

If I am Facing Deportation/Removal Proceedings, What Options do I Have?

If you have been arrested and are facing removal proceedings by U.S. Customs and Enforcement (ICE), there are various forms of relief that may help you remain in the U.S.

If you are a U.S. Citizen you don't have to worry about being deported because you can't be. Sometimes people are unaware that they are in fact U.S. citizens based on a relationship to a family member. If you are a U.S. citizen you should notify the Immigration Judge immediately.

One form of relief available to those facing removal proceedings is cancellation of removal. You may be eligible for cancellation of removal if satisfy the following requirements:

1. Permanent resident (green card) for at least 5 years, and
2. Lived in the U.S. continuously for 7 years after having been admitted to the U.S., and
3. No aggravated felony conviction(s)

You may be eligible for cancellation of removal even if you never had a green card if:

1. You have been physically present in the U.S. for 10 years, and
2. You have maintained good moral character during that time, and
3. Your deportation would cause 'exceptional and extremely unusual' hardship to your U.S. citizen or lawful permanent resident spouse, parent or child

Most criminal convictions would render you ineligible for this relief because you cannot demonstrate good moral character.

There are a couple waivers available to those facing removal proceedings. Under the section 212(c) waiver, if you pled guilty to a crime before April 24, 1996, your criminal conviction may be waived. In order to qualify you must satisfy the following:

1. Permanent resident (green card), and
2. Lived in the U.S. lawfully for 7 years, and
3. Not served 5 years or more in prison for an aggravated felony

Another waiver available is the section 212(h) waiver. This waiver excuses you for certain crimes if you can prove that removal from the U.S. would cause extreme hardship to a U.S. citizen or permanent resident spouse, child or parent.

Some other forms of relief include asylum, withholding of removal, and the Convention Against Torture. You may be eligible to apply for asylum if you fear harm in your country because of your race, religion, nationality, actual or suspected political opinion, or membership in a social group. Withholding of Removal may be available to you if you can show your freedom or life would be threatened due to your race, religion, nationality, political opinion or membership in a

particular group. Finally, you may be eligible for relief under the Convention Against Torture if you fear that you will be tortured if you return to your country.

Adjustment of Status is another form of relief available to those who satisfy one of the following:

1. Married a U.S. citizen, or
2. Have a U.S. citizen child over 21 years of age, or
3. Have a U.S. citizen parent

However, you may be ineligible to adjust status if you were convicted of a crime of moral turpitude, a drug crime, or two crimes where you received a sentence of 5 years or more.

You should consult with an experienced Phoenix immigration attorney in determining whether you qualify for relief from deportation. If none of the aforementioned forms of relief apply, you may be left with the option of voluntary departure. Voluntary departure will require you to return your country.

Ariano & Reppucci, PLLC
1430 E Missouri Ave B150
Phoenix, Arizona 85014

Telephone:+1 602 515 0841

Telephone:+1 602 515 0841

FAX:+1 602 489 7403

E-mail: info@arizonaimmigrationhelp.com