



Bonus Cancellation of Removal for Non-LPR FAQ Sheet

Thank you for downloading our complimentary Cancellation of Removal for Non-LPR FAQ sheet. If you have additional questions, feel free to contact our office.

1. If I have a child who is a U.S. citizen, can I obtain legal status in the U.S.?

You can do so under two circumstances: 1). If your child is over the age of 21 with the ability to support you, your child can file a residency petition for you, if you came into the U.S. with a visa. If you did not enter the U.S. with a visa, you may be eligible for a waiver (or pardon) that may allow you to adjust to legal status, or you may also adjust status if you are 245(i) eligible or 2). If you have been in the U.S. for 10 years and you can demonstrate that your child of any age will suffer an exceptional and extremely unusual hardship if you are removed to your native country, you may file for cancellation of removal or deportation.

2. My relative was stopped at an airport (in any U.S. city) and released to my custody, what are my responsibilities and what does my relative have to do?

Your responsibility as a “sponsor” is to make sure that the relative goes to court on the scheduled date or you will lose the money that was paid to secure your relative’s release. If the released relative does not show up to court, there are no other risks or penalties for the sponsor. The relative must appear at all scheduled immigration hearings or appointments

3. I was previously ordered deported, but I have not left the U.S. Is there anything I can do?

You can do one of two things: 1). Apply in the court that issued the order of deportation, for the court to vacate or cancel the order of deportation; or 2). Apply with the Immigration Service to waive or cancel your former order of deportation. If you are outside of the U.S., you may request permission from the U.S. Attorney General to re-enter the country.

4. If I am in removal proceedings, can I renew my work authorization?

You may renew your work authorization if you meet one of the following conditions:

- Paroled (or permitted to enter) into the U.S. for the purpose of applying for asylum.
- If you have an asylum claim pending, for which you were previously issued employment authorization.
- If you are eligible for TPS (Temporary Protected Status)
- If you have a residency petition through employment.

(Note: while you are eligible, the Immigration Service may refuse to issue work authorization, as the regulations have not clearly defined the procedure.)

5. If I have an order of deportation, would I still be eligible for any immigration benefits?

The first step to this analysis would be to determine whether or not the order of deportation could be changed. The law allows a person who has been ordered deported by an immigration judge the opportunity to have that order of deportation reviewed and vacated. If changing the deportation order is not possible and the individual has, or will have, an approved visa petition, then he/she can file a “request for admission after deportation” (form I-212)

6. If I have been in the U.S. for a long time can I obtain a green card or residency?

Yes, if you are eligible for a cancellation of removal case. Please read more information on eligibility, process and necessary documentation for these types of cases on our web page for Cancellation of Removal