

**I-881, Application for Suspension of Deportation
 or Special Rule Cancellation of Removal**
 (Pursuant to Section 203 of Public Law 105-100 NACARA)

Instructions

Application for Suspension of Deportation or Special Rule Cancellation of Removal Pursuant to Section 203 of Public Law 105-100, the Nicaraguan Adjustment and Central American Relief Act (NACARA)

Purpose of This Form.

This form is to be used by any alien eligible to apply for suspension of deportation or special rule cancellation of removal under section 203 of Public Law 105-100, the Nicaraguan Adjustment and Central American Relief Act (NACARA 203).

You may use this form only if:

- (1) You are a national of El Salvador or Guatemala, or
- (2) You were, on December 31, 1991, a national of the Soviet Union, Russia, any Republic of the former Soviet Union (including Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan), Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany (German Democratic Republic), Yugoslavia, or any state of the former Yugoslavia (including Bosnia, Croatia, Macedonia, Slovenia, and Serbia and Montenegro), or
- (3) You are the spouse, child or unmarried son or unmarried daughter of one of the above described nationals.

In addition, you must meet the other requirements explained in these instructions. Certain individuals who have been battered or subjected to extreme cruelty, or whose child has been battered or subjected to extreme cruelty, may also use this form, if they meet the criteria outlined in Part I of this form.

If you are in immigration proceedings before the Executive Office for Immigration Review (EOIR) and are not eligible to apply for suspension of deportation or special rule cancellation of removal under section 203 of NACARA, you must use a Form EOIR-40 Application for Suspension of Deportation (if you are in deportation proceedings) or a Form EOIR-42B Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents (if you are in removal proceedings).

These instructions are presented in eight parts:

- **Part I** explains who is eligible to apply for suspension of deportation or special rule cancellation of removal under section 203 of NACARA.
- **Part II** explains eligibility to be granted NACARA relief.
- **Part III** explains how to complete this application.
- **Part IV** explains how to apply before the U.S. Department of Homeland Security (DHS), Bureau of Citizenship and Immigration Services (CIS). The CIS is comprised of offices of the former Immigration and Naturalization Service (INS).
- **Part V** explains how to apply before the Immigration Court.
- **Part VI** contains information regarding the types of supporting documents you may wish to submit with your application to show that you are eligible for NACARA relief.
- **Part VII** contains information about employment authorization.
- **Part VIII** contains information about change of address notification requirements.

Please read these instructions carefully. The instructions will help you complete your application and understand how it will be processed.

WARNING: Applicants who are in the United States illegally are subject to deportation or removal if their suspension of deportation or special rule cancellation of removal claims are not granted by an asylum officer or an Immigration Judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, deportation or removal proceedings, even if the application is later withdrawn. If you have any concerns about this, you should consult with an attorney or representative before you submit this application to the CIS.

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PART I: WHO IS ELIGIBLE TO APPLY FOR SUSPENSION OF DEPORTATION OR SPECIAL RULE CANCELLATION OF REMOVAL UNDER SECTION 203 OF NACARA?

If you have not been convicted of an aggravated felony and you are described in one of the following five categories, you are eligible to apply for suspension of deportation or special rule cancellation of removal under section 203 of NACARA.

You **must** be described in one of these categories to use this form:

A.i. A Salvadoran national who:

- first entered the United States on or before September 19, 1990;
- registered for benefits under the ABC settlement agreement (*American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 (N.D. Cal. 1991)) on or before October 31, 1991 (either by submitting an ABC registration form or by applying for temporary protected status - TPS); and
- was not apprehended at the time of entry after December 19, 1990.

You may apply with the CIS only if you have also applied for asylum on or before February 16, 1996, and CIS has not issued a final decision on your asylum application. Even if you have been placed in deportation or removal proceedings, you may still be eligible to apply with the CIS, if those proceedings have been administratively closed under the ABC settlement agreement.

To make an initial application before the Immigration Court, you must be in deportation or removal proceedings.

If you are described in this category, check (a) in Part 2 of the attached form.

A.ii. A Guatemalan national who:

- first entered the United States on or before October 1, 1990;
- registered for benefits under the ABC settlement agreement (*American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 (N.D. Cal. 1991)) on or before December 31, 1991; and
- was not apprehended at the time of entry after December 19, 1990.

You may apply with the CIS only if you have also applied for asylum on or before January 3, 1995, and the CIS has not issued a final decision on your asylum application. Even if you have been placed in deportation or removal proceedings, you may still be eligible to apply with the CIS, if those proceedings have been administratively closed under the ABC settlement agreement.

To make an initial application before the Immigration Court, you must be in deportation or removal proceedings.

If you are described in this category, check (a) in Part 2 of the attached form.

B. A Guatemalan or Salvadoran national who filed an application for asylum on or before April 1, 1990.

You may apply with the CIS only if the CIS has not issued a final decision on your asylum application.

To make an initial application before the Immigration Court, you must be in deportation or removal proceedings.

If you are described in this category, check (b) in Part 2 of the attached form.

C. An alien who:

- entered the United States on or before December 31, 1990;
- filed an application for asylum on or before December 31, 1991; and
- at the time of filing the application was a national of the **Soviet Union, Russia, any republic of the former Soviet Union, Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Yugoslavia, or any state of the former Yugoslavia.**

You may apply with the CIS only if the CIS has not issued a final decision on your asylum application.

To make an initial application before the Immigration Court, you must be in deportation or removal proceedings.

If you are described in this category, check (c) in Part 2 of the attached form.

D. The spouse, child, unmarried son, or unmarried daughter of an individual described in Part I (A), (B), or (C) above, who has been granted suspension of deportation or cancellation of removal. The relationship to your spouse or parent must exist at the time that your spouse or parent is granted suspension of deportation or cancellation of removal. If you are an unmarried son or unmarried daughter at least 21 years of age at the time your parent is granted the benefit, you must have entered the United States on or before October 1, 1990.

You may apply with the CIS only if the CIS has granted your parent or spouse suspension of deportation or special rule cancellation of removal, or your parent or spouse has a Form I-881 **pending** with the CIS. You may submit your application at the same time as your parent or spouse, while your parent's or spouse's application is still pending with the CIS or after your parent or spouse has already been granted suspension of deportation or special rule cancellation of removal by the CIS. You may also apply with the CIS if you were in deportation or removal proceedings and those proceedings have been closed to give you the opportunity to apply for suspension of deportation or special rule cancellation of removal with the CIS because your parent or spouse has applied with the CIS.

If the CIS does not grant suspension of deportation or special rule cancellation of removal to your spouse or parent and you appear to be inadmissible or deportable, the CIS will refer your application to the Immigration Court to be decided in removal proceedings.

To make an initial application before the Immigration Court, you must be in deportation or removal proceedings.

If you are described in this category, check (d) in Part 2 of the attached form.

E. An alien who has been battered or subjected to extreme cruelty by an individual described in Part 1(A), (B), or (C), and who was the spouse or child of that individual at the time that individual:

- was granted suspension of deportation or cancellation of removal;
- filed an application for suspension of deportation or cancellation of removal;
- registered for ABC benefits;
- applied for temporary protected status (TPS); or
- applied for asylum.

An alien whose child has been battered or subjected to extreme cruelty by an individual described in Part 1(A), (B), or (C), and who was the spouse of that individual at any of the times described in the bullets above is also eligible to apply.

The CIS does not have authority to decide eligibility for NACARA 203 relief for individuals described only in paragraph (E). Special provisions for individuals described in that paragraph are applied only to cases decided in Immigration Court. Therefore, if you are applying as a spouse or child who has been battered or subjected to extreme cruelty, you must make your initial application before the Immigration Court.

To make an initial application before the Immigration Court, you must be in deportation or removal proceedings.

If you are described in this category, check (e) in Part 2 of the attached form.

PART II: ELIGIBILITY TO BE GRANTED RELIEF.

You may be eligible for NACARA 203 relief if you fall into category (a), (b), (c), or (d) of Part 2 of the form AND you have established seven years of continuous physical presence in the United States, good moral character for that time period, and that you or your spouse, parent or child who is a United States citizen or lawful permanent resident will experience extreme hardship if you are returned to your country.

You may be eligible for NACARA 203 relief if you fall into category (e) of Part 2 of the form AND you have established three years continuous physical presence, good moral character for that time period, and you or your spouse, parent or child who is a United States citizen or lawful permanent resident will experience extreme hardship if you are returned to your country.

Other requirements may apply, including ten years physical presence and a showing of exceptional and extremely unusual hardship upon your return to your country, if you are deportable or removable from the United States based on certain provisions in the immigration law. There are also special provisions for individuals who have served in the United States Military.

PART III: HOW TO COMPLETE THE APPLICATION.

A. General Instructions

Submit a separate application for each applicant. A separate application must be prepared and submitted for each person applying for suspension of deportation or special rule cancellation of removal. An application on behalf of a person who is mentally incompetent or is a child under 14 years of age must be signed by a parent or guardian. Applicants who check category (d) only in Part 2 on the first page of the form must submit proof of relationship to the parent or spouse who is applying or has applied for suspension of deportation or special rule cancellation of removal.

Applicants who check category (e) of Part 2 on the first page of the form should also submit evidence of the past relationship with the individual described in Part 1 (A), (B), or (C) of these instructions. If you checked category (e) of Part 2 of the form you will also be asked to submit evidence of the battery or extreme cruelty.

Answer in English. You must fully and accurately answer all questions, providing explanations as required on the attached Form I-881. **Your answers must be in English.** Your responses must be typed or printed legibly in ink. Do not leave any questions unanswered or blank. If any question does not apply to you, write "None" or "N/A" in the appropriate space. **An incomplete form may be returned to you for completion.**

Attach additional sheets and documents where necessary.

Answer questions directly on the form, where possible. However, if you do not have enough space on the form to respond to a question fully, please continue your answer on an additional sheet. You may use page 8 of the form for this purpose. **You are strongly urged to attach additional written statements and documents that support your claim.** ABC class members who check category (a) or (b) in Part 2 of the attached form do not need to submit documentation to support a claim that removal would result in extreme hardship. (See Part VI of these instructions.)

If you need more than one additional sheet, please photocopy page 8 or attach additional sheets that show your Alien Registration Number (A#), name (exactly as it appears in Part I of the form), signature, date and the number of the question being answered.

You may amend and supplement your application. You will be permitted to amend or supplement your application at the time of your hearing in Immigration Court or at your interview with a CIS asylum officer, by providing additional information and explanations about your claim.

B. Translation of Documents

Any document you submit that is in a language other than English must be accompanied by an English language translation and a certificate signed by the translator stating that he or she is competent to translate the document and that the translation is true and accurate to the best of the translator's abilities. The certification must be printed legibly or typed.

C. Fees

Fees required. To apply for suspension of deportation or special rule cancellation of removal, you must pay the filing fee of **\$275.00** per individual application submitted, with the exception that all immediate family members (spouse, child, unmarried son or unmarried daughter) who submit their applications together in a single package are eligible for the family filing fee of **\$550.00**.

Note that the fees you must pay if you are applying in Immigration Court are different from the fees you must pay if you are applying with the CIS.

In addition, each person applying must pay a biometric services fee of **\$70.00** for the CIS to take their fingerprints and photograph, and if also required, their signature. There is no family discount for the biometric services fee.

If you are unable to pay the fees, you may ask permission to file your Form I-881 without fees, pursuant to 8 CFR § 103.7(c).

These fees will not be refunded, regardless of the action taken on your application. Therefore, it is important that you read the instructions and application carefully before applying.

Form of payment. All fees must be submitted in the exact amount. Payment may be made by cash, personal check, cashier's check, certified bank check, bank international money order, or foreign draft drawn on a financial institution in the United States. Remittances must be payable in United States currency and made payable to the **U.S. Department of Homeland Security**. If the check is drawn on an account of a person other than yourself, you must write your name and Alien Registration Number (A#) on the front of the check. An uncollectible check will make your application invalid, and any receipt issued by the CIS for the remittance shall not be binding on the CIS. A charge of \$30.00 will be imposed if the check in payment of a fee is not honored by the bank on which it is drawn.

How to pay when applying with the CIS. You must include the required fees with your application when you send it to the CIS. You may use one check to cover the application fee and the fingerprint fee. All immediate family members (spouse, child, unmarried son or unmarried daughter) who wish to take advantage of a family discount for filing fees must send their applications in a single package.

How to pay when applying in Immigration Court. If you are in deportation or removal proceedings and you are applying for suspension of deportation or special rule cancellation of removal with the Immigration Court, you must first pay the fee to the CIS Field Office Director. After you pay the fee, the CIS will return the Form I-881 to you for submission to the Immigration Court.

Evidence of payment of this fee, in the form of a fee stamp or receipt, must accompany your Form I-881 when you submit it to the Immigration Court.

If you are filing your application with the Immigration Court, you must pay a **\$155.00** fee to the **U.S. Department of Justice**, not the U.S. Department of Homeland Security. A single fee of \$155.00 will be charged by the court whenever applications are filed by two or more aliens in the same proceedings. The \$155.00 is not required if the CIS refers the application to the Immigration Court.

D. Biometric Services for Fingerprints, Photograph and Signature

Each applicant 14 years or older must be fingerprinted and photographed as part of the CIS biometric services. Your fingerprints and photograph must be taken at a designated Application Support Center or Law Enforcement Agency. You will be notified in writing of your appointment date and exact location where you must go for the biometric services. If required, the CIS may also take your signature.

In addition, you must submit with your application, **four adit-style** glossy, unretouched, color photographs of yourself taken within 30 days of the date you file this application. The photos must have a white background and must not be mounted. The dimension of your facial image in the photograph should be about 1 inch from chin to top of hair, and you should be shown in 3/4 frontal view showing the right side of your face with your right ear visible. Using a pencil or felt pen, you should lightly print your name and Alien Registration Number (A#) on the back of each photograph.

PART IV: HOW TO APPLY BEFORE THE CIS

A. Are you eligible to apply before the CIS?

Not everyone who is eligible to apply for suspension of deportation or special rule cancellation of removal is eligible to submit an application for decision by the CIS. Some people who are eligible to apply may ask for the benefit only in proceedings in Immigration Court. Please see Part I of these instructions to determine whether you are eligible to apply with the CIS.

B. ABC Class Members Who Have Received a Final Order of Deportation

If you are an ABC class member who is eligible for a new asylum interview with the CIS under the ABC settlement agreement and you are under a final order of deportation that has not been executed, you cannot apply for suspension of deportation with the CIS unless you have filed and been granted a motion to reopen your deportation proceedings, pursuant to 8 CFR §3.43. Once the deportation proceedings have been reopened, you may ask the Immigration Judge to administratively close the proceedings so that you may proceed with your suspension of deportation application with the CIS. To apply with the CIS, you will need to submit to the CIS the fees and documents described in paragraph C below.

C. What to Include With Your Application

You must send to the appropriate CIS Service Center the following documents (see section D below for addresses):

- an original completed Form I-881 with all attachments and supporting documents;
- one copy of a completed Form I-881 with all attachments and supporting documents;
- **four adit-style** photographs of you that meet the requirements described in Part III.D of these instructions;
- payment for the fees as explained in Part III.C of these instructions or a request for a waiver of the fees pursuant to 8 CFR § 103.7(c);
- proof of relationship to the spouse or parent who is applying for or has applied for suspension of deportation or special rule cancellation of removal under NACARA 203, if you check only box (d) in Part 2 on the first page of the Form I-881.

Please submit **two copies** of supporting documents and bring the originals with you to your interview with an asylum officer. Any original documents you submit will not be returned to you.

The EOIR-40 form will not be accepted when applying for Section 203 NACARA relief after June 21, 1999, except in the following limited circumstance. If you filed an EOIR-40 before June 21, 1999, and are eligible to apply with the CIS, then you may apply with the CIS by submitting the EOIR-40 attached to a completed first page of the I-881. If you are filing an I-881 or EOIR-40 (with page 1 of the I-881 attached) with the CIS and you have an order to administratively close the proceedings issued by an Immigration Judge or Board of Immigration Appeals, you should attach a copy of the order to your application.

D. Where to File the Application

If you are eligible to apply for suspension of deportation or special rule cancellation of removal with the CIS, mail your completed application and all supporting documents with the required fees to the CIS Service Center indicated below:

If you live in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, the Commonwealth of Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, the United States Virgin Islands, Vermont, Virginia, West Virginia or Wyoming, mail your application to:

USCIS Vermont Service Center
Attn: I-881
75 Lower Welden St.
St. Albans, VT 05479-0881

If you live in Alaska, Arizona, California, the Commonwealth of Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, Ohio, South Dakota, Washington or Wisconsin, mail your application to:

USCIS California Service Center
P.O. Box 10881
Laguna Niguel, CA 92607-0881

E. Interview Process

You will be notified by the CIS Asylum Office of the date, time and place (address) of a scheduled interview. You should bring a copy of your application and originals of your supporting documents with you when you have your interview. You should also bring some form of identification to your interview, including any passport(s), other travel or identification documents, or Form I-94 Arrival/Departure Record. You have the right to legal representation at your interview, at no cost to the U. S. Government.

If you are unable to proceed with the interview in fluent English, you must provide at no expense to the CIS a competent interpreter fluent in both English and a language that you speak fluently.

Your interpreter must be at least 18 years of age. The following persons cannot serve as your interpreter: your attorney or representative of record, a witness testifying on your behalf at the interview or, if you have an asylum application pending, a representative or employee of your country. Quality interpretation may be crucial to your claim. Such assistance must be obtained, at your expense, prior to the interview.

Failure without good cause to bring a competent interpreter to your interview may be considered an unexcused failure to appear for the interview. Any unexcused failure to appear for an interview may result in dismissal of your application, or it may be referred directly to the Immigration Court.

If you cannot attend the interview, you should send a written request to reschedule your interview, as soon as you know that you cannot attend. You should send your request to the CIS Asylum Office that sent you the interview notice.

F. Decision Process and Admission of Deportability or Inadmissibility

The CIS cannot grant suspension of deportation or special rule cancellation of removal unless you admit that you are inadmissible to or deportable from the United States. If the CIS determines that you are eligible for suspension of deportation or special rule cancellation of removal, you will be notified that the CIS has found you eligible for the benefit. At that time, you will be asked to sign an admission of deportability or inadmissibility. If you have any concerns about this, you should consult with an attorney or representative before you submit this application to the CIS.

If the CIS grants you suspension of deportation or special rule cancellation of removal, your status will be adjusted to that of a lawful permanent resident. If the CIS determines that you are not eligible for suspension of deportation or special rule cancellation of removal, and you appear to be inadmissible or deportable from the United States, you may be placed in removal proceedings or, if you previously were in proceedings before an Immigration Judge or the Board of Immigration Appeals which were administratively closed, the CIS will move to recalendar those proceedings. At the same time, the CIS will refer your application to EOIR for adjudication in deportation or removal proceedings.

Certain applicants not eligible for a grant by the CIS. The CIS will not be able to grant your application for suspension of deportation if you are deportable under paragraph (2) (criminal grounds), paragraph (3) (failure to register and falsification of documents), or paragraph (4) (security and related grounds) of former section 241(a) of the Immigration and Nationality Act (INA) as it existed prior to April 1, 1997. The CIS will not be able to grant your application for special rule cancellation of removal if you are inadmissible under paragraph (2) (criminal and related grounds) of section 212(a), or deportable under paragraph (2) (criminal offenses other than (A)(iii), relating to aggravated felonies), paragraph (3) (failure to register and falsification of documents), or paragraph (4) (security and related grounds) of section 237 (a) the INA.

However, if you are deportable or inadmissible under these provisions (other than those related to security concerns), you may still be eligible for relief from deportation or removal by an Immigration Judge under certain higher eligibility standards.

The CIS is not able to grant your Form I-881 application if you are eligible to apply only as someone described in Part I (E) of these instructions. Instead, if you are someone described in Part I (E), you may be eligible to apply with the Immigration Court as provided for in Part V below.

PART V: HOW TO APPLY WITH THE IMMIGRATION COURT.

If you are in deportation or removal proceedings, you may apply for suspension of deportation or special rule cancellation of removal only with the Immigration Court, unless proceedings have been administratively closed because 1) you are eligible for an asylum interview with the CIS under the terms of the ABC settlement agreement; or 2) you are a spouse, child, unmarried son or unmarried daughter whose proceedings have been administratively closed because your spouse or parent has a Form I-881 pending with the CIS.

To apply with the Immigration Court, you must serve the following documents on the DHS District Counsel:

- one copy of a completed Form I-881 with all attachments and supporting documents;
- an adit-style photograph of you that meets the requirements explained in Part III(D) of these instructions.

In addition, you must file the following documents with the appropriate Immigration Court:

- an original completed Form I-881 with all attachments and supporting documents;
- evidence of payment of the filing fee as explained in Part III(C) of these instructions or a request for a waiver of the fee by an Immigration Judge;
- an adit-style photograph of you that meets the requirements explained in Part III(D) of these instructions;
- a certificate showing service of these documents on the DHS District Counsel, unless service is made on the record at the hearing;
- Biographic Information Sheet, G-325A, if you are between 14 and 79 years of age.

Please submit **copies** of supporting documents and bring the originals with you to your hearing with an Immigration Judge. Any original documents you submit will not be returned to you.

The EOIR-40 will not be accepted when applying for NACARA 203 relief after June 21, 1999, except under the following limited circumstance. If you have filed an EOIR-40 before June 21, 1999, you do not need to file the I-881.

PART VI: SUPPORTING DOCUMENTS TO SHOW ELIGIBILITY FOR RELIEF.

Your answers to the questions on this form and your testimony before an asylum officer or Immigration Judge may help you establish that you meet the requirements for this benefit. However, it is also recommended that you submit documents to help support your claim.

Below is a list of documents that you may wish to submit in support of your claim. The list is not exclusive, and you may submit other documents you believe will help support your claim.

Continuous physical presence. Documents that may support your claim of continuous physical presence include, but are not limited to, the following:

- bankbooks;
- leases, deeds;
- licenses;
- receipts;
- letters;
- birth, church, school or employment records;
- evidence of tax payments, which may include IRS computer printouts;
- Employment Authorization Documents (EAD) or other documents issued by the CIS (or former INS).

Good moral character. Documents that may support your claim of good moral character include, but are not limited to, the following:

- affidavits, declarations, or letters of at least two witnesses, preferably United States citizens;
- affidavits, declarations, or letters of your employer, if employed;
- evidence of tax payments, which may include IRS computer printouts.

Extreme hardship. If you meet the eligibility requirements listed in (a) or (b) in Part 2 on Page 1 of the form, you are an ABC class member eligible to apply for NACARA relief. If you are an ABC class member described in either category (a) or (b) in Part 2 on the form, you will be presumed to meet the extreme hardship requirement unless evidence in the record establishes that neither you nor any qualified relative would experience extreme hardship if you are removed from the United States. As an ABC class member you do not need to initially submit documents that support your claim that your removal would result in extreme hardship. If you are unsure if you qualify for a presumption of extreme hardship, you should submit documents that support your claim that removal would result in extreme hardship. All individuals who cannot check box (a) or (b) in Part 2 on Page 1 of the form are strongly urged to submit documents to support their claim that removal would result in extreme hardship.

Documents that may support your claim for extreme hardship include, but are not limited to, the following:

- school records of your children;
- medical records, where relevant;
- records of your participation in community organizations or a church (for example, letters from others involved in the same organization or church);
- records of any volunteer work you have done;
- if you are self-employed, documents showing the number of people you employ, if any, and balance sheets;
- copies of permanent resident alien cards ("Green Cards") of any relatives who may suffer extreme hardship if you are deported or removed.

In addition to the documents described above as examples of support of continuous physical presence, good moral character, and extreme hardship, you should submit with your application copies of any documents that the CIS (or former INS) has issued to you. The Immigration Judge or CIS asylum officer may require you to submit additional records relating to your request for suspension of deportation or special rule cancellation of removal. These documents may include, but are not limited to, court convictions, payment of child support during the time you have been physically present in the United States, or documents relevant to extreme hardship for ABC class members.

PART VII: EMPLOYMENT AUTHORIZATION.

Applicants for suspension of deportation or special rule cancellation of removal under NACARA 203 are eligible to apply for and be granted employment authorization under 8 CFR 274a.12(c)(10). Applicants who wish to apply for employment authorization under this provision should submit a completed Form I-765, Application for Employment Authorization, following the instructions on that form.

If you are applying for employment authorization with your Form I-881, you should submit the fee for the EAD Form I-765 application on a separate check or money order from the check or money order submitted for the Form I-881 application.

PART VIII: ADDRESS NOTIFICATION REQUIREMENTS, PENALTIES AND PAPERWORK REDUCTION.

A. CHANGE OF ADDRESS

If you change your address, you must inform the DHS in writing of your new address within ten (10) days of moving.

You must notify the the DHS of any change of address by submitting Form AR-11 (Change of Address Form) to the DHS address listed on the Form within ten (10) days after you change your address. While your application is pending with the CIS Asylum Office, you must also notify the CIS Asylum Office by submitting a copy of the completed Form AR-11, or a signed and dated letter containing the change of address within ten (10) days after you change your address. The address that you provide on the application, or the last change of address notification you submitted, will be used by the DHS for mailing. Any notices mailed to that address will constitute adequate service, except where personal service is required.

If you are already in proceedings in Immigration Court, you MUST notify the Immigration Court on Form EOIR-33/IC (Change of Address Form) of any changes of address within five (5) days of the change of address. You must send the notification to the Immigration Court having jurisdiction over your case.

If you are already in proceedings before the Board of Immigration Appeals, you MUST notify the Board on Form EOIR-33/BIA (Change of Address Form) of any changes of address within five (5) days of the change of address.

B. PENALTIES

You must answer all questions on Form I-881 truthfully and submit only genuine documents in support of your application. You will be required to swear or affirm that the contents of your application and the supporting documents are true to the best of your knowledge. Your answer to the questions on this form and the supporting documents you present will be used to determine whether your deportation should be suspended or your removal should be canceled. Any answer you give and any supporting documents you present may also be used as evidence in any proceeding to determine your right to be admitted, be readmitted, pass through, or reside in the United States. Your application may be denied if any of your answers or supporting documents are found to be false.

Presenting false answers or false documents may also subject you to criminal prosecution under 18 U.S.C. 1546 and/or subject you to civil penalties under 8 U.S.C. 1324c if you submit your application knowing that the application or any supporting document contains any false statement with respect to a material fact, or if you swear or affirm that the contents of your application and the supporting documents are true, knowing that the application or any supporting document contains any false statement with respect to a material fact. If convicted, you could be fined up to \$250,000, imprisoned for up to five years, or both, according to 18 U.S.C. 1546(a), 3559(a)(4), 357(b)(3). If it is determined that you have violated the prohibition against document fraud and a final order is entered against you, you could be subject to a civil penalty up to \$2,000 for each document used or created for the first offense and up to \$5,000 for any second or subsequent offense. In addition, if you are the subject of a final order for violating 8 U.S.C. 1324c, relating to civil penalties for document fraud, you will be removable from the United States.

C. PAPERWORK REDUCTION ACT NOTICE

An agency may not conduct or sponsor an information collection and a person is not required to respond to an information collection unless it displays a currently valid OMB control number.

We try to create forms and instructions that are accurate, can easily be understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are complex. The reporting burden for this collection of information is computed as follows: (1) learning about the form, 2 hours; (2) completing the form, 5 hours, 3) assembling and filing the form, 5 hours, for an estimated average of 12 hours per application. If you have comments regarding the accuracy of this estimate, or suggestions for making the form simpler you can write to the Bureau of Citizenship and Immigration Services HQRF5, 425 I St., NW, Room 4034, Washington, DC 20529. **Do not mail your application to this address.**

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services
Department of Justice
U.S. Executive Office for Immigration Review

I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal

(Pursuant to Section 203 of Public Law 105-100 NACARA)

START HERE - Please type or print in black ink. If any question does not apply to you, write "None" or "N/A" in the appropriate space.

FOR CIS USE

Part 1. Background information about YOU.

Alien Registration Number(s), if any (List every "A-number" you have been given)

Family Name(s)	Given Name	Middle Name
----------------	------------	-------------

What other names have you used? (Include maiden name and aliases)

Address - Street Number and Name (or P.O. Box) Apt #

City	State	Zip
------	-------	-----

Date of Birth (mm/dd/yyyy)	Place of Birth (City or Town and Country)
----------------------------	---

Social Security #	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
-------------------	---

Present Nationality (Citizenship)	Home Phone # ()
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Part 2. Application type (check all that apply to you).

I am eligible to apply for suspension of deportation or special rule cancellation of removal under the Nicaraguan Adjustment and Central American Relief Act (NACARA) because I have not been convicted of an aggravated felony and:

- a) I am a national of El Salvador who first entered the United States on or before September 19, 1990, or a national of Guatemala who first entered the United States on or before October 1, 1990. I also timely registered for benefits under the settlement agreement in *American Baptist Churches v. Thornburgh (ABC)*, 760 F. Supp. 796 (N.D. Cal. 1991), either directly or, if Salvadoran, by applying for Temporary Protected Status (TPS), and I have not been apprehended at time of entry after December 19, 1990.
- b) I am a national of Guatemala or El Salvador who filed an application for asylum on or before April 1, 1990.
- c) I entered the United States on or before December 31, 1990; filed an application for asylum on or before December 31, 1991; and at the time of filing was a national of the Soviet Union (USSR), Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia.
- d) I am the spouse, child (unmarried and under 21 years of age), unmarried son or unmarried daughter of someone who has already applied, or is presently filing with me, for suspension of deportation or special rule cancellation of removal under NACARA. If I am an unmarried son or unmarried daughter, I entered the United States on or before October 1, 1990, or my parent was granted suspension of deportation or special rule cancellation of removal when I was less than 21 years of age. Attach proof of relationship and provide the following information about that spouse or parent:

Name:
A-number(s):
The person who has applied for suspension of deportation or special rule cancellation of removal is your: <input type="checkbox"/> Spouse <input type="checkbox"/> Parent

- e) I am or was the ____ spouse or ____ child of an individual described in Part 2 (a), (b) or (c) above, and I or my child has been battered or subjected to extreme cruelty by that individual described in Part 2 (a), (b), or (c) above.

Returned	Receipt
Resubmitted	
Reloc. Sent	
Reloc. Received	

Decision

Suspension of Deportation or Special Rule Cancellation of Removal and Adjustment of Status granted

Referred to Immigration Judge in accordance with 8 CFR Section 240.70

(Adjudicating Officer's Signature)

(Date of Action) (Office Location)

EOIR Actions

Attorney or Representative, if any

Check box if G-28 is attached.

VOLAG#

Atty. State License #

Part 3. Information about your presence in the United States.

1. Provide information about the places where you have resided in the United States during the last ten years: *(List PRESENT ADDRESS FIRST and work back in time. List only places where you resided 60 days or more. Attach additional sheets of paper as needed.)*

Street and Number	Apt. or Room #	City or Town	State	ZIP Code	Resided From: (Month/Year)	Resided To: (Month/Year)
						Present

2. Provide information about your **first** entry into the United States:

Name used when first entered the United States: <i>(Family Name, First, Middle)</i>		Place of first entry into the United States: <i>(City and State)</i>	
Your status when you first entered the United States:	Date of first entry into the United States: <i>(mm/dd/yyyy)</i>	Period for which admitted: <i>(mm/dd/yyyy)</i> From: _____ To: _____	
If you changed nonimmigrant status after entry, list status you changed to:	Date you changed status: <i>(mm/dd/yyyy)</i>	Last Extension of Stay expired on: <i>(mm/dd/yyyy)</i>	

3. Provide information about any departure from and return to the United States you have made since your first entry: *(Please list all departures, including brief ones. Attach additional sheets of paper as needed.)*

If you have not departed the United States since your first date of entry, please mark an X in this box:

Port of Departure: <i>(Place or Port, City, State)</i>	Departure Date: <i>(mm/dd/yyyy)</i>	Purpose of Travel:	Destination:
Port of Return: <i>(Place or Port, City, State)</i>	Return Date: <i>(mm/dd/yyyy)</i>	Status at Entry:	Inspected and Admitted? <input type="checkbox"/> Yes <input type="checkbox"/> No
Port of Departure: <i>(Place or Port, City, State)</i>	Departure Date: <i>(mm/dd/yyyy)</i>	Purpose of Travel:	Destination:
Port of Return: <i>(Place or Port, City, State)</i>	Return Date: <i>(mm/dd/yyyy)</i>	Status at Entry:	Inspected and Admitted <input type="checkbox"/> Yes <input type="checkbox"/> No

4. Have you ever:

- a) been ordered deported or removed? Yes No
- b) departed the United States under an order of deportation or removal? Yes No
- c) overstayed a grant of voluntary departure from an Immigration Judge or the DHS (or former INS)? Yes No
- d) departed the United States pursuant to a grant of voluntary departure? Yes No
- e) failed to appear for deportation or removal? Yes No

If you responded "Yes" to any of the above, please indicate the name and Alien Registration Number (A#) you were using at that time, along with the date you left the United States, if applicable: _____

If you are unsure about any of your answers to questions 4(a)-(e) above, please indicate which question(s) and explain why you are unsure about the response(s) you have given: *(Attach additional sheets of paper as needed.)*

Part 4. Information about your financial status and employment.

1. Provide information about the places where you have been employed for the last ten years: *(List PRESENT EMPLOYMENT FIRST and work back in time. Include all employment, even if less than full-time. If you did the same type of work for three or more employers during any six-month period and you do not know the names and addresses of those employers, you may state "multiple employers". Indicate the city or region where you did the work, list the type of work you did, and estimate your earnings during that period. Any periods of unemployment, unpaid work (as a homemaker or intern, for example), or school attendance should be specified. Attach additional sheets of paper as needed.)*

Full Name and Address of Employer or School: <i>(If self-employed, give name and address of business.)</i>	Earnings per Week <i>(approximate)</i>	Type of Work Performed:	Employed From: <i>(Month/Year)</i>	Employed To: <i>(Month/Year)</i>
				Present

2. Provide information about your assets in the United States and other countries, including those held jointly with your spouse, if you are married, or with others. Do not include the value of clothing and household necessities. If married, provide information about your spouse's assets that he or she does not hold jointly with you:

Self <i>(Including assets jointly owned with Spouse or others)</i>		Spouse	
Cash, Checking or Savings Accounts:	\$	Cash, Checking or Savings Accounts:	\$
Motor Vehicle(s): <i>(Minus any amount owed)</i>	\$	Motor Vehicle(s): <i>(Minus any amount owed)</i>	\$
Real Estate: <i>(Minus any amount owed)</i>	\$	Real Estate: <i>(Minus any amount owed)</i>	\$
Other: <i>(Describe below, e.g., stocks, bonds)</i>	\$	Other: <i>(Describe below, e.g., stocks, bonds)</i>	\$
Total:	\$	Total:	\$

3. Have you filed a federal income tax return while in the United States? Yes No If "Yes," indicate the years you filed and attach evidence that you filed the returns. If you did not file a tax return during any particular year(s), please explain why you did not file. *(Attach additional sheets of paper as needed):*

Part 5. Information about your marital status and spouse.

Marital status: Married Single (If single, skip this Part and go to Part 6) Divorced Separated Widower

1. Information about Spouse:				
Name: (Family Name(s), First, Middle)		Date of Marriage: (mm/dd/yyyy)		Place of Marriage: (City and Country)
Place of Birth: (City and Country)		Date of Birth: (mm/dd/yyyy)		Citizenship:
Your spouse currently resides at: (Indicate "with me" if spouse resides with you)				
_____		_____	_____	_____
Number and Street		Apt. #	City or Town	State/Country Zip Code
If presently residing in the United States, your spouse's present status is: <input type="checkbox"/> U.S. Citizen <input type="checkbox"/> Lawful Permanent Resident <input type="checkbox"/> Asylee <input type="checkbox"/> Asylum Applicant <input type="checkbox"/> Other (Please describe): _____				
His/her alien registration number(s) is (List all A#s your spouse has been given): A # _____				
Your spouse <input type="checkbox"/> is <input type="checkbox"/> is not employed. If employed, please give salary and the name and address of the place(s) of employment.				
Full Name and Address of Employer:		Earnings Per Week: (Approx)	Type of Work:	Employed from: (mm/dd/yyyy)
				Employed to: (mm/dd/yyyy)
2. Information about Previous Spouse(s):				
I <input type="checkbox"/> have <input type="checkbox"/> have not been previously married: (If previously married, list the names of each prior spouse, the dates on which each marriage began and ended, the place where the marriage ended, and describe how each marriage ended. Attach additional sheets of paper as needed.)				
Name of Prior Spouse: (FamilyName(s), First, Middle)	Date married: (mm/dd/yyyy)	Date marriage ended: (mm/dd/yyyy)	Place marriage ended: (City and Country)	Manner in which marriage was terminated or ended: (e.g., death of spouse, divorce)

3. Have you been ordered by any court, or are you otherwise under any legal obligation to provide child support and/or spousal maintenance? Yes No If "Yes," on a separate sheet of paper please explain what type of obligation you have, to whom it is owed, and whether you are fulfilling that obligation.

Part 6. Information about your child/children.

- Do you have children? Yes No (If "No," then skip this Part and go to Part 7)
- Please list all your children below, regardless of their age, giving the requested information about each of them. (In the address box, indicate "with me" if the child currently resides with you, or if the child does not live with you, provide his or her address and relationship to the person with whom he or she lives. Attach additional sheets of paper as needed.)

Name of Child: (Family Name(s), First, Middle)	A#	Place of Birth (City and Country)	Date of Birth (mm/dd/yyyy)	Immigration Status
1)				
Current Address:			Citizenship:	
2)				
Current Address:			Citizenship:	
3)				
Current Address:			Citizenship:	
4)				
Current Address:			Citizenship:	

Part 7. Information about your parent(s).

You do not need to provide information about your parents' assets and earnings unless you believe that your removal would result in extreme hardship to your parent or parents.

Name of Parent: (Family Name(s), First, Middle)	A#	Place of Birth (City and Country)	Date of Birth (mm/dd/yyyy)	Immigration Status
Father:				
Current Address: (Number and Street, City, State or Country)			Citizenship:	
Estimated total assets: \$		Weekly earnings: \$		
Mother:				
Current Address: (Number and Street, City, State or Country)			Citizenship:	
Estimated total assets: \$		Weekly earnings: \$		

Part 8. Miscellaneous information.

Please respond to the following questions. If you answer "Yes" to any of these questions, please provide an explanation on an attached sheet of paper.

- Have you ever (either in the United States or in a foreign country) been arrested, summoned into court as a defendant, convicted, fined, imprisoned, placed on probation, or forfeited collateral for an act involving a felony, misdemeanor, or breach of any public law or ordinance (including, but not limited to, driving violations involving alcohol)? Yes No
(If you answered "Yes," your explanation should include a brief description of each offense, including the name and location of the offense, date of conviction, any penalty imposed, any sentence imposed and the time actually served.)

2. Have you ever been:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	A habitual drunkard?
<input type="checkbox"/> Yes <input type="checkbox"/> No	One who has derived income principally from illegal gambling?
<input type="checkbox"/> Yes <input type="checkbox"/> No	One who has given false testimony for the purpose of obtaining immigration benefits?
<input type="checkbox"/> Yes <input type="checkbox"/> No	One who has engaged in prostitution or unlawful commercialized vice?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Involved in a serious criminal offense and asserted immunity from prosecution?
<input type="checkbox"/> Yes <input type="checkbox"/> No	One who has aided and/or abetted another to enter the United States illegally?
<input type="checkbox"/> Yes <input type="checkbox"/> No	A trafficker of a controlled substance, or one who knowingly assisted, abetted, conspired, or colluded with others in any such trafficking (not including a single offense of simple possession of 30 grams or less of marijuana)?
<input type="checkbox"/> Yes <input type="checkbox"/> No	A practicing polygamist?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Admitted into the United States as a crewman after June 30, 1964?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Admitted into the United States as, or after arrival acquired the status of, an exchange visitor?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Inadmissible or deportable on security related grounds under sections 212(a)(3) or 237(a)(4) (for cancellation applicants), or under pre-IIRIRA section 241(a)(4) (for suspension applicants) of the Immigration and Nationality Act (INA)?
<input type="checkbox"/> Yes <input type="checkbox"/> No	One who has ordered, incited, assisted, or otherwise participated in the persecution of an individual on account of his or her race, religion, nationality, membership in a particular social group, or political opinion?
<input type="checkbox"/> Yes <input type="checkbox"/> No	A person previously granted relief under section 212(c) (waiver for certain grounds of admissibility) or 244(a) (suspension of deportation) of the INA or whose removal has previously been canceled under section 240A (cancellation of removal) of the INA?

Part 9. Information about hardship you and/or your family will face if you are deported or removed from the United States.

Please answer the following questions by checking "Yes," "No", or "Not applicable" in the boxes provided. Where required, please provide an explanation of your answer on an attached sheet of paper. You should reference the number of each question for which you are providing an explanation. Your responses in this Part should be about you and/or your qualifying family member(s), except for your response to question 11. A qualifying family member is a parent, spouse, or child who is a United States citizen (USC) or lawful permanent resident (LPR) of the United States. When providing responses about a family member, please provide the family member's name and his or her relationship to you. **Please attach any documents you have to support the responses you give below.** (See the instructions for types of documents that you may wish to submit.)

IMPORTANT: If you meet the eligibility requirements for NACARA suspension of deportation or special rule cancellation of removal listed in (a) or (b), under **Part 2, Application type** on Page 1 of this form and you complete this form, you will be presumed to meet the extreme hardship requirement, unless evidence in the record establishes that neither you nor your qualified relative are likely to experience extreme hardship if you are deported or removed from the United States. If you qualify for a presumption of extreme hardship, you do not need to submit documents that support your answers below regarding your claim to extreme hardship, **but you need to provide explanations to your answers below.**

1. Yes No Not applicable - If you have (USC/LPR) children, do your children speak, read, and write English?
2. Yes No Not applicable - If you have (USC/LPR) children, do your children speak, read and write the native language of the country you would be returned to if deported or removed?
3. Yes No - Do you or any of your qualified family members suffer or have suffered any illness, health problem, or disability that required medical attention? If yes, please provide information about the health problem, the name of the qualified family member who suffers or suffered from it, and any care the person receives in the United States that would not be available in the country to which you would be deported or removed.
4. Yes No - Would you be able to obtain employment in the country to which you would be deported or removed? If yes, explain the type of employment you would be able to obtain. If no, explain why you would be unable to find employment.
5. Yes No Not applicable - If you or a qualified family member are currently pursuing educational opportunities in the United States, would you or the qualified family member continue to pursue the educational opportunities if deported or removed from the United States? If no, explain why not.
6. Yes No Not applicable - If you are deported or removed from the United States, would all qualified family member(s) accompany you? If no, list which qualified family member(s) would not accompany you. Also, explain why the qualified family member(s) would not accompany you and how that affects you and your family member(s).
7. Yes No - Would you or qualified members of your family experience any emotional or psychological impact if you were deported or removed from the United States? If yes, please explain.
8. Yes No - Would the current conditions in the country to which you would be deported or removed cause you or your qualified family members extreme hardship if you were returned? If yes, please explain.
9. Yes No - Do you presently have any other way, besides this application for suspension of deportation or special rule cancellation of removal, to adjust status to that of a permanent resident in the United States? If yes, please explain.
10. Yes No Not applicable - If you belong to any civic, political, religious, community, or social organization, association, foundation, club, or similar group or participate in volunteer activities, would your separation from these community ties and activities affect you if you are deported or removed from the United States? If yes, please explain.
11. Yes No - Is there any other type of hardship that you or your family would face if you are deported or removed from the United States? Include any hardship to your non USC/LPR children, spouse or parents and any hardship to brothers, sisters, grandparents or other extended family members. If yes, please explain.

Part 10. Signature.

After reading the information on penalties in the instructions, complete and sign below. If someone helped you prepare this application, he or she must complete **Part 11.**

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546, provides in part: "Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false information or which fails to contain any reasonable basis in law or fact shall be fined in accordance with this title or imprisoned not more than five years, or both."

Staple
photographs
here

I authorize the release of any information from my record that the Bureau of Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking.

WARNING: Applicants who are in the United States illegally are subject to deportation or removal if their applications are not granted by an Asylum Officer or an Immigration Judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, deportation or removal proceedings, even if the application is later withdrawn.

Signature of Applicant: _____ Date: _____
(Month/Day/Year)

Print Name:	Write your name in your native alphabet:
-------------	--

Part 11. Signature of person preparing form, if other than above. *(Read the following information and sign below.)*

I declare that I have prepared this application at the request of the person named in Part 10, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in a language the applicant speaks fluently for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-881 may subject me to civil penalties under 8 U.S.C. 1324 (c).

Signature of Preparer:	Print Name:	Date:
Daytime Telephone #: ()	Address of Preparer: <i>(Street # and Name, City or Town, State, Zip Code)</i>	

Part 12. To be completed at interview or hearing.

You will be asked to complete this Part when you are before an Asylum Officer of the Bureau of Citizenship and Immigration Services or an Immigration Judge of the Executive Office for Immigration Review (EOIR) for examination.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, are all true or not all true to the best of my knowledge and that the corrections numbered _____ to _____ were made by me or at my request.

Signed and sworn to before me by the above-named applicant on:

_____ Signature of Applicant	_____ Date <i>(Month/Day/Year)</i>
_____ Write your Name in your Native Alphabet	_____ Signature of Asylum Officer or Immigration Judge

NOTE: Use this blank sheet to supplement any information requested. Please copy and submit as needed.

A# _____ Print Name _____

Signature of Applicant: _____ **Date:** _____

(mm/dd/yyyy)

Part _____

Question _____