

# Immigration Relief Requiring Discretionary Approval

Relief	Requirements
Cancellation of Removal for LPR	<p>To be eligible for cancellation of a removal order, the LPR must show that he or she:</p> <ul style="list-style-type: none"> <li>■ Has been a resident for seven years and LPR for five years;</li> <li>■ Has not committed an aggravated felony; and</li> <li>■ Warrants the favorable exercise of discretion.</li> </ul>
Cancellation of Removal for Non-LPR	<p>To be eligible for cancellation of removal and adjustment to LPR status, a non-permanent resident must show:</p> <ul style="list-style-type: none"> <li>■ Physical presence in the U.S. for ten years;</li> <li>■ Good moral character;</li> <li>■ Not inadmissible or deportable for certain crimes and offenses;</li> <li>■ Not deportable for failure to register or for the falsification of documents; and</li> <li>■ Removal would cause “exceptional and extremely unusual hardship” to the citizen or LPR spouse, parent, or child.</li> </ul>
VAWA Cancellation of Removal	<ul style="list-style-type: none"> <li>■ Subject to battery or extreme cruelty by a citizen or LPR spouse, bigamist, or parent;</li> <li>■ Present in the United States for three years;</li> <li>■ Of good moral character;</li> <li>■ Not inadmissible or deportable for enumerated reasons;</li> <li>■ Removal would result in extreme hardship to the alien, the alien’s child, or the alien’s parent; and</li> <li>■ Petition may be filed more than two years after divorce.</li> </ul>
VAWA Self-Petitioner	<ul style="list-style-type: none"> <li>■ The abusing spouse is a citizen or lawful permanent resident;</li> <li>■ The petitioner resided with the batterer;</li> <li>■ The spouse or child has been battered or subjected to extreme cruelty;</li> <li>■ The act or threatened act was one of extreme cruelty, including physical violence, sexual abuse, forced detention, or psychological abuse against the petitioner or petitioner’s child by the spouse;</li> <li>■ The marriage is legal and in good faith;</li> <li>■ The petitioner is not the primary perpetrator of the violence;</li> <li>■ The petitioner is of good moral character; and</li> <li>■ Petition filed during marriage or within two years of marriage termination.</li> </ul>

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U Visa	<ul style="list-style-type: none"> <li>■ Victim of a qualifying criminal activity;</li> <li>■ Possesses information about the crime;</li> <li>■ Has been, is being, or is likely to be helpful in prosecuting the crime;</li> <li>■ Suffered substantial physical or mental abuse as a result of the crime; and</li> <li>■ Has obtained certification by a Federal, state, or local judge, prosecutor, law enforcement officer, or other justice system official involved in prosecuting the criminal activity.</li> </ul>
T Visa	<ul style="list-style-type: none"> <li>■ The alien is the victim of severe trafficking;</li> <li>■ The alien is assisting in the investigation or prosecution of traffickers; and</li> <li>■ The alien is of good moral character.</li> </ul>
SIJS	<p>Finding by a court of juvenile jurisdiction (e.g. dependency, guardianship, probate, delinquency) in the U.S. that:</p> <ul style="list-style-type: none"> <li>■ The juvenile is dependent on the court;</li> <li>■ Reunification with one or both parents is not viable due to abuse, neglect, or abandonment or a similar basis; and</li> <li>■ It would not be in the best interest of the juvenile to be returned to the juvenile's country of origin.</li> </ul> <p>In addition:</p> <ul style="list-style-type: none"> <li>■ The juvenile must concurrently apply for LPR status.</li> <li>■ Juvenile court ruling required for application.</li> <li>■ DHS decision to grant or deny SJI status is discretionary.</li> <li>■ Must not be inadmissible.</li> <li>■ Eligible under age 21 if still a dependent of the court.</li> </ul>
VAWA Self-Petitioner	<ul style="list-style-type: none"> <li>■ The abusing spouse is a citizen or lawful permanent resident;</li> <li>■ The petitioner resided with the batterer;</li> <li>■ The spouse or child has been battered or subjected to extreme cruelty;</li> <li>■ The act or threatened act was one of extreme cruelty, including physical violence, sexual abuse, forced detention, or psychological abuse against the petitioner or petitioner's child by the spouse;</li> <li>■ The marriage is legal and in good faith;</li> <li>■ The petitioner is not the primary perpetrator of the violence;</li> <li>■ The petitioner is of good moral character; and</li> <li>■ Petition filed during marriage or within two years of marriage termination.</li> </ul>

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Eligibility to Work	<p>The following aliens require a grant of discretionary approval by the DHS to be allowed to work in the United States:</p> <ul style="list-style-type: none"> <li>■ Conditional immigrants who fail to file a timely application for LPR status pending request for waiver if removal proceedings have been stayed;</li> <li>■ Aliens paroled into the U.S. for humanitarian reasons or for public benefit to pursue an application for admission;</li> <li>■ Aliens who have applied for asylum or withholding of removal may apply for employment authorization 150 days after completing the application for asylum; and</li> <li>■ Aliens who have applied for adjustment to LPR status.</li> </ul>

