

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 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.**

5

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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[Adjustment of Status, Cancellation of Removal and Other Discretionary Relief, and Appeals and Motions to Reopen: The Basics](#)

First appeared as part of the conference materials for the
2020 A Practical Guide to Immigration Removal Proceedings session
"Adjustment of Status (approx. 30 min.)"