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As of this writing about 350,000 immigrants await removal hearings. Around 10% of them sit in jails.

Removal is what Congress calls deportation (since 1997) in case you did not know. Nearly 2 million immigrants have been removed since President Obama entered the Oval Office. He will say it is all “gangbangers,” but this is simply not true. Little more than half of the people deported in the last five years had felonies or misdemeanors. This statistic shows the reality.

America deports many people with green cards and crimes but almost as many with no green card.

Within this eBook, you’ll learn 7 ways to stop deportation. The different methods will depend on your circumstances, and it is best to consult the best immigration attorney with vast experience exclusively in deportation cases, before moving forward.
In recent years asylum grants have jumped to over 50% as compared to when I started practicing immigration law in the 1990s, with rates back then around only 17%!

A profound fear of persecution based on race, religion, nationality, political opinion or social group must be shown. Courts have been willing to be more open minded in many areas within asylum law in recent years.

Claims based on social groups have been expanded. While gender continues to be sorely missing from the stated grounds of asylum, there is a growing trend towards protection of women who face domestic and societal abuse in their home countries. Also, groups such as those afflicted with mental illness as well as former gang members who have renounced their gang membership (just to name two) have been found to fit within the social group category.
Obtain

Waiver of Removal

The most common ways to stop deportation include the old 212(c) pardon for green card holders with certain crimes who can show that their good deeds outweigh their bad acts.

212(c) was replaced by Cancellation of Removal for Certain Permanent Residents but the balancing test is the same. The immigrant must show that his bad actions are outweighed by his positive factors such as:

- Family ties in the United States
- Residence of long duration in this country
- Evidence of hardship to applicant and family
- History of employment
- Property or business ties
- Proof of rehabilitation
- Other evidence attesting to the applicant’s good moral character
A memo issued in recent years directs The Department of Homeland Security to stop deportation for humanitarian reasons. This guidance is nothing new as prosecutorial discretion has been around for decades. Many are disappointed that more immigrants have not received this protection, but a strong application may stop deportation.

The memo referenced above from 2011 specifically names the following factors to consider:

- The person's length of presence in the US
- The circumstances of the person's arrival in the US
- The person's pursuit of education in the US
- Whether the person, or the person's immediate relative has served in the US military
- The person's criminal history
- The person's immigration history
- Whether the person poses a national security or public safety concern
Memo from 2011 continued:

- The person's ties and contributions to the community, including family
- The person's ties to the home country and conditions in the country
- The person's age, with particular consideration given to minors and the elderly
- Whether the person has a US citizen or permanent resident spouse, child, or parent
- Whether the person is the primary caretaker of a person with a disability
- Whether the person or the person's spouse is pregnant or nursing
- Whether the person or the person's spouse suffers from severe illness
- Whether the person's nationality renders removal unlikely
- Whether the person is likely to be granted temporary or permanent status
- Whether the person is currently cooperating or has cooperated with law enforcement
For non permanent residents - unlike the waiver of removal in Section 2 Above - this application to stop deportation is for people who ask an Immigration Judge to give them a green card upon proving ten years in the United States, good moral character plus exceptional and extremely unusual hardship to certain American family members, typically children.

The most compelling cases involve children with special and/or medical needs.

Another important factor in these cases is conditions in the home country of the applicant.
Apply for U Visa

This application is for immigrant victims of violent crimes and is used to deter criminals from preying on the undocumented.

Along with the T visa for victims of human trafficking, the U benefits foreigners who cooperate with law enforcement agencies. Not only will it stop deportation but it will result in a green card, eventually.

There are only 10,000 U Visas allowed per year which has created a backlog but a U Visa applicant can be granted deferred action and apply for a work permit while awaiting final approval of the U visa.
An I-601 Waiver

This waiver is for immigrants charged with fraud, unlawful presence or crime.

The immigrant generally must have no drug offenses and also needs to prove extreme hardship to a qualifying relative, frequently a United States citizen, but in some cases a green card holder. 7 years of living in America is required as well in most but not all 601 cases. A 601 waiver is filed pursuant to Section 212(h) of the Immigration Act.

Most often the qualifying relative is a spouse although parents and children are also potentially considered in certain 601 waivers.
Prepare for
Voluntary Departure

When all else fails, promising to buy a ticket to leave still beats removal. This way to stop deportation may of course still result in leaving the country but it may make a lawful re-entry easier.

The immigrant must announce no fear of return to his home country, no problems with law enforcement agencies anywhere in the world and have the financial means to purchase transportation.
Harlan found out that I had one day left before my deportation and was able to reverse my case. Harlan is very friendly, honest, truthful and energetic. He didn’t make any empty promises to us. He worked very hard with my case. I cannot thank him enough.
- Julia, Client Testimonial
Don’t Risk Deportation

Contact Harlan York & Associates today for a consultation

immigrationlawnj.com

Contact Us

Harlan York and Associates
60 Park Place, Suite 1010
Newark, NJ 07102

Telephone: 973.642.1111
Facsimile: 973.642.0022