

Are you considering paying for assistance
with “**The 10-Year Law**”?

10-YEAR CANCELLATION OF REMOVAL: WHAT YOU SHOULD KNOW



There are two types of “Cancellation of Removal;” one for persons who are already permanent residents in the U.S. but are facing deportation (“LPR cancellation”) and the other for certain undocumented persons who are facing deportation (“10-year cancellation.”).

What is “Cancellation of Removal” Really?

“Cancellation of Removal” is an immigration remedy that allows people who are already in the process of deportation to appeal to a judge for a waiver of deportation. If the judge grants the waiver, the applicant will get a green card and be a lawful permanent resident. If the judge denies, the applicant will be ordered deported to her or his home country.

CAUTION!: Some people are offering to charge money and make this application for undocumented persons who have not been picked up or charged by Immigration and Naturalization Services (INS). This means that you could be paying someone to turn you in to the INS! If you are not in the process of deportation, to make an application for “Cancellation of Removal”, you must first place yourself into deportation proceedings. If you lose your application, you will be deported.

Only an Attorney is Competent to Advise You Regarding this Waiver.



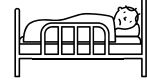
It is very risky to make this application. Therefore, it is crucial that any undocumented person not already in deportation proceedings consult with an attorney who is an expert in immigration matters before applying. *A notary is not an attorney and is not qualified to give legal advice.*

The Five Eligibility Requirements for Applying

NOTE: Fulfilling all of the following requirements only makes a person eligible to ask for the waiver. *It does not guarantee that you will win.* Even if you meet the following eligibility requirements, a judge could still order that you be deported.

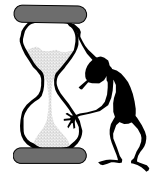
1. The first eligibility requirement: Qualifying relative. The applicant must have a parent, spouse or child **who is a U.S citizen or legal resident**, and who will suffer “exceptional and extremely unusual hardship” if the applicant were to be deported.

- For example, if you as an applicant have a child who depends on medical care that is available here in the United States but that would not be available in the country to which you would be deported), this might satisfy the first eligibility requirement.
- The parent, child, or spouse that will suffer hardship must be a legal permanent resident or citizen of the United States. An undocumented parent, child, or spouse does not qualify the applicant to request the waiver, even if that family member's suffering would be severe. If it is a child that would suffer the hardship, the child must be unmarried and must be less than 21 years old. Economic hardship of the family is not sufficient to satisfy this requirement



2. The second eligibility requirement: the applicant has been continuously present in the United States for 10 years.

- Within the last ten years, the applicant may have been outside the United States for only 180 days total. No single absence may have lasted longer than 90 days.
- The period of continuous presence stops when immigration starts your deportation proceedings, or when you have committed one of the crimes that makes a person deportable from or inadmissible to the U.S.



3. The third eligibility requirement: the applicant has proof of “good moral character.”

- Proving “good moral character” to the judge is complicated because “good moral character” is a legal term. You WILL NOT be able to show “good moral character” if you have ever been convicted of a crime that Immigration considers an “aggravated felony.” There is a long list of “aggravated felonies,” and some of them are in fact quite minor crimes. You may have a difficult time showing “good moral character” if:
 - you have ever given false information to the INS on any occasion;
 - you currently have problems with alcohol;
 - you have ever been deported by the INS before and have later returned to the United States

Additionally, you will not be eligible for cancellation if you have been convicted of a crime that is listed among the criminal grounds of inadmissibility or deportability in the Immigration and Nationality Act.

Any person thinking about requesting this waiver should consult with an attorney first, but it is even more critical for any person who has been at any time or place, either by INS or by the police. **Such a person should be even more cautious and must consult with an attorney first.**

4. The fourth eligibility requirement: the applicant must already be in deportation proceedings.

- Many people do not understand that Cancellation of Removal is only available to persons who are already regrettably in deportation proceedings. For a person who has not yet been detained by INS, the first step to requesting this waiver is to turn themselves into INS and voluntarily submit to deportation proceedings. Therefore, it is necessary to consult with an attorney before turning yourself into INS.



5. The fifth eligibility requirement: the applicant may not have previously received this waiver or any similar waiver from an INS judge.

Do Not Make this Application Just to Get a Temporary Work Permit.



Upon receiving your application for “Cancellation of Removal”, INS may give you a one-year work permit, while you are waiting for your deportation hearing. Many people have the false impression that by receiving a work permit, they have already won their case. It is very possible that the applicant will be deported before the work permit has expired.

Deportation is very serious. A deported person is in a worse situation than an undocumented person. **A person who has been previously deported and who is later is discovered in the United States may be punished with a prison sentence.**



For more information, you may call a free legal advice service called **CLEAR, at 1-888-201-1014**, between 9:30 a.m. and 12:30 p.m., Monday through Friday. CLEAR speaks Spanish. It is a very busy service, so you should be prepared to hold on the line.



You may also call the following offices that offer free legal services:

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| <p>Columbia Legal Services 300 Okanogan Avenue Suite 2-A Wenatchee, WA 98801 (509) 662-9681 1-800-572-9615</p> | <p>Columbia Legal Services 600 Larson Building 6 S. 2nd St. Yakima, WA 98901 (509) 575-5593 1-800-572-1323</p> | <p>Columbia Legal Services 418F N. Kellogg Kennewick, WA 99336 (509) 374-9855 1-888-201-9735</p> |
| <p>Northwest Justice Project 510 Larson Building 6 S. 2nd St. Yakima, WA 98901 (509) 574-4234 1-888-201-1018</p> | | |

To request assistance with immigration matters, you may call the following non-profit service:

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| <p>Northwest Immigrants Rights Project 121 Sunnyside Ave. P.O. Box 800 Granger, WA 98932 (509) 854-2100 1-888-756-3641</p> | <p>909 8th Avenue, Room 100 Seattle, WA 98104 (206) 587-4009 1-800-445-5771</p> |
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