

NON-LPR CANCELLATION OF REMOVAL

A Guide for DACA Recipients

AS WE ANTICIPATE A SCOTUS DECISION REGARDING DEFERRED ACTION FOR CHILDHOOD ARRIVALS (“DACA”), ILC HAS RECEIVED QUESTIONS REGARDING DACA RECIPIENTS’ IMMIGRATION RELIEF OPTIONS IF PLACED IN REMOVAL PROCEEDINGS.

In preparation for potential removal proceedings, DACA recipients should consult an immigration attorney to assess their eligibility for cancellation of removal for non-lawful permanent residents (non-LPR cancellation).

This document is intended to provide a brief summary of non-LPR cancellation of removal. Please consult with an immigration attorney regarding your case.

THIS DOCUMENT IS ONLY FOR GENERAL INFORMATIONAL PURPOSES AND DOES NOT CONSTITUTE LEGAL ADVICE. PLEASE CONSULT WITH AN IMMIGRATION ATTORNEY REGARDING YOUR CASE.



For up-to-date information on DACA and screening for referral eligibility for an immigration legal consultation, please contact the Nebraska Immigration Legal Assistance Hotline (“NILAH”) at (855) 307-6730.



NON-LPR CANCELLATION OF REMOVAL

Non-LPR cancellation allows non-citizens to obtain lawful permanent residence (a green card) if they establish the following:

1. Physical presence in the U.S. for a continuous period of ten years;[1]
2. Good moral character during the ten-year period prior to final decision on the application;
3. No convictions of certain offenses that would make the applicant inadmissible or deportable; [2]
4. Deportation would cause exceptional and extremely unusual hardship to the applicant's U.S. citizen or LPR spouse, parent, or child;[3] and
5. Merit of a favorable exercise of discretion.

*[1] Continuous physical presence begins when the individual physically enters the U.S. and ends upon the occurrence of specified events (e.g., proper service of an effective NTA, commission of certain offenses; some absences or departures). This educational piece does not address the Stop-Time Rule, *Pereira v. Sessions*, or *Matter of Bermudez-Cota*. These will be particularly relevant if a DACA recipient has ever been in removal proceedings. For this reason, it is critically important to obtain an immigration legal consult.*

[2] It is important to talk to an attorney about every conviction, every interaction with law enforcement, and every interaction with any immigration agency. Not all convictions make an individual statutorily ineligible for Non-LPR cancellation of removal. However, it is important that an applicant openly and honestly disclose this information, so the attorney has an opportunity to evaluate each conviction and its effect on eligibility.

[3] While evidence of an applicant's deep ties to the U.S. are relevant, so are the conditions in their country of origin.

