

Cancellation of Removal for Permanent Residents

What is Cancellation of Removal?

Under U.S. immigration law, anyone who is not a U.S. citizen can be deported if he or she commits certain crimes or acts. However, depending on the crime or act, some people who have lived in the U.S. legally for a certain number of years qualify to apply for a waiver. This waiver is called "Cancellation of Removal for Certain Permanent Residents".

In order for you to be given this second chance to live in the U.S., the judge has to decide

1. Whether you meet the requirements for cancellation and
2. Whether you **deserve** this chance.

The judge will consider your good qualities and the advantages to you, your family, and others of allowing you to stay in the U.S. The judge will also consider all of your criminal convictions, and other problems that you have had, and the disadvantages to the community by letting you stay here.

It is important to remember that what you are really asking for is a **second chance** to stay in the U.S. It is necessary that you show the judge why you need this opportunity and what **hardships** you and your family will suffer if you are not given this second chance.

Can I apply for Cancellation?

To qualify, you must:

1. Have been a legal permanent resident for at least the last **5 years**;

☐ How long have I been a legal permanent resident? _____

2. Have lived continuously in the U.S. for at least **7 years** after having been legally admitted, and without having committed certain crimes;

☐ How long have I lived in the U.S. since my last legal entry? _____

3. Not have been convicted of an **aggravated felony**;

☐ What crimes have I been convicted of since I have lived in the U.S.?

What are the steps in applying for Cancellation?

1. At your first **Master Hearing** the judge will review the charges against you. Answer his questions truthfully. Based on this information the judge will decide if you are eligible to apply for Cancellation.
 - a. If you do not believe the information the judge is reading about you is true, you should deny the charges and the Immigration Service will then have to prove them. If the Judge finds they are not true, then your case should be terminated and you do not have to apply for Cancellation.
 - b. If the charges are found to be true, it is up to the Judge to decide if you are eligible to apply for Cancellation.
2. If you are ready, you can turn in the application at your first hearing: **Form EOIR 42A**. If you don't have the application and the judge decides you qualify for Cancellation, he will give you the application and another court date to hand in the completed forms.
3. After you turn in your application, you will be given a date for an **individual hearing**, which is your opportunity to tell the Court your story.
4. At your individual hearing you will present your case to the judge to prove why you should be given this second chance to remain in the U.S. The Judge and the ICE attorney will review your application and documents and ask you questions. You will also be able to present a personal statement at the end.
5. After hearing from you and ICE, the Judge will decide your case.
 - a. If you **win**, you will be released following your hearing. Sometimes the Immigration Service tells the judge they want the right to appeal. They then have 30 days to appeal. If they do not appeal during that time period you will be released. However, if the Immigration Service decides to appeal, you might have to remain in detention while your case is being appealed.
 - b. If you **lose**, you will be ordered removed. **You can either accept removal or you can appeal the judge's decision within 30 days.** If you accept removal then you will not be allowed to return to the U.S. for a number of years, and possibly you will never be allowed to return. By accepting the final order, you also waive your right to appeal at any time in the future. If you decide to appeal the judge's decision, you have 30 days to send your decision to the appeals court. The judge will give you the necessary forms if you decide to appeal.

What do I need to do to apply for Cancellation?

- ☐ Fill out your application and hand it in to the Court.
- ☐ Get documentation from family, friends and employers to support why you should be given this second chance to stay in the U.S.
- ☐ Prepare what you are going to say to the Judge at your individual hearing.
 - Think about your life, your family, and why you deserve this second chance
 - In court you need to: stay calm, listen to the judge, be honest and speak clearly. You also need to make sure that you tell the judge everything that you want him to know about you.

How should I make my decision whether to apply?

Being locked up for a long time is difficult especially if you came straight from jail into immigration detention. It is normal to feel frustrated. You may be tempted just to give up and accept removal so you can get out of custody. But, think carefully before you make the decision whether to fight your case or not. **If you are deported, you are no longer allowed to apply for cancellation.**

NOTE! If you are eligible for Cancellation and decide not to apply now:

1. You give up your permanent residence.
2. You give up the chance to apply for Cancellation forever.
3. You will not be allowed to immigrate to the U.S. for at least 10 years. You may not be able to even visit the U.S. legally for many years, if ever. And if you come back illegally and get caught, you may face 1-20 years in federal prison, depending on your criminal record.

You should think about your life and your family and how your decision will affect them. Try to think about what the benefits are to you, and your family, if you leave detention quickly by getting deported and what your life would be like if you were deported from the U.S. Then try to think about what it will be like for you to stay in detention and fight your case, if you are eligible to apply for Cancellation. Consider what the long-term benefits would be to you and your family if you win and are allowed to remain in the U.S. legally.

**The decision is yours, but you do have the ability to fight your case yourself!
PIRC is here to help you. Good luck and you can do it!**

HOW TO WRITE LETTERS OF SUPPORT

CANCELLATION OF REMOVAL

WHAT SHOULD LETTERS TO THE JUDGE INCLUDE?

The letters that you are asking family or friends to write are important to support your request for cancellation of removal. They can help prove to the Judge that you should be allowed to stay in the United States. The more letters the better. There are some specific things that these letters should include. You should write or call your family, friends and employers to explain what kinds of things they should include in their letters. **ALL letters should be notarized**

- **Tell each person to use his or her own words. You do not want all of the letters to sound the same.** Tell them to speak from their hearts and to be honest. Details are important since the letter gives the Judge another chance to get to know you beyond your application and testimony.
- Explain that the purpose of the letter is to show the Judge why you deserve to be allowed to remain in the U.S. and what the **hardship** would be to you or to them if you are removed. The letter should be addressed "Dear Immigration Judge" or "Honorable Immigration Judge".
- They should include their name, age (if family member), address, occupation, and immigration status (for example, U.S. citizen or legal permanent resident).
- They should explain how they know you and for how long they have known you or your family.
- They should write about how you are important to them and what type of **hardship** they would suffer if you are deported. The hardship could include how they depend on you (for money to pay the rent, buy the food, or pay other bills and how much money you usually pay every month, even how you help with child care or household chores, and any other support), if they are close to you emotionally, and what it will mean to them if you are removed. They should also discuss what it would be like for them if they had to leave the U.S. to return to your home country with you.
- If the person is from the country that you immigrated from and they know what things are like now in your home country then they should write about what kind of life you could expect to return to.

- If the person is a former employer then they should state how long you worked for them, what your job and responsibilities were, how well you performed your job, and if they are willing to hire you again.
- Those people who know you well and know about your problems should talk about them. They should explain how you got into problems in the first place and how you may have changed since then. They should explain why they think you will be able to keep out of trouble if you are allowed to remain in the U.S.
- If the person cannot express themselves well in English, tell them to write in their own language, but make sure that either they or you get someone to translate the letter and sign a “**certificate of translation**”. Make sure you include the original letter (in the foreign language) with the translation when you file it.

The **certificate of translation** should say the following: [see attached paper]

Once you have gotten all of your letters and papers together you should make an index of everything that you have and put that on top. This is simply a list of all of the documents that you are handing in. You then need to make two photocopies of everything. The original is for the judge, one copy is for the ICE Attorney, and one copy is for you. If you are sending the documents before you go to court, send the copy to the Judge in an envelope that says “To the Immigration Court” and the copy to the Immigration Service in an envelope that says “To DHS Litigation”.

If the Judge told you that you had to submit papers to the Court by a certain date, then submit what you can get by that date. If things arrive after that date, bring three copies of the new documents to the hearing anyway and ask if the judge will let you submit them then.

Now, and most importantly, you should congratulate yourself on all of the hard work that you have done!

CERTIFICATE OF TRANSLATION

I, _____, am competent to translate from
(name of translator)

_____ into English, and certify that the translation of
(language)

(names of documents)

is true and accurate to the best of my abilities.

(signature of translator)

(typed/printed name of translator)

(address of translator)

(address of translator)

(telephone number of translator)

PREPARATION CHECKLIST

Check When Completed

CANCELLATION OF REMOVAL

- ☐ 1. I have asked for a cancellation of removal application.
- ☐ 2. I have received my application from the Immigration Judge
- ☐ 3. When is my application due? _____
- ☐ 4. I have filled out my application and made sure that all of my papers and documents have the same information (for example, all of the dates are the same).
- ☐ 5. I have the original plus 2 copies of my application and all of the documents that I am going to submit to the Court and Immigration Service. (The original is for the Judge, one copy is for the Immigration Service, and one copy is for me.)
- ☐ 6. I submitted my application to the judge, either in court or by mail according to the judge's instructions.
- ☐ 7. I have contacted a family member or friend to help me collect documents.
- ☐ 8. One of us has contacted people for letters and/or documents that I need for my case.
- ☐ 9. I have told my family or friends what type of information that they should include in their letters to the Judge.
- ☐ 10. I have asked family or friends to speak at my hearing. If they cannot come to my hearing I have asked them to write a letter instead.
- ☐ 11. All of my letters are in English and, if translated, I have certificates of translation attached to them.
- ☐ 12. I included certificates of service with any papers that I submitted by mail to the Court and Immigration Service before my individual hearing, and I mailed them in separate envelopes. (addressed to: "The Immigration Judge" and "DHS Litigation")
- ☐ 13. I have thought about and made an outline of what I am going to say to the judge.
- ☐ 14. I have practiced my testimony with a friend.
- ☐ 15. I have prepared the people who are coming to my hearing.
- ☐ 16. In court I will
 - ☐ Look at the Judge.
 - ☐ Be calm
 - ☐ Be polite & honest
 - ☐ Explain myself clearly
 - ☐ Listen carefully to the judge.
 - ☐ Express myself from the heart w/ real emotion

Cancellation of Removal Document Check List

Letters for the judge showing hardship to myself or others if I am deported:	
When you receive a document, check it off	Received
Letters of support from as many family members as possible (even children's drawings)	
Letters of support from friends or people who know me well (neighbors, co-workers, landlord)	
Letters showing participation in my community [any help that you have given to neighbors -yard work, rides, etc.]	
Letters/documents showing financial contributions to family. [Proof of paying rent, child support, groceries, etc]	
Letters from past employers	
Letters from religious organizations I belong to	
Photos of family (birthday parties, holidays, pets, babies, etc.)	
Proof of Rehabilitation Efforts	
Certificates from Rehabilitation Programs (AA, NA, Life Skills, etc.)	
Informational Pamphlets on rehabilitation centers/programs in my area [for when I am released] (Contact centers for : domestic violence, driving under the influence, or controlled substance convictions.)	
Letter to my probation/parole officer explaining that I am in ICE custody. VERY IMPORTANT!!! (This will help me avoid further trouble with the law when I am released.)	
Proof of my work and education history:	
Tax Records and/or Pay Stubs	
Social Security Records	
Letter showing that I have a job when I get out of detention	
Proof of vocational training, English Language Training, GED, college, etc. [Certificates of Achievement, Commercial Driver's license, Machine Operator, etc.]	
Certificates from courses taken while here detention, and elsewhere	
Documents to prove residency in the United States and ties to the community:	
Copies of children's school records, including letters from teachers about my children's classroom performance.	
Copies of medical records (need to document any medical condition that you or a family member may have.)	
Copies of my children's birth certificates	
A copy of my green card	
Copy of my marriage certificate	
Proof of any debt that I have (mortgage, car loans, medical, etc.)	
Proof of insurance (car, medical, etc.)	
Proof of Property that I own in the U.S.	

Waivers

TALKING ABOUT YOUR CRIMES

Below are examples of ways to show remorse and take responsibility for your actions.

- I was irresponsible.
- I was immature.
- I was greedy.
- It was a very stupid thing to do.
- I did not stop to think what the consequences of my actions would be.
- I did not know that I would be hurting my family when I did it.
- I hurt myself and my family and other people with my behavior and my crimes.
- I was selfish.
- I was only thinking of myself.
- I was hanging out with people that were not good for me.
- I was very young and ignorant.
- I was afraid, but that is no excuse.
- I chose to do it, it was a stupid thing to do.
- I now take complete responsibility for my actions.
- Back then I did not listen to my parents/ teachers/ spouse, etc.
- I did not know what I know now.
- I've grown up since then.
- I now understand what makes me act that way, so I can choose a better response next time.

TALKING ABOUT DOMESTIC VIOLENCE

Below are examples of ways to show remorse and take responsibility for your actions.

- I am ashamed of my behavior.
- There us no excuse for what I did.
- I realize now that I have a problem with anger and I plan to get help.
- I will be going to a counselor for help with my problem.
- I have been reading books about anger and I have been learning about myself.
- I chose to do it; it was a stupid thing to do.
- I now take complete responsibility for my actions.
- I've grown up since then.
- I have matured.
- I am not the same person I was before.
- I now understand what made me act that way, so I can choose a better response next time.

PLANS FOR THE FUTURE

- If you have problems with alcohol ...
 - Find the number of AA in your area. Call information. Have a family member call. Find the days and times when meetings are held.
- If you have a drug problem ...
 - Find the number of Narcotics Anonymous in your area. Call. Find the days and times when meetings are held.
- If you have a problem with domestic violence ...
 - Find the number where domestic violence classes are held in your area. Call information. Call the community center in your area. Call. Find the days and times when meetings are held.
- Also:
 - Plan to find places where rehab is offered.
 - Get a list of self-help books and read them. Find out where the library is in your town.
 - Plan to go meet your children's teacher and visit the classroom.
 - Plan to get involved with your church.
 - Plan to visit the community center in your town to see what services are offered.
 - Plan to get family counseling. Many community centers offer family counseling.
 - Plan to find out about training or going to school.
 - Plan to contact the Boys and Girls Club in your area to volunteer.

HOMEWORK

- **Exercise: The Balance of My Life**
 - Make a list of "the good things in my life" and "the bad things in my life".
 - Think about what you should tell the judge to make the balance work out in your favor.
- **Exercise: The Past and the Future**
 - What happened in the past that led you to detention?
 - I used drugs.
 - I hit my wife.
 - I shoplifted.
 - What would you like to do in the future?
 - Watch my children graduate.
 - Buy a house.
 - Take my family to the park.
 - How will your deportation affect your family members?

The Balance of My Life

Good things in my life

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface. There is no handwriting or other markings on the paper.

Bad things in my life

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slightly textured appearance and is set against a dark background.

The Past and the Future

Things that happened in the past that led me to detention:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slightly textured appearance and some minor discoloration or shadows, suggesting it's a physical scan. There is no handwriting or other markings on the paper.

Things I would like to do in the future

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

How will your deportation affect your family members?

This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

**Application for Cancellation of Removal for
Certain Permanent Residents**

ADVICE TO APPLICANT

PLEASE READ CAREFULLY. FEES WILL NOT BE RETURNED.

- I. Permanent Resident Aliens Eligible for Cancellation of Removal:** You may be eligible to have your removal cancelled under section 240A(a) of the Immigration and Nationality Act (INA). To qualify for this benefit, you must establish in a hearing before an Immigration Judge that:

- A. You have been a permanent resident for at least five (5) years;
- B. Prior to service of the Notice to Appear, or prior to committing a criminal or related offense referred to in sections 212(a)(2) and 237(a)(2) of the INA, or prior to committing a security or related offense referred to in section 237(a)(4) of the INA;

-- you have at least seven (7) years continuous residence in the United States after having been lawfully admitted in any status; and

- C. You have not been convicted of an aggravated felony.

NOTE: If you have served on active duty in the Armed Forces of the United States for at least 24 months, you do not have to meet the requirements of continuous residence in the United States. You must, however, have been in the United States when you entered the Armed Forces. If you are no longer in the Armed Forces, you must have been separated under honorable conditions.

- II. Permanent Resident Aliens NOT Eligible for Cancellation of Removal:** You are not eligible to have your removal cancelled under section 240A(a) of the INA if you:

- A. Entered the United States as a crewman after June 30, 1964;
- B. Were admitted to the United States as, or later became, a nonimmigrant exchange alien as defined in section 101(a)(15)(J) of the INA in order to receive a graduate medical education or training, regardless of whether you are subject to or have fulfilled the 2-year foreign residence requirement of section 212(e) of the INA;
- C. Were admitted to the United States as, or later became, a nonimmigrant exchange alien as defined in section 101(a)(15)(J) of the INA, other than to receive graduate medical education or training, and are subject to the 2-year foreign residence requirement of section 212(e) of the INA but have neither fulfilled nor obtained a waiver of that requirement;
- D. Are an alien who is either inadmissible under section 212(a)(3) of the INA or deportable under section 237(a)(4) of the INA;
- E. Are an alien who ordered, incited, assisted, or otherwise participated in the persecution of an individual because of the individual's race, religion, nationality, membership in a particular social group, or political opinion; or
- F. Are an alien who was previously granted relief under section 212(c) of the INA, or section 244(a) of the INA as such sections were in effect prior to the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, or whose removal has previously been cancelled under section 240A of the INA.

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III. How Permanent Resident Aliens Can Apply for Cancellation of Removal

If you believe that you have met all the requirements for cancellation of removal, you must answer all the questions on the attached Form EOIR-42A fully and accurately. You must pay the filing and biometrics fees and comply with the Department of Homeland Security (DHS) instructions for providing biometric and biographic information to USCIS [available at <http://uscis.gov>]. You must also serve a copy of your application on the Assistant Chief Counsel for the DHS, U.S. Immigration and Customs Enforcement (ICE) as required in the proof of service on page 7 of this application, and you must file your application with the appropriate Immigration Court. Please read the following instructions carefully before completing your application.

**Application for Cancellation of Removal for
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INSTRUCTIONS

1. PREPARATION OF APPLICATION.

To apply for cancellation of removal as a permanent resident alien under section 240A(a) of the Immigration and Nationality Act (INA), you must fully and accurately answer all questions on the attached Form EOIR-42A. You must also comply with all of the instructions on this form. These instructions have the force of law. A separate application must be prepared and executed for each person applying for cancellation of removal. An application on behalf of an alien who is mentally incompetent or is a child under 14 years of age shall be executed by a parent or guardian.

Your responses must be typed or printed legibly in ink. Do not leave any questions unanswered or blank. If any questions do not apply to you, write "none" or "not applicable" in the appropriate space.

To the extent possible, answer all questions directly on the form. If there is insufficient room to respond fully to a question, please continue your response on an additional sheet of paper. Please indicate the number of the question being answered next to your response on the additional sheet, write your alien registration number, print your name, and sign, date, and securely attach each additional sheet to the Form EOIR-42A.

2. BURDEN OF PROOF.

The burden of proof is on you to prove that you meet all of the statutory requirements for cancellation of removal for certain permanent resident aliens under section 240A(a) of the INA and that you are entitled to such relief as a matter of discretion. To meet this burden, your responses to the questions on the application should be as detailed and complete as possible. You should also attach to your application any documents that demonstrate your eligibility for relief (see "SUPPORTING DOCUMENTS" below).

3. SUPPORTING DOCUMENTS.

You should submit documentary evidence to show both that you have been a permanent resident alien for at least five (5) years, and that you have seven (7) years of continuous residence in the United States after having been lawfully admitted in any status. This evidence may include, but is not limited to, immigration stamps in passports, DHS Form I-94, leases, deeds, receipts, letters, church records, school records, employment records, and tax payment records.

The original of all supporting documents must be available for inspection at the hearing. If you wish to have the original documents returned to you, you should also present reproductions.

4. REQUIRED BIOMETRIC AND BIOGRAPHIC INFORMATION.

Each applicant 14 years of age or older must also comply with the requirement to supply biometric and biographic information. You will be given instructions on how to complete this requirement. You will be notified in writing of the location of the Application Support Center (ASC) or the designated Law Enforcement Agency where you must go to provide biometric and biographic information. You will also be given a date and time for the appointment. It is important to furnish all the required information. Failure to comply with this requirement may result in a delay in your appointment or in your application being deemed abandoned and dismissed by the Immigration Court.

5. TRANSLATIONS.

Any document in a foreign language must be accompanied by an English language translation and a certificate signed by the translator stating that he/she is competent to translate the document and that the translation is true and accurate to the best of the translator's abilities. Such certification must be printed legibly or typed.

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6. FEES.

Before you file your Form EOIR-42A with the Immigration Court, you must pay the required \$100 filing fee and the biometrics fee to the Department of Homeland Security (DHS). Evidence of payment of these fees in the form of a copy of the DHS, U.S. Citizenship and Immigration Services (USCIS) ASC notice of fee receipt and biometrics appointment instructions must accompany your Form EOIR-42A. These fees will not be refunded, regardless of the action taken on your application. Therefore, it is important that you read the advice, instructions, and application carefully before responding. **If you are unable to pay the filing fee, you may ask the Immigration Judge to permit you to file your Form EOIR-42A without fee (fee waiver).**

DO NOT SEND CASH. All fees must be submitted in the exact amount. Remittance may be made by personal check, cashier's check, certified bank check, bank international money order, or foreign draft drawn on a financial institution in the United States and payable to the "Department of Homeland Security" in United States currency. If the applicant resides in the Virgin Islands, the check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." If the applicant resides in Guam, the check or money order must be made payable to the "Treasurer, Guam." Personal checks are accepted subject to collectibility. An uncollectible check will render the application and any documents issued pursuant thereto invalid. A charge of \$30.00 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn. When the check is drawn on an account of a person other than the applicant, the name and alien registration number of the applicant must be entered on the face of the check. All checks must be drawn on a bank located in the United States.

7. SERVING & FILING YOUR APPLICATION.

- A. You must first comply with the DHS instructions for providing biometric and biographic information to USCIS, which involves sending a copy of the application to the appropriate USCIS Service Center. The DHS instructions also address payment of the application fees.
- B. You must then serve the following documents on the Assistant Chief Counsel for DHS, U.S. Immigration and Customs Enforcement (ICE):
 - a copy of your Form EOIR-42A, Application for Cancellation of Removal, with all supporting documents and additional sheets;
 - a copy of the USCIS ASC notice of fee receipt and biometrics appointment instructions; and
 - the original Biographical Information Form G-325A.

You must file the following documents with the appropriate Immigration Court:

- the original Form EOIR-42A with all supporting documents and additional sheets;
- a copy of the USCIS ASC notice of fee receipt and biometrics appointment instructions;
- a copy of the Biographical Information Form G-325A; and
- a completed certificate showing service of these documents (See Part 10 of the Application on page 7) on the ICE Assistant Chief Counsel, unless service is made on the record at the hearing.

Retain your USCIS ASC biometrics confirmation document or a copy of your Fingerprint Card, FD-258, if applicable, as proof that your biometrics were taken, and bring it to your future Immigration Court hearings.

8. PENALTIES.

You must answer all questions on Form EOIR-42A truthfully and submit only genuine documents in support of your application. **You will be required to swear or affirm that the contents of your application and the supporting documents are true to the best of your knowledge.** Your answer to the questions on this form and the supporting documents you present will be used to determine whether your removal should be cancelled and whether you should be permitted to retain your permanent resident status. Any answer you give and any supporting document you present may also be used as evidence in any proceeding to determine your right to be admitted or readmitted, re-enter, pass through, or reside in the United States. Your application may be denied if any of your answers or supporting documents are found to be false.

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Presenting false answers or false documents may also subject you to criminal prosecution under 18 U.S.C. section 1546 and/or subject you to civil penalties under 8 U.S.C. section 1324c if you submit your application knowing that the application, or any supporting document, contains any false statement with respect to a material fact, or if you swear or affirm that the contents of your application and the supporting documents are true, knowing that the application or any supporting documents contain any false statement with respect to a material fact. If convicted, you could be fined up to \$250,000, imprisoned for up to ten (10) years, or both. 18 U.S.C. sections 1546(a), 3559(a)(4), 3571(b)(3). If it is determined you have violated the prohibition against document fraud and a final order is entered against you, you could be subject to a civil penalty up to \$2,000 for each document used or created for the first offense, and up to \$5,000 for any second, or subsequent offense. In addition, if you are the subject of a final order for violating 8 U.S.C. section 1324c, relating to civil penalties for document fraud, you will be removable from the United States.

9. PAPERWORK REDUCTION ACT NOTICE.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can easily be understood, and which impose the least possible burden on you to provide us with information. Often, this process is difficult because some immigration laws are very complex. The reporting burden for this collection of information is computed as follows: (1) learning about the form, 50 minutes, (2) completing the form, 2 hours, and (3) assembling and filing the form, 3 hours, for an average of 5 hours, 50 minutes per application. If you have comments regarding the accuracy of this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, you may write to the U.S. Department of Justice, Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

Application for Cancellation of Removal for Certain Permanent Residents

**PLEASE READ ADVICE AND INSTRUCTIONS
BEFORE FILLING IN FORM**

PLEASE TYPE OR PRINT

Fee Stamp (Official Use Only)

PART 1 - INFORMATION ABOUT YOURSELF

1) My present true name is: <i>(Last, First, Middle)</i>		2) Alien Registration (or "A") Number(s):	
3) My name given at birth was: <i>(Last, First, Middle)</i>		4) Birth Place: <i>(City and Country)</i>	
5) Date of Birth: <i>(Month, Day, Year)</i>	6) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	7) Height:	8) Hair Color:
9) Eye Color:		10) Current Nationality and Citizenship:	11) Social Security Number:
12) Home Phone Number: ()		13) Work Phone Number: ()	
14) I currently reside at: <div style="border-bottom: 1px solid black; margin-bottom: 5px;"><i>Apt. number and/or in care of</i></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"><i>Number and Street</i></div> <div style="display: flex; justify-content: space-between;"><i>City or Town</i><i>State</i><i>Zip Code</i></div>		15) I have been known by these additional name(s): <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black;"></div>	

16) I have resided in the following locations in the United States: (List PRESENT ADDRESS FIRST, and work back in time for at least 7 years.)

Street and Number - Apt. or Room # - City or Town - State - Zip Code	Resided From: (Month, Day, Year)	Resided To: (Month, Day, Year)
		PRESENT

PART 2 - INFORMATION ABOUT THIS APPLICATION

17) I, the undersigned, hereby request that my removal be cancelled under the provisions of section 240A(a) of the Immigration and Nationality Act (INA). I believe that I am eligible for this relief because I have been a lawful permanent resident alien for 5 or more years, have 7 years of continuous residence in the United States, and have not been convicted of an aggravated felony. I was admitted as or adjusted to the status of an alien lawfully admitted for permanent residence on _____ (Date)

at _____
(Place)

(Place)

PART 3 - INFORMATION ABOUT YOUR PRESENCE IN THE UNITED STATES

18) My first arrival into the United States was under the name of: *(Last, First, Middle)* _____ 19) My first arrival to the United States was on: *(Month, Day, Year)* _____

20) Place or port of first arrival: *(Place or Port, City, and State)* _____

21) I: ☐ was inspected and admitted.
 ☐ I entered using my Lawful Permanent Resident card which is valid until _____ *(Month, Day, Year)*
 ☐ I entered using a _____ *(Specify Type of Visa)* visa which is valid until _____ *(Month, Day, Year)*
☐ was not inspected and admitted.
 ☐ I entered without documents. Explain: _____
 ☐ I entered without inspection. Explain: _____
☐ Other. Explain: _____

22) I applied on _____ *(Month, Day, Year)* for additional time to stay and it was ☐ granted on _____ *(Month, Day, Year)*
 and valid until _____ *(Month, Day, Year)*, or ☐ denied on _____ *(Month, Day, Year)*

23) Since the date of my first entry, I departed from and returned to the United States at the following places and on the following dates:
(Please list all departures regardless of how briefly you were absent from the United States.)

If you have never departed from the United States since your original date of entry, please mark an X in this box: ☐

1	Port of Departure <i>(Place or Port, City and State)</i>	Departure Date <i>(Month, Day, Year)</i>	Purpose of Travel	Destination
	Port of Return <i>(Place or Port, City and State)</i>	Return Date <i>(Month, Day, Year)</i>	Manner of Return	Inspected and Admitted? <input type="checkbox"/> Yes <input type="checkbox"/> No
2	Port of Departure <i>(Place or Port, City and State)</i>	Departure Date <i>(Month, Day, Year)</i>	Purpose of Travel	Destination
	Port of Return <i>(Place or Port, City and State)</i>	Return Date <i>(Month, Day, Year)</i>	Manner of Return	Inspected and Admitted? <input type="checkbox"/> Yes <input type="checkbox"/> No

24) Have you ever departed the United States: a) under an order of deportation, exclusion, or removal?..... ☐ Yes ☐ No
 b) pursuant to a grant of voluntary departure?..... ☐ Yes ☐ No

PART 4 - INFORMATION ABOUT YOUR MARITAL STATUS AND SPOUSE *(Continued on page 3)*

25) I am not married: ☐ 26) If married, the name of my spouse is: *(Last, First, Middle)* _____ 27) My spouse's name before marriage was: _____
 I am married: ☐

28) The marriage took place in: *(City and Country)* _____

29) Date of marriage: *(Month, Day, Year)* _____

30) My spouse currently resides at:

Apt. number and/or in care of _____

Number and Street _____

City or Town _____

State/Country Zip Code _____

31) Place and date of birth of my spouse: *(City & Country; Month, Day, Year)* _____

32) My spouse is a citizen of: *(Country)* _____

33) If your spouse is other than a native born United States citizen, answer the following:

He/she arrived in the United States at: *(Place or Port, City and State)* _____

He/she arrived in the United States on: *(Month, Day, Year)* _____

His/her alien registration number(s) is: A# _____

He/she was naturalized on: *(Month, Day, Year)* _____ at _____ *(City and State)*

34) My spouse ☐ - is ☐ - is not employed. If employed, please give salary and the name and address of the place(s) of employment.

Full Name and Address of Employer	Earnings Per Week <i>(Approximate)</i>
_____	\$ _____
_____	\$ _____
_____	\$ _____

Please continue answers on a separate sheet as needed.

PART 4 - INFORMATION ABOUT YOUR MARITAL STATUS AND SPOUSE *(Continued)*

35) I ☐ - have ☐ - have not been previously married: *(If previously married, list the name of each prior spouse, the dates on which each marriage began and ended, the place where the marriage terminated, and describe how each marriage ended.)*

Name of prior spouse: <i>(Last, First, Middle)</i>	Date marriage began: Date marriage ended:	Place marriage ended: <i>(City and Country)</i>	Description or manner of how marriage was terminated or ended:

Name of prior spouse: <i>(Last, First, Middle)</i>	Date marriage began: Date marriage ended:	Place marriage ended: <i>(City and Country)</i>	Description or manner of how marriage was terminated or ended:

36) Have you been ordered by any court, or are otherwise under any legal obligation, to provide child support and/or spousal maintenance as a result of a separation and/or divorce? ☐ - Yes ☐ - No

PART 5 - INFORMATION ABOUT YOUR EMPLOYMENT AND FINANCIAL STATUS

37) Since my arrival into the United States, I have been employed by the following named persons or firms: *(Please begin with present employment and work back in time. Any periods of unemployment or school attendance should be specified. Attach a separate sheet for additional entries if necessary.)*

Full Name and Address of Employer	Earnings Per Week <i>(Approximate)</i>	Type of Work Performed	Employed From: <i>(Month, Day, Year)</i>	Employed To: <i>(Month, Day, Year)</i>
	\$			PRESENT
	\$			
	\$			

38) If self-employed, describe the nature of the business, the name of the business, its address, and net income derived therefrom:

39) My assets (and if married, my spouse's assets) in the United States and other countries, not including clothing and household necessities, are:

Self

Cash, Stocks, and Bonds..... \$ _____
 Real Estate..... \$ _____
 Auto (dollar value minus amount owed)..... \$ _____
 Other (describe on line below)..... \$ _____
TOTAL \$ _____

Jointly Owned With Spouse

Cash, Stocks, and Bonds..... \$ _____
 Real Estate..... \$ _____
 Auto (dollar value minus amount owed)..... \$ _____
 Other (describe on line below)..... \$ _____
TOTAL \$ _____

40) I ☐ - have ☐ - have not received public or private relief or assistance (e.g. Welfare, Unemployment Benefits, Medicaid, TANF, AFDC, etc.). If you have, please give full details including the type of relief or assistance received, date for which relief or assistance was received, place, and total amount received during this time: _____

--

41) Please list each of the years in which you have filed an income tax return with the Internal Revenue Service: _____

--

PART 6 - INFORMATION ABOUT YOUR FAMILY *(Continued on page 5)*

42) I have _____ (Number of) children. Please list information for each child below, include assets and earnings information for children over the age of 16 who have separate incomes:

Name of Child: <i>(Last, First, Middle)</i> Child's Alien Registration Number:	Citizen of What Country: Birth Date: <i>(Month, Day, Year)</i>	Now Residing At: <i>(City and Country)</i> Birth Date: <i>(City and Country)</i>	Immigration Status of Child
A#: Estimated Total of Assets: \$ _____ Estimated Average Weekly Earnings: \$ _____			
A#: Estimated Total of Assets: \$ _____ Estimated Average Weekly Earnings: \$ _____			
A#: Estimated Total of Assets: \$ _____ Estimated Average Weekly Earnings: \$ _____			

43) If your application is denied, would your spouse and all of your children accompany you to your:

Country of Birth - ☐ Yes ☐ No

If you answered "No" to any of the responses, please explain: _____

Country of Nationality - ☐ Yes ☐ No

Country of Last Residence - ☐ Yes ☐ No

44) Members of my family, including my spouse and/or child(ren) ☐ - have ☐ - have not received public or private relief or assistance (e.g., Welfare, Unemployment Benefits, Medicaid, TANF, AFDC, etc.). If any member of your immediate family has received such relief or assistance, please give full details including identity of person(s) receiving relief or assistance, dates for which relief or assistance was received, place, and total amount received during this time: _____

45) Please give the requested information about your parents, brothers, sisters, aunts, uncles, and grandparents, living or deceased. As to residence, show street address, city, and state, if in the United States; otherwise show only country:

Name: <i>(Last, First, Middle)</i> Alien Registration Number:	Citizen of What Country: Birth Date: <i>(Month, Day, Year)</i>	Relationship to Me: Birth Date: <i>(City and Country)</i>	Immigration Status of Listed Relative
A#: Complete Address of Current Residence, if Living: _____			
A#: Complete Address of Current Residence, if Living: _____			

PART 7 - MISCELLANEOUS INFORMATION *(Continued on page 6)*

46) I ☐ - have ☐ - have not entered the United States as a crewman after June 30, 1964.

47) I ☐ - have ☐ - have not been admitted as, or after arrival in the United States acquired the status of, an exchange alien.

48) I ☐ - have ☐ - have not submitted address reports as required by section 265 of the Immigration and Nationality Act.

49) I ☐ - have ☐ - have never (either in the United States or in any foreign country) been arrested, summoned into court as a defendant, convicted, fined, imprisoned, placed on probation, or forfeited collateral for an act involving a felony, misdemeanor, or breach of any public law or ordinance (including, but not limited to, traffic violations or driving incidents involving alcohol). *(If answer is in the affirmative, please give a brief description of each offense including the name and location of the offense, date of conviction, any penalty imposed, any sentence imposed, and the time actually served.)*

50) Have you ever served in the Armed Forces of the United States? ☐ - Yes ☐ - No. If "Yes" please state branch (*Army, Navy, etc.*) and service number: _____

Place of entry on duty: (*City and State*) _____

Date of entry on duty: (*Month, Day, Year*) _____ Date of discharge: (*Month, Day, Year*) _____

Type of discharge: (*Honorable, Dishonorable, etc.*) _____

I served in active duty status from: (*Month, Day, Year*) _____ to (*Month, Day, Year*) _____

51) Have you ever left the United States or the jurisdiction of the district where you registered for the draft to avoid being drafted into the military or naval forces of the United States? ☐ Yes ☐ No

52) Have you ever deserted from the military or naval forces of the United States while the United States was at war? ☐ Yes ☐ No

53) If male, did you register under the Military Selective Service Act or any applicable previous Selective Service (Draft) Laws? ☐ Yes ☐ No
If "Yes," please give date, Selective Service number, local draft board number, and your last draft classification: _____

54) Were you ever exempted from service because of conscientious objection, alienage, or any other reason? ☐ Yes ☐ No

55) Please list your present or past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or any other place since your 16th birthday. Include any foreign military service in this part. If none, write "None." Include the name of the organization, location, nature of the organization, and the dates of membership.

Name of Organization	Location of Organization	Nature of Organization	Member From: (Month, Day, Year)	Member To: (Month, Day, Year)

PART 7 - MISCELLANEOUS INFORMATION (Continued)

56) Have you ever:

- ☐ Yes ☐ No been ordered deported, excluded, or removed?
- ☐ Yes ☐ No overstayed a grant of voluntary departure from an Immigration Judge or the Department of Homeland Security (DHS), formerly the Immigration and Naturalization Service (INS)?
- ☐ Yes ☐ No failed to appear for deportation or removal?

57) Have you ever been:

- | | | |
|------------------------------|-----------------------------|---|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | a habitual drunkard? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | one whose income is derived principally from illegal gambling? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | one who has given false testimony for the purpose of obtaining immigration benefits? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | one who has engaged in prostitution or unlawful commercialized vice? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | involved in a serious criminal offense and asserted immunity from prosecution? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | a polygamist? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | one who brought in or attempted to bring in another to the United States illegally? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | a trafficker of a controlled substance, or a knowing assister, abettor, conspirator, or colluder with others in any such controlled substance offense (not including a single offense of simple possession of 30 grams or less of marijuana)? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | inadmissible or deportable on security-related grounds under sections 212(a)(3) or 237(a)(4) of the INA? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | one who has ordered, incited, assisted, or otherwise participated in the persecution of an individual on account of his or her race, religion, nationality, membership in a particular social group, or political opinion? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | a person previously granted relief under sections 212(c) or 244(a) of the INA or whose removal has previously been cancelled under section 240A of the INA? |

If you answered "Yes" to any of the above questions, explain:

58) The following certificates or other supporting documents are attached hereto as a part of this application: *(Refer to the Instructions for documents which should be attached.)*

[illegible]

PART 8 - SIGNATURE OF PERSON PREPARING FORM IF OTHER THAN APPLICANT

(Read the following information and sign below)

I declare that I have prepared this application at the request of the person named in Part 1, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in a language the applicant speaks fluently for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form EOIR-42A may subject me to civil penalties under 8 U.S.C. 1324c.

Signature of Preparer:		Print Name:	Date:
Daytime Telephone #: ()	Address of Preparer: <i>(Number and Street, City, State, Zip Code)</i>		

PART 9 - SIGNATURE**APPLICATION NOT TO BE SIGNED BELOW UNTIL APPLICANT APPEARS BEFORE AN IMMIGRATION JUDGE**

I swear or affirm that I know the contents of this application that I am signing, including the attached documents and supplements, and that they are all true to the best of my knowledge, taking into account the correction(s) numbered _____ to _____, if any, that were made by me or at my request.

(Signature of Applicant or Parent or Guardian)

Subscribed and sworn to before me by the above-named applicant at _____

Immigration Judge

Date: (Month, Day, Year)

PART 10 - PROOF OF SERVICE

I hereby certify that a copy of the foregoing Form EOIR-42A was: ☐ - delivered in person ☐ - mailed first class, postage prepaid

on _____ to the Assistant Chief Counsel for the DHS (U.S. Immigration and Customs Enforcement-ICE)
(Month, Day, Year)

at _____
(Number and Street, City, State, Zip Code)

Signature of Applicant (or Attorney or Representative)

