



Why Immigration Trial Attorneys Are Vital to Your Immigration Success

Immigration trial attorneys know protecting immigrants is one of the hardest jobs today. Each year, deportation defense becomes tougher. More and more rigid laws are passed – increasing the difficulty of winning removal cases.

Do Not Trust the News

Too many news stories present a different picture. Watching the news on immigration causes many people to believe deporting individuals is almost impossible. This view is far from the truth. Do not fall into the trap of thinking that getting a green card is easy.

The reality is that once an immigrant is sent to Immigration Court, the odds of winning are far less than 50-50. Rules are not only stiffer . . . procedures are tighter . . . and judges are stricter than ever before. Still, about 60% of immigrants try to handle their cases without an immigration trial attorney. This is an open invitation for tragedy.

The Path to Immigration Success Is Complicated

Even when immigrants have good cases, there are no guarantees. Victory is a privilege, not a right.

Immigration judges can (1) feel that you are a good person, (2) declare that you have been 100% honest, and (3) acknowledge that your life will be disrupted if you are deported – and yet, decide that you do not meet the requirements to remain in the United States.

For immigrants who do not have valid documents, the situation is harsher. They are often left with only one possible defense against deportation. This is called cancellation of removal. They must prove:

- 10 years of continuous physical presence in the U.S.
- Good moral character during the ten years
- No convictions which disqualify them from immigration benefits
- Exceptional and extremely unusual hardship to a qualifying relative (Qualifying relatives are your husband, wife, parents, or children who are either U.S. citizens or lawful permanent residents already)

By far, the requirement normally most difficult to demonstrate is hardship.



Two Roads to Victory

There are two roads to proving hardship. The difference between the roads: where your family members plan to live if you are removed.

If you take the first road, your family members will leave the U.S. with you. If you take the second road, they will stay here even after you are sent back to your home country.

This is a very important decision. It is important because what happens if you are deported will affect your life and your family's life forever. And what happens if you are deported is what the judge needs to know, absolutely know, in great detail.

The road you and your family choose is important for another reason. It determines how your immigration trial attorney will present your case. If you take the first road, your lawyer has to show how moving to your home country will have a negative effect on your qualifying relatives. If you take the second road, your immigration trial attorney has to show how your family will suffer without your day-to-day support and love.

When Your Hardship Is Not Enough

Both types of cases take a lot of preparation. There are many, many things to talk about in court. A lot of evidence is needed to support your testimony. The right amount of hardship is incredibly difficult to prove.

Almost all immigrant families will suffer some hardship if a family member is deported. Judges tell many immigrants that they have shown some hardship – but they have only shown ordinary hardship. You must demonstrate exceptional and extremely unusual hardship.

Facing deportation if you lose your case, this is not something to try on your own. Most people cannot put their hardship case together without the help of a skilled immigration trial attorney. If remaining in the U.S. is your goal, your choice of an attorney may make the difference.