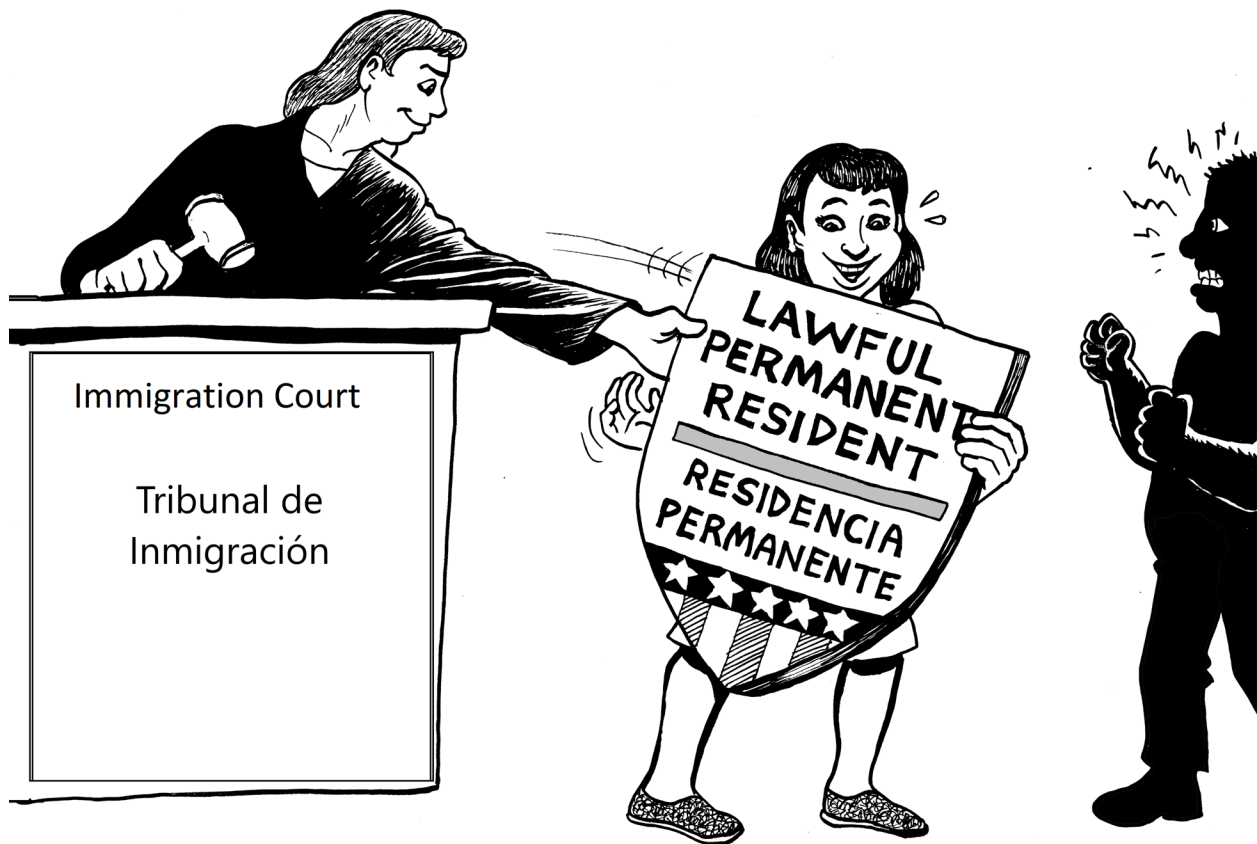


A Guide to VAWA Cancellation

How to Win Permanent Residency if Your U.S. Citizen or Permanent Resident Partner or Family Member Abused You



The Florence Immigrant & Refugee Rights Project is a nonprofit legal services organization that works with adults and children in immigration custody in Arizona. The staff of the Florence Project prepared and updated this guide for immigrant detainees who represent themselves in their removal proceedings. We do not charge for our services. To see our guides, go to:

www.firrp.org.

This guide is not intended to provide legal advice. It is not a substitute for legal counsel.

This guide is copyright protected but you can share and distribute it widely to help immigrants around the country. If you adapt the information in this guide into your own publication, please credit the Florence Project.

Important Words to Know

Immigration law has a lot of technical words. Here is a list of some words you will see in this guide and a short explanation of what they mean.

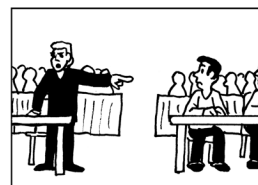
- **Deportation:** ICE has put you in *deportation proceedings*, which are also called *removal proceedings*. If the judge orders you deported or “removed” from the United States, officials will send you back to the country where you are a citizen. You will not be able to legally return to the U.S. for at least 10 years.



- **Florence Project:** A group of lawyers and legal assistants who provide free legal help to people who do not have lawyers. The Florence Project wrote this guide to help you understand your case.



- **Government Attorney:** The lawyer who represents ICE when you go to your court hearings. This lawyer sits at the table next to you and talks to the judge. Government attorneys should see that justice is done. Usually, they ask the judge to order to deport you.



- **Immigration and Customs Enforcement (ICE):** The agency that has put you in deportation proceedings and detained you. ICE is part of the Department of Homeland Security, or *DHS*.



- **Immigration Judge (Judge):** The person who will decide your case. Judges hold hearings in the courtroom and wear black robes. They should look at the facts of your case and apply the law fairly. Judges do not work for ICE.



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Who Should Read This Guide?

This guide from the Florence Project will help you if:

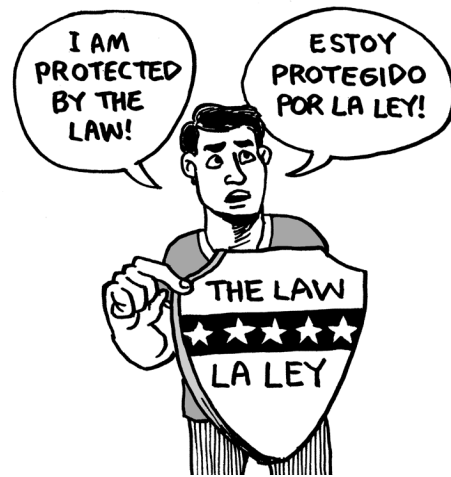
- You do not have legal status,
- You have lived in the U.S. for at least **three years**,
- You have **suffered abuse by a U.S. citizen or legal permanent resident** husband, wife, girlfriend, boyfriend, ex-partner, or are the parent of a child who has suffered abuse by one of those people,
- You can show that **you, your parent, or your child would suffer extreme hardship if you were deported from the United States, AND**
- **You do not have any serious criminal convictions**

If you meet these requirements, this guide explains one way that you might be able to obtain permanent residency and stop your deportation.

Can I Apply for VAWA Cancellation of Removal?

There is a law in the United States called the Violence Against Women Act (VAWA) that offers legal protection for people who have been victims of domestic violence. Domestic violence means abuse between people who have a romantic or parental relationship, like parents, husbands, wives, girlfriends, or boyfriends, or ex-partners.

You might think that this law only protects women, but that is not correct! VAWA protects all people who have been hurt by domestic violence. Men, women, children, and transgender people are included.



VAWA allows people who have been physically or psychologically hurt by their U.S. citizen or Permanent Resident romantic partners, or who are the parents of children who have been hurt by those people, to ask the immigration judge to cancel their deportation if they meet certain requirements.

This application is called VAWA Cancellation of Removal.

VAWA Cancellation of Removal can be a very powerful tool if you have been the victim of domestic violence. For example, sometimes the person hurting you knows that you do not have immigration status and says that they will turn you in if you leave or call the police. By applying for VAWA Cancellation, you could get legal permanent residency in the U.S. so that you can be independent from the person who has hurt you.



Not everyone can apply for VAWA Cancellation of Removal. You may be eligible to apply if you meet **all** the requirements below:

- **You have been in the U.S. for more than three years and have not taken long trips to your home country during that time.** Long trips are anything more than 3 months. But, if you left the country because of the abuse that you or your child suffered, you may still be eligible for VAWA Cancellation. For example, if you can show that you left to escape an abusive partner, the time you spent outside the country might not count against you.
- **You have been a good member of the community and you have what is called good moral character.**

For example, if you have been arrested for drinking and driving during the 3-year period, the judge may think that you do not have good moral character. In that case, you will have to show the judge that you have worked to get better and are a good member of the community. If your problems in the past were caused by the abuse you suffered, you may be able to ask the judge for an exception.



- **You do not have any serious criminal convictions.** You cannot apply if you have been convicted for:

- An *aggravated felony* (examples include murder, rape, or sexual abuse of a minor),
- A crime of *moral turpitude* (examples include rape, forgery, robbery, or violent crime),
- A drug offense,
- Certain gun offenses,
- Certain domestic violence offenses,
- Child abuse,
- Child neglect or abandonment, or
- Violations of a restraining order



This rule does have some exceptions. For instance, you can apply if:

- You were convicted of a crime of moral turpitude,
 - The most jail time someone could get for the crime was less than a year, AND
 - You were sentenced to 6 months or less
- You have suffered **domestic violence by a U.S. Citizen or legal permanent resident spouse, ex-spouse, or partner**. You can also show that you are the parent of a child hurt by one of those people. You can also become eligible for VAWA if you were abused by your U.S. Citizen child over 21 years of age.
 - **You, your parent, or your child would suffer extreme hardship if you were deported from the United States.**

What Does *Extreme Hardship* Mean?

We know that every family suffers a lot when someone is detained or deported. To show extreme hardship, you must prove that what your family will suffer is beyond what would normally be expected.

For many reasons, some families might suffer extremely when a family member is deported. You must list your own reasons, but here are some examples:

- Someone in your family is very sick and depends on you to help pay the medical bills.
- You have a serious medical condition and could not receive treatment in your country of origin. Your health and your ability to care for your children would suffer.
- Someone in your family must stay in the United States for medical treatment and could not come back to your country of origin with you because that treatment is not available.
- Your children have special needs or disabilities that they receive help for in school or at the doctor. They cannot get that help in your country of origin.
- Your elderly parents completely depend on you for financial support, and you could not earn enough money in your country of origin to help them.
- Your children depend only on you for financial support, you rely on your family in the U.S. for help, you have no family in your home country, and your children would have difficulty adjusting to the conditions in your home country.

Remember, these are just some examples of why a family would suffer a lot of hardship. You will likely have others based on your particular circumstances.



How You Can Explain Hardship:

Think about you, your parents, and your children.

Family Member 1

1. Which family member is a permanent resident of the U.S. or a U.S. citizen? (Note: when thinking about your hardship, this question does not apply)
2. Which documents will you gather to prove that person is a citizen or permanent resident?
3. Why would this person suffer if you were deported?
4. How is that hardship much more serious than what most people would experience?
5. Does this person have any medical conditions or disabilities?
 - No
 - Yes. What are they?

If your relative is a child, answer these questions:

1. Why would it be impossible for your child to go with you to your country?
2. Does your child have any special needs in school?
 - No
 - Yes. What are they?
3. Would your child be able to receive similar services in your country?
 - No
 - Yes
4. What services does your child receive here in the U.S.?

5. Is there any reason this person could not care for himself or herself if you were deported?
- No
 - Yes. What are the reasons?

Family Member 2

1. Which family member is a permanent resident of the U.S. or a U.S. citizen?
2. Which documents will you gather to prove that person is a citizen or permanent resident?
3. Why would this person suffer if you were deported?
4. How is that hardship much more serious than what most people would experience?
5. Does this person have any medical conditions or disabilities?
 - No
 - Yes. What are they?

If your relative is a child, answer these questions:

1. Why would it be impossible for your child to go with you to your country?
2. Does your child have any special needs in school?
 - No
 - Yes. What are they?
3. What services does your child receive here in the U.S.?
4. Would your child be able to receive similar services in your country?
 - No
 - Yes

5. Is there any reason this person could not care for himself or herself if you were deported?
- No
 - Yes. What are the reasons?

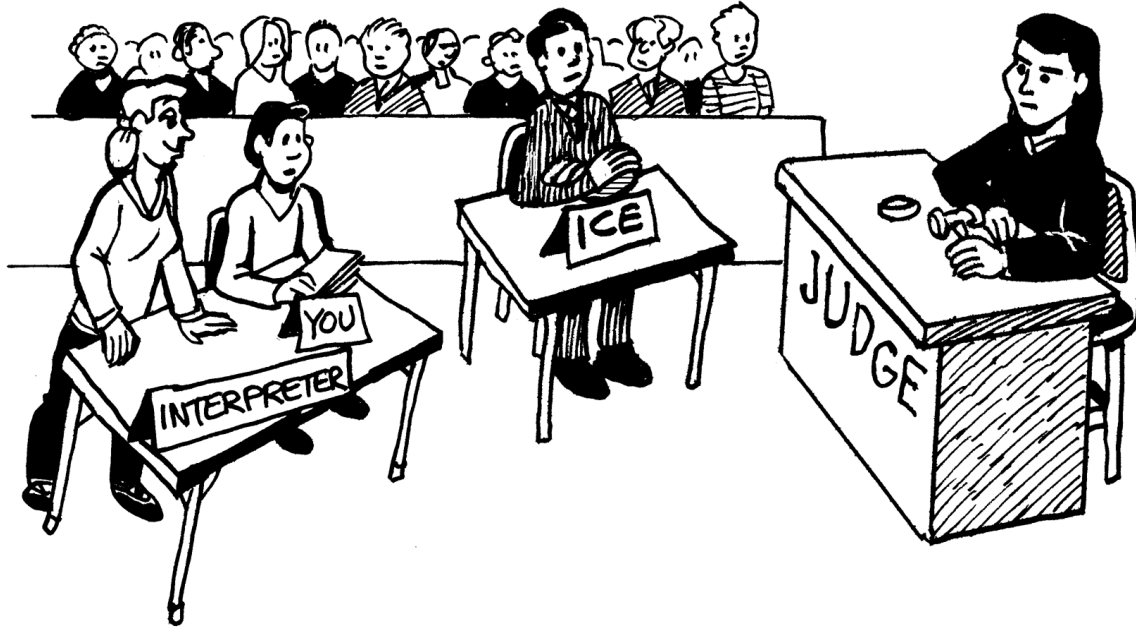
Other Family Members:

If you have more family members to discuss, list their names here and answer the questions about them on separate paper.

Can I Add My Parents or Children to My VAWA Cancellation Application So They Get Status, Too?

If you add your parents or children to your application and your application is granted, your family will not receive permanent residency status. However, they will be given a certain type of permission to enter or stay in the U.S. called “parole.” The law says that your children or your parents (if you applied for

VAWA Cancellation as a child) can keep that status until you file a family-based application for permanent residency for that family member. However, you must file that application in a reasonable time after you receive status.



Your First Court Hearings

This section explains who is going to be in court and what is going to happen in your first hearings.

- **A judge:** the judge will be at the front of the room and will ask you questions. The judge will be dressed like the person on the right in the image above. The judge will make the decision about your case, so it is important to be respectful, polite, and prepared.
- **A government attorney:** when you go to court, a lawyer representing ICE will be there. This person is called the government attorney. The government attorney's job is to represent ICE, and this person is often trying to get an order of deportation against you.
- **An interpreter:** do not worry if you do not speak English—an interpreter will be there in person or over the phone. Just make sure you speak up and

tell the judge that you do not speak or understand English well and need an interpreter.

The first hearings you will go to are called master calendar hearings. At these hearings, you will be in court with other detainees.

You do not need to show the judge all your evidence or explain all of the reasons why you should stay in the country at a master calendar hearing. If you want more time to talk to an attorney, the judge will likely give you a few weeks to do so. You will then come back for another master calendar hearing.

When you come back to court, the judge will review a document called a Notice to Appear. It has the charges that the government has listed against you. The judge will ask you if you want to admit or deny the charges against you. That means that the judge wants to know if you want to require force the government attorney to prove the charges against you.

If the government attorney says that you should be deported because of your criminal convictions, making the government attorney prove the charges against you can be an important step. Certain types of criminal convictions, even for minor crimes, can affect your case. It is good to get legal advice before admitting any charges against you in immigration court.

To learn more about how to do that, read the Florence Project's guide on denying the charges against you at <https://firrp.org/resources/prose>.

The Judge Will Decide Whether You Are Eligible to Apply for VAWA Cancellation of Removal

If the judge decides that the government has proven the charges against you, the judge will then order you removed, but may ask you questions to figure out if you are able to apply for any relief from removal like for VAWA Cancellation of Removal.



The judge will ask questions to make sure you meet the requirements to apply. Take a look at the requirements on pages 4 through

6 if you cannot remember them. If the judge agrees that you can present your case for VAWA Cancellation, the judge will give you a copy of the application.

Remember, just because the judge says you can apply for VAWA Cancellation **does not** mean that you have won your case! It means that the judge thinks that you have met the basic requirements and is giving you a chance to ask for VAWA Cancellation.

Other Ways to Get Help

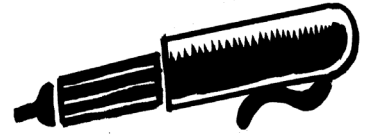
Maybe you have been abused in the past, but do not meet the requirements for VAWA Cancellation. For example, maybe you have been hurt in the past by a boyfriend who was not a U.S. citizen or permanent resident. Perhaps you have not lived in the U.S. for the required three years. However, there are other types of visas offered to survivors of crimes or abuse.

- **U-visas** are for victims of serious crimes in the United States who have cooperated with police and law enforcement to report and investigate the crime. People who receive U-visas can include their family members in that application and receive status for them if granted.
- **T-visas** are for people who have been victims of trafficking. That means that they have been forced to work without pay or against their will. This includes both labor and sex work. People who receive T-visas can include their family members in that application and receive status for them if granted.
- **VAWA self-petitions** are for people who are not in removal proceedings. If they have an abusive spouse or parent who is a permanent resident or U.S. citizen, they can file a VAWA self-petition and apply for permanent residency.

You should talk to an attorney or the Florence Project if you think you might qualify. You can find more information about these applications at <https://firrp.org/resources/prose>.

Filling Out the VAWA Cancellation Application

The judge will give you a copy of the application for VAWA Cancellation of Removal or you may also get the form at: <http://www.justice.gov/eoir/formslst.htm>.



Before you begin:

- **You must use a pen or computer to fill out the form.** Do not use a pencil.
- **Read the form’s instructions if you can.**
- **If you do not know the exact answer to a question, write down as much as you know.** For example, if you cannot remember all your past addresses or dates, note that you are using an approximation or that you may have missing or incorrect information. If a question does not apply to you, just put “N/A” for *Not Applicable* in the box.
- **If you do not have enough room on the form to answer completely, just continue your answer on another piece of paper.** Be sure to attach that paper to the form.

The notes on the next pages will give you some tips for filling out each part of the application.

42B Application: Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents

Part 1: Information About Yourself

- **Question 14:** If you are detained, use the address for the detention center.



PART 1 - INFORMATION A	
1) My present true name is: (Last, First, Middle)	
3) My name given at birth was: (Last, First, Middle)	
5) Date of Birth: (Month, Day, Year)	6) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
10) Current Nationality and Citizenship:	11) Social Security Number:
14) I currently reside at:	
Appt. number and/or in case of	
Number and Street	
City or Town	State Zip Code

Part 2: Information About this Application

- You must state who your *qualifying relatives* are and what their immigration status is. These are the people who would suffer extreme hardship if you were removed. Remember, this person must be your parent, husband or wife, or child who is a U.S. citizen or legal permanent resident.
- You should also check the box stating that you or your child has suffered battery or extreme cruelty by a spouse or parent. **Make sure to mark this box if you are applying for VAWA Cancellation.**

I, or my child, have been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident spouse or parent.
With the exception of absences described in question #23, I have resided in the United States since:
(Month, Day, Year) _____.

Part 3: Information About Your Presence in the United States

- If you used a different name when you entered the U.S. include that information here.
- Question 19 asks for the date that you **first** arrived in the U.S. If you came to the U.S. before you moved and began to live in the U.S. full-time, write that first date.
- Question 20: List the place where you first arrived in the U.S.
- Question 21: If you crossed into the U.S. without documentation or permission, mark “entered without inspection.”
- Question 23 asks you to list every time you entered and departed from the U.S., even if it was for less than one day.
 - If you left and came back many times for the same reason (for example, if you went to Mexico several times just for the day to go shopping or to visit family), then you can write, for example, “day trip once a month to Mexico for shopping.”

- If you have traveled outside the U.S. a lot, you may need to use another piece of paper to answer this question.
- **Watch out!** If you left the U.S. for more than 90 days at a time, that trip will break your “continuous physical presence” in the U.S. so that you must start the threeyear clock over once you returned from that trip.
- However, if you had to leave the country because of the abuse you suffered, it may not break your continuous physical presence. If that is the case, be ready to explain to the immigration judge when and why you left.

Part 4: Information About Your Marital Status and Spouse

- On Question 25, if you have *never* married, mark, “I am not married.” Go to Part 5. You do not need to fill out this part.

Part 5: Information About Your Employment and Financial Status

- On Question 38, when listing your work history, begin with the job you had just before you came to detention. Work backwards.
- If you cannot remember all of the details of your work history, use your best guess. Try to include as much information as you can like the city and state name in the address section.
- On Question 41, fill in if you have received benefits from any government programs in the U.S. Those could include food stamps, unemployment, TANF, etc. Question 41 asks if *you* have received assistance; Question 45 asks if *members of your family* have received assistance.

- On Question 43, list all of your children as well as their immigration status. If you have more than 3 children, you can attach additional sheets of paper.

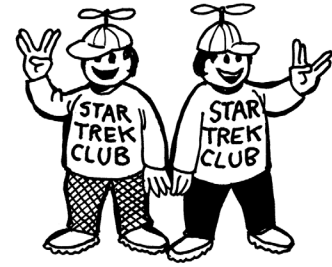


- For the questions about average earnings and weekly income, if the child does not have any income because your child is very young or does not have income for another reason, write *N/A* for *Not Applicable*.
- Question 44 asks if your spouse and children would return to your country of origin with you if you were deported. If they will not come with you, explain why they need to stay in the United States. For example, if your wife needs special medical care that is not available in your home country, mention that here.
- Question 45 asks if anyone else in your family, *not* including yourself, has ever gotten government benefits. This includes things like social security, food stamps, and unemployment.

Part 7: Miscellaneous Information

- Question 54 asks you to fill in if you have ever been arrested, convicted, fined, imprisoned, or put on probation. It is **very** important to include all arrests, court appearances, convictions, and fines, even if you think that ICE does not know about them or if the charges were dismissed.
 - Even list traffic tickets. ICE *will* find your “rap sheet” and other conviction documents before your hearing. If you do not reveal the charges now and they later come out at the hearing, the judge may think you trying to hide something. It *will* hurt your case.
- If you think that you may not remember your criminal history perfectly, then you can note that the answers provided are “to the best of your recollection,” and that you, “might be missing or forgetting an incident.”

- Question 60 asks about all groups you have been involved with since you were 16 years old. This includes things like church groups, sports programs, and school groups.



Fill Out a Request for a Fee Waiver

To file for VAWA Cancellation in immigration court, there is a \$100 fee. If you can pay the fee, you will find instructions on how to pay it in the application form. If you are detained or cannot pay \$100, you can ask the judge to give you a fee waiver so that you do not need to pay to apply for VAWA Cancellation of Removal.

You can also find the fee waiver online here:

<https://www.justice.gov/eoir/page/file/1237856/download>

If you are currently detained and are not paying any bills, you can put 0's when asked about your monthly expenses and income. Remember to sign the document.

When you have completed the application, make two extra copies. Bring them to court with you. The original will go to the judge. Another copy will go to the government attorney. You will keep a copy for yourself. **This is important, so do not forget!**



Once you turn in your application, the judge will give you a date to turn in any evidence in support of your application and a date for your final hearing. This hearing will be your opportunity to present your case to the judge. It will last for a few hours, and you should plan to testify about your case to the judge.

Gathering Evidence for Your Case

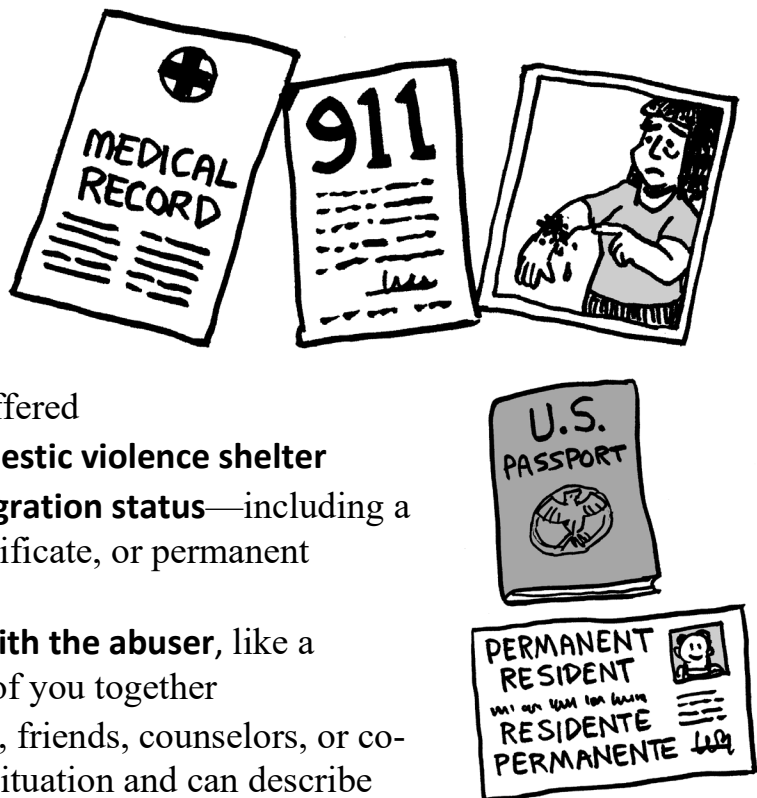
Start gathering evidence as soon as you decide that you want to apply for VAWA Cancellation of Removal. You will turn this evidence in to the judge before your final hearing.



You should try to get as many of the following kinds of documents as possible, but please do not feel that you have no chance if you do not have a lot of documents to submit, or if you do not have many family members or friends. There are other ways to strengthen your application and to win your case, even with a packet of evidence that is small.

The Abuse You Suffered

- Medical records** if you ever had to see the doctor because of your abuse
- Police records** if you had to call 911 or make a police report because of the abuse
- Any **photos** that show the injuries you or your children suffered
- Proof that you were at a **domestic violence shelter**
- Proof of your **abuser's immigration status**—including a copy of their passport, birth certificate, or permanent resident card
- Proof of **your relationship with the abuser**, like a marriage certificate or pictures of you together
- Written statements by family, friends, counselors, or co-workers who know about your situation and can describe what happened



Your Family and Community

- Letters of support from as many family members as possible (including drawings from children)
- Letters of support from friends
- Letters from people who know you (neighbors, landlord, or others)
- Letters showing community involvement (church, volunteering)
- Proof that you financially support your family (rent receipt, child support)
- Letters from religious organizations you belong to
- Photos of family (birthday parties, holidays, pets, babies, and others like those)
- Copies of children's school records, including letters from teachers about your children's classroom performance
- Copies of your children's birth certificate



Your Character

- Certificates from rehabilitation programs if you have ever had problems with drugs, alcohol, or domestic violence
- Informational pamphlets on rehabilitation programs in your area (domestic violence, alcohol or drug abuse, anger management)
- Letter to your probation/parole officer explaining that you are in ICE custody if applicable



Your Education and Employment

- Pay stubs
- Letters from past employers
- Letter showing that you have a job when you get out of detention

- Proof of English language training, GED, college, or similar documents
- Certificates and diplomas
- Proof of past U.S. military service
- Copy of business license

Your Personal and Financial Records

- Copies of your medical records and your family’s medical records
- Social Security records
- Tax records
- Proof of any debt that you have (mortgage, car loans, medical, or others)
- Proof of insurance (car, medical, or others)
- Proof of property that you own in the U.S.
- Articles about the situation in your country of origin (for example: poor medical care, war and violence, unemployment, poverty)

Many of these documents may take time for your family to find and to mail to you. We know it is not easy to gather all these documents while you are detained. Ask a trusted family member or friend to help you get these documents together. Make sure that this person (or these people) mails you **copies, not originals**, of these documents.

The type of evidence that you will gather depends on the facts of your case. Try and think of evidence that shows that you or your family would suffer a lot if you were deported.

- For example, if you have health problems and would have a hard time getting treatment in your home country, that evidence would be very helpful to your case.

Or, if you are a single parent whose children have never been to your country, you will need:



- Letters from their teachers about how they are doing in school and if they have any special needs
- Copies of their birth certificates to show that they are U.S. citizens
- Documentation of opportunities that they have here—scholarships, job trainings, camps—that they will not have in your country

Every person applying for VAWA Cancellation of Removal should get as many letters of reference as possible. These should be from friends, family, and employers, and should talk about all the good contributions that you have made to the United States.

Remember, all the documents you submit need to be in English. If you receive documents in another language, you can translate them. Just put your translation in with the original letter and attach a signed copy of the “Certificate of Translation” that is below.

Sample Certificate of Translation

I, _____ (name of translator), certify that I am competent to translate this document from its original language into English and that the translation is true and accurate to the best of my abilities.

Signature of translator: _____

Date: _____

Once you have all your documents together, you will want to organize them. Make a list of everything you have and then put that list on top of your documents. You can divide your documents into categories like these:

1. Family Ties in the US (*birth certificates, marriage certificates*)
2. Evidence of Abuse I Suffered
3. Evidence of Hardship to My Family if I Am Deported
4. Evidence of My Employment History and Property in the US
5. Evidence of My Rehabilitation (*if you have criminal history*)

Attach a signed and dated copy of the “Certificate of Service” (on the next page) to the last page of all your evidence. Then make **two copies** of all your evidence.

Just like the application, the **original** will go to the judge, a **copy** will go to the government attorney, and you will keep a **copy** for yourself.

If you want to send the documents to the judge before your final date, put a cover sheet with your name and A-number on top. Then put the packets in envelopes. One should say “To the Immigration Judge” and the other should say “To ICE Litigation.” Ask detention staff to make sure the packets are delivered or put them

in the detention center's mailboxes so that they are delivered to the judge and to ICE.



Certificate of Service

Use the following certificate if you will *give* the documents to the government attorney and the judge in court.

I, _____ (your name here), hereby certify that I hand-delivered a copy of this document to a representative of ICE Litigation on the date below.

Signature: _____

Date: _____

Certificate of Service

Use the following certificate if you will *mail* the documents to the ICE attorney and judge before the hearing.

I, _____ (your name here), hereby certify that I placed a copy of this document in the mail to ICE Litigation at

(list address for the ICE office at the detention center where you are staying) on the date below.

Signature: _____

Date: _____

Preparing Your Testimony

Preparing your testimony ahead of time will help you present the strongest case possible to the judge.

At your final hearing, you will have an opportunity to tell the judge why you think you should stay in the United States. Keep these tips in mind when practicing your testimony:



- **Be prepared.** Write a list of the **specific** reasons why you and your family would suffer if you were deported. Do not just say things like “they will miss me” or “they need me to pay the bills.” That will not be much help—all families go through that.
- **Think about the reasons why your family will suffer much more than normal if you are deported** and explain those reasons to the judge. For example, does your U.S. citizen child have a disability and receives services at school that you could not receive in your country of origin? Write these examples on a piece of paper and prepare to share them with the judge.
- Or, does your permanent resident mother have a serious health condition, for example? If so, you will need to explain how much medical treatment costs, how you take care of your mother when she is sick, how this treatment is not available in your country of origin, and how you help pay the family’s medical bills.

Practice explaining this to a friend or a family member over the phone, so you are ready to present to the judge.

- **Be honest.** Your job is to tell the judge about the circumstances of your life. If you have criminal convictions and the judge asks you about them, tell the judge what happened. Lying will just make things worse, and the judge and government attorney often have ways to figure out if you are lying.

- **Turn negatives into positives.** If you had a problem with drugs and alcohol in the past, explain how you have overcome those problems—did you go to Alcoholics Anonymous meetings or complete a rehabilitation program? Tell the judge about those things, too.



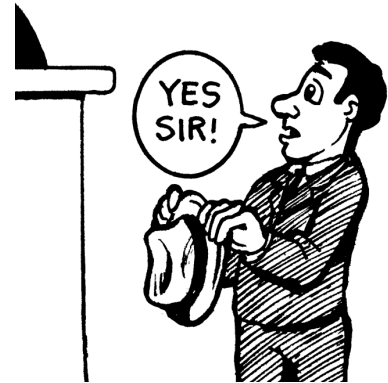
- **Do not be defensive.** Admitting that you made mistakes can show the judge that you are sorry. It can also show the judge that you will not repeat those mistakes in the future.

- **Speak from the heart.** Judges see a lot of people every day. You can make your testimony stand out by speaking sincerely. Think about a story that will show the judge how much your family needs you. Explain to the judge why your deportation would hurt you and your family very much.



- Do not worry if you become nervous or emotional in court—it happens to almost everyone. Take some deep breaths and continue.
- **Ask your family members to testify in court.** Your family can come and tell the judge about the reasons why you should stay in the United States.
 - Help your family member or family members prepare by asking them to list all the reasons why they would suffer if you were in another country. Make sure they practice and write the reasons down to have in court.
 - Your family members can also come and watch your final hearing to show the judge that they support you. Some of the detention centers will not let small children come to court, so have your family members call the detention center and ask about the rules before they come.

- **Answer the judge’s questions.** The judge may want to ask you some specific questions. A list of what the judge may ask is at the end of this guide. As well as practicing your testimony, you should practice responses to those questions so that you will be prepared.



- Remember, be respectful when the judge speaks. Refer to the judge as “Your Honor,” “Ma’am,” or “Sir.”
- Remember that the judge will be balancing the good factors in your life against the bad factors in your life when deciding whether you can stay in the U.S. Good factors include:
 - Family ties in the U.S.
 - Long residence in the U.S., especially if you came here when you were young
 - Evidence of hardship to you and your family if you are deported
 - Service in the U.S. armed forces
 - Employment history
 - Existence of property or business ties
 - Evidence of value and service to the community
 - Proof of genuine rehabilitation if there is a criminal record

- Highlight these in your testimony to show that you deserve a grant of your application

The Judge's Decision

In most cases, the judge will give you a decision at the end of your final hearing. The judge will tell you whether your application for VAWA Cancellation of Removal is approved or denied. Other times, judges will tell you that they want time to think about your case. The judge will write a decision and send it to you through the detention center's mail within a few weeks.



There are a few possible outcomes after the judge makes a decision:

- If the judge approves your application and the government attorney does not want to appeal that decision, you will probably be released the same day.
- If the judge approves your application and the government attorney appeals that decision, you will probably have to wait until the Board of Immigration Appeals gives you a final decision. This usually takes at least several months.
- If the judge denies your application, you have the choice of appealing that decision and asking a court with more power, the Board of Immigration Appeals, to say that the judge was wrong.
- Think about whether you want to appeal before your final hearing. If your application is denied and you wish to appeal, you will need to tell the judge at your **final hearing** that you want to appeal. The judge will give you some paperwork that needs to be mailed within **30 days** of the judge's decision.



- Look at the Florence Project’s guide to appealing your case at <https://firrp.org/resources/prose> or schedule an appointment to talk with an attorney about your appeal.

Final Thoughts

Winning a case for VAWA Cancellation of Removal is not easy, but it can offer you a path to permanent residency in the United States. It takes planning, lots of work gathering evidence, and really practicing your testimony. We wish you the best of luck with your case!

