



Removal Defense

Online Course

American Immigration Lawyers Association

Checklist to Determine Eligibility for Relief For LPRs

The following checklist is intended as a starting point determine eligibility for common waivers for permanent residents in removal proceedings.

BIOGRAPHICAL INFORMATION

- Name: _____
- List any aliases / prior names: _____
- Date of birth: _____
- Country of birth: _____
- Mother's country of birth: _____ Father's: _____
- Immigration status of Mother:¹ _____ Father: _____
- Country/countries of birth for maternal grandparents: _____
- Country/countries of birth for paternal grandparents: _____
- Marital status (circle): single married divorced widowed legally separated
 - Immigration status of spouse: _____
 - Do you live with your spouse? Y / N
- Number of Children: _____
 - Names, place of birth, and dates of birth for children: _____

¹ If client became LPR *and* one parent became USC before client's 18th birthday, client may be USC. (Note step parents do not qualify).



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IMMIGRATION STATUS / HISTORY

- Date obtained LPR status:² _____
- Basis of LPR status (family, employment, etc.): _____
 - Obtained an immigrant visa from a US Consulate/Embassy? Y / N
 - Adjusted status in the United States?³ Y / N
- Status lawfully obtained (no fraud, mistake)?⁴ Y / N
- Date of first entry to the United States?⁵ _____
- Type of visa, or none: _____
- Departures from the United States since obtaining status as an LPR (list approximate dates of travel): _____
- _____
- Longest amount of time outside the U.S. since obtaining status as an LPR? _____
- Date of Notice to Appear⁶: _____
- Prior removal proceedings, deportation proceedings, exclusion proceedings, expedited or summary removal? Y / N
- If yes, list dates, charges and outcome (ordered deported, granted voluntary departure, etc.)⁷: _____
- _____

² If LPR for at least 5 years, consider LPR cancellation. 5 years continues to accrue during removal proceedings.

³ If LPR adjusted, may still be eligible for 212(h) notwithstanding aggravated felony.

⁴ No 237(a)(1)(H) waiver unless *lawfully* admitted.

⁵ For LPR cancellation, seven-year continuous residence period starts on the date of first entry with any kind of visa.

⁶ Seven-years continuous residence stops as of date of service of NTA.

⁷ No LPR cancellation if prior grant of cancellation of removal, suspension of deportation or 212(c).



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CRIMINAL HISTORY

Provide the following for any charges / convictions (attach additional sheets if necessary):

Charge/Conviction (M/F?)	Date ⁸	Plea	Sentence	Time served

→ Any current charges pending? Y / N If so:

Charge (misd./felony?)	Date of commission	Notes (Plea offers? Hearing dates?)

→ Post-conviction relief granted for any of the convictions? If so, specify: _____

→ Any convictions for aggravated felony?⁹ Y / N

⁸ If conviction was prior to April 1, 1997, research former 212(c) relief. Also note, conviction/admission of offense may stop the seven-years of continuous residence for LPR cancellation.

⁹ No LPR cancellation if aggravated felony. 212(h) only for LPR who adjusted. If aggravated felony before 4/1/1997, research 212(c).



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SUMMARY OF POTENTIAL RELIEF
