

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

**REMOVAL BOOT CAMP-  
2020**



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

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# 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 KOLONANGI*, 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 UPON THE EARLIER OF:**
  - **WHEN THE NON-CITIZEN IS SERVED WITH VALID, PROPERLY COMPLETED 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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