



Delgado Rompf Bruen LLC

Global approach. Tailored solutions.

PROVING CONTINUOUS RESIDENCE, HARDSHIP, AND GOOD MORAL CHARACTER FOR IMMIGRATION CASES INVOLVING A DISCRETIONARY BENEFIT

IMPORTANT: Your immigration case will require us to persuade a judge or other official of the U.S. Government that there are good reasons why you should be allowed to stay in the United States. While we try and obtain as much information as possible from our clients, it is very important that you read this document and bring to our attention any information, and provide us with as many documents as may exist or can be obtained, that are suggested here. Relevant factors include:

Length of residence in the U.S. and compliance with laws;

Family ties in the U.S. and outside of the U.S.;

Health: Ongoing or specialized treatment required for a physical or mental condition; availability and quality of such treatment in the foreign country; anticipated duration of the treatment; chronic vs. acute vs. long or short-term care;

Financial Considerations: for example, future employability; loss due to sale of home or business or termination of a professional practice; decline in the standard of living; ability to recoup short-term losses; cost of extraordinary needs such as special education or training for children with special needs; cost of care for family members (sick or elderly parents, others);

Education: Loss of educational opportunities, loss of higher education; lower quality or limited scope of educational opportunities in foreign country; disruption of current program; requirement to be educated in foreign language or culture with ensuing loss of time or grade; availability of special requirements, such as training programs in specific fields;

Personal considerations: the impact of separation on close U.S. citizen or LPR family members; ages and health of affected persons; length of residence and community ties, service to the community;

Special factors: For example: Cultural, language, religious, and ethnic obstacles; valid fears of persecution, physical harm, or injury; social ostracism or stigma; access, or lack of access, to social institutions (official or unofficial) for support, guidance, or protection.

Practicing in the Area of Immigration and Nationality Law

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Evidence that will be considered:

- Affidavits from you, all qualifying relatives, and other persons with personal knowledge of claimed hardships;
- Expert opinions;
- Evidence of employment or business ties such as payroll records and tax statements;
- Evidence of monthly expenditures such as mortgage, rental agreement, bills and invoices, etc.;
- Other financial records supporting any claimed financial hardships;
- Medical documentation and/or evaluations by medical professionals supporting any claimed medical hardships;
- Records of membership in community organizations, volunteer confirmation, and evidence of cultural affiliations;
- Birth, marriage, adoption certificates of any claimed family ties;
- Country conditions reports; and
- Any other evidence you believe supports claimed hardships.

Documents to obtain:

- Birth, adoption, marriage, divorce, and death certificates, green cards, naturalization certificates, certificates of citizenship, and passports for yourself and all U.S. citizen or Lawful Permanent Resident (LPR) family members, including spouses, parents, children, grandparents, and anyone who is providing a letter or affidavit for you.
- All taxes, federal and state, and forms W-2 or 1099 wage statements for all of the years you have resided in the United States. Payroll records, financial statements, and corporate tax returns for any businesses that you own in the U.S.
- Copies of Social Security records showing contributions to the Social Security system.
- Police letters from any of the cities/suburbs in which you have lived during your time of residence in the United States.



- Certified copy of any criminal record or conviction, including police arrest report(s), criminal complaint or indictment, certified court disposition, plea, plea transcript, sentence, sentence transcript, pre-sentence investigation report (if applicable).
- Bank books and/or letters from the bank declaring the dates your account(s) were opened, including deposit history and current balance.
- Lease agreements for all of the apartments/properties you have rented in the United States (if applicable).
- Titles, deeds or mortgage documents for any property you own (if applicable).
- Estimate by a real estate agency showing the current value of your property (if applicable).
- Employment records (for example: pay stubs, employment benefits statements, personnel records from work, etc.).
- Letters from past or current employers, describing your job benefits and responsibilities, your conduct, and your value to the company.
- All documents relating to the employment benefits you have received including life insurance and health insurance.
- The contract between the union in which you participate, and the company for which you work (if applicable).
- Copy of your pension plan, profit sharing plan, or your plan of participation in the benefits of the company for which you work (if applicable).
- If you own a business, articles of incorporation, bylaws, other corporate documents, payroll records for employees, financial statements (profit & loss), bank statements, and business tax returns (if applicable).
- Any diplomas, transcripts of courses taken in the U.S., certificates of completion, awards or recognition relating to educational pursuits (if applicable).
- Proof of insurance, including health, car and life insurance (if applicable).
- Copies of prizes or awards in other areas, awarded to yourself or close family members (if applicable).



- Church letter demonstrating membership dates, activities and other contributions (if applicable).
- Documentation of any community or other activities in which you have participated outside of work (if applicable).
- Documentation of all of the activities your children participate in outside of school, including classes/lessons, sports, etc. (if applicable).
- Doctor letters, medical records, hospital records, describing any illness, health problem, treatment, medications, and prognosis, for yourself, your spouse, and/or your children (if applicable).
- As many letters of recommendation as you can get from your neighbors, friends, family, minister, members of your religious community, bankers, professionals, etc., describing your services to the community, your reputation in the community for honesty and as a good person, your responsibility as a mother or father, your good moral character.
- Include descriptions of times when you assisted others. Explain any circumstances that would make it difficult for you or your family to leave the U.S. All letters of recommendation should include the name, address, telephone number, and U.S immigration status of the person writing the letter. If the person is a legal permanent resident or a naturalized citizen, ask for a copy of the application. Whenever possible, the letter should be notarized.
- Proof that you and your children speak English.
- Any greeting cards received during Christmas, holidays, or other parts of the year (if applicable).
- Immigration documents relating to you and any members of your family, demonstrating their status as legal residents or citizens of the United States; visa approval notices suspension or cancellation approvals, or any other approval notices.
- Evidence of qualifying relative's current employment such as, pay stubs and letter from his/her employer confirming employment dates, position, salary and hours per week (if applicable).
- A list of all US citizen or legal permanent resident family members and their immigration file numbers. Explain how you are related and what they may be able to state for you in an affidavit supporting your request to remain in the U.S.
- Evidence of any remittances made to family members in the home country (receipts for money sent, wire transfers, etc.) (if applicable).



- All of the letters you have received from your home country during your stay in the United States (if applicable).
- List of family members in your home country (if applicable).
- Letter from family doctor describing doctor-patient relationship; how long you have been a patient, trust, knowledge, etc.
- Proof of membership in any clubs, organizations, unions, athletic or religious organizations, etc. (if applicable).
- Newspaper articles featuring you, your spouse, your parents, or your children (if applicable).
- Any other documents, letters, photographs, medical records or death certificates that indicate difficulties in your home country.
- Photographs of you and your family and friends during the years you resided in the United States.
- All of the diplomas, certificates, prizes, awards, report cards, homework etc, of your children, grandchildren, nieces and nephews, etc.
- Vocational aptitude or I.Q test scores for yourself and/or your children.
- Letter from daycare center indicating cost of care and emotional state of children (if applicable).
- Psychological evaluation regarding the affect that your deportation would have on your mental state, and that of your family members.

