Five Ways to Stop Deportation of Your Loved One

By Bruce Coane

Many people think that if the government places them in deportation proceedings, there is no way they can avoid being deported. However, there are ways to stop deportation that many people do not know about.

One way a person in deportation proceedings can avoid deportation is by applying for cancellation of removal. A person can apply for cancellation of removal and obtain permanent residence (a “green card”) if the person (1) has lived in the U.S. for ten years, (2) has been a person of good moral character, (3) has a spouse, parent, or child who is a U.S. citizen or permanent resident, and (4) has a spouse, parent, or child who would suffer exceptional and extremely unusual hardship if the person is deported.

A person can also apply for cancellation of removal and obtain permanent residence if the person (1) has lived in the U.S. for three years, (2) has been a person of good moral character, (3) has been subjected to extreme cruelty by a spouse or parent who is a U.S. citizen or permanent resident, and (4) the person’s deportation would cause extreme hardship to the person, his child, or his parent.

Another way a person in deportation proceedings can avoid deportation is by applying for withholding of removal. In order to be granted withholding of removal, a person must convince an Immigration Judge that if the person is deported, there is more than a 50% chance that the person would be persecuted in his native country because of his race, religion, nationality, membership in a social group, or political opinion.

A person can avoid deportation if he is granted adjustment of status (permanent residence) in his deportation proceedings. One way a person who lawfully entered the U.S. can become eligible to apply for adjustment of status is if the person marries a U.S.

citizen in good faith.

A person can also avoid deportation by applying to the Department of Homeland Security for deferred action on the ground that there are humanitarian reasons for why the person should not be deported. If a person is granted deferred action, he can obtain authorization to work in the United States.

If a person is placed in deportation proceedings, he should talk with an attorney about the ways he can avoid deportation.

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