

# **CANCELLATION OF REMOVAL AND SEC. 212(C) RELIEF**

REMOVAL BOOT CAMP-

2018



## **STATUTORY REQUIREMENTS INA §240 A(A), 8 U.S.C. §1229 B(A)**

- LAWFUL ADMISSION FOR PERMANENT RESIDENCE FOR AT LEAST FIVE YEARS.
- CONTINUOUS RESIDENCE FOR SEVEN YEARS AFTER ANY ADMISSION.
- NO CONVICTION OF AN AGGRAVATED FELONY
- EXERCISE OF DISCRETION

## AVAILABILITY OF RELIEF

- CAN BE CHARGED WITH DEPORTABILITY UNDER INA §237 OR INADMISSIBILITY UNDER INA §212
- IIRAIRA ELIMINATED REQUIREMENT OF "COMPARABLE GROUND OF EXCLUSION" UNDER OLD INA §212(C) RELIEF

## CONTINUOUS RESIDENCE AND PERMANENT RESIDENCE

- FIVE YEARS AS PERMANENT RESIDENT
  - MUST BE LAWFUL RESIDENT FROM BEGINNING. *MATTER OF KOLONTANGI*, 23 I&N DEC. 548 (BIA 2003)
- SEVEN YEARS CONTINUOUS RESIDENCE AFTER HAVING BEEN ADMITTED *IN ANY STATUS*
  - CAN BE ADMITTED, FALL OUT OF STATUS AND QUALIFY IF LPR FOR FIVE YEARS. *MATTER OF BLANCAS-LARA*, 23 I&N DEC. 458 (BIA 2002).
- NO CONTINUOUS RESIDENCE REQUIREMENT FOR NON-CITIZEN WHO HAS 24 MONTHS ACTIVE MILITARY SERVICE WHO WAS IN U.S. AT TIME OF ENLISTMENT OR INDUCTION.
- INA §240A(D), 8 U.S.C. §1229B(D).

## EXAMPLES OF 7 YEARS RESIDENCE

- PERMANENT RESIDENT FOR 7 YEARS
- TEMPORARY RESIDENT FOR 2 YEARS AND PERMANENT RESIDENT FOR 5 YEARS
- F-1 STUDENT FOR 2 YEARS AND PERMANENT RESIDENT FOR 5 YEARS
- B-2 TOURIST FOR 1 DAY, RESIDES IN U.S. ILLEGALLY FOR 2 YEARS AND PERMANENT RESIDENT FOR 5 YEARS.

## STOP TIME RULE

- CONTINUOUS RESIDENCE ENDS UNDER UPON THE EARLIER OF:
  - WHEN THE NON-CITIZEN IS SERVED WITH THE NTA, OR
  - WHEN HE/ SHE COMMITS AN OFFENSE REFERRED TO IN §212(A)(2) THAT RENDERS THE NON-CITIZEN INADMISSIBLE UNDER §212(A)(2) OR REMOVABLE UNDER §237(A)(2) OR (4).
- PERSON CONVICTED OF FIREARMS OFFENSE NOT SUBJECT TO STOP TIME RULE. *MATTER OF CAMPOS TORRES*, 22 I&N DEC. 1289 (BIA 2000)
  - NOT AN OFFENSE UNDER 212(A)(2), 8 U.S.C. §1182(A)(2).

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