friends and other close ties to the United States.
 - Evidence of your children’s activities outside of school (like sports or lessons).
 - Letters from teachers, counselors or school principals.

Can you qualify for Cancellation if you have a criminal history?

- The following categories of people are ineligible to apply for Cancellation:
 - Habitual drunkards
 - Polygamists
 - Prostitutes
 - Smugglers (including sending money for family members to “cross over” into the United States)
 - People convicted of crimes involving moral turpitude
 - People convicted of drug crimes (except for a single offense of simple possession of 30 grams or less of marijuana)
 - People who derive their income from illegal gambling
 - People who have given false testimony to obtain any immigration benefit
 - People who have been in prison for 180 days or more
 - People convicted of an aggravated felony
 - People who falsely claim United States citizenship or register to vote

How should you prepare for your Cancellation hearing?

- You should be prepared to testify in your hearing and answer the government’s questions truthfully.
- You should also have your friends and family come to court to testify on your behalf in order to help show that you deserve to stay in the United States.
- It can be difficult to win Cancellation. It is usually best to have a lawyer represent you in your case.