

Winning Voluntary Departure

If you do not have a way to stay legally in the U.S. now, but may in the future, voluntary departure is a good idea because you will NOT have a deportation order in your immigration record, so it may be easier to return legally.

If you ask for voluntary departure, you must:

- Give up the right to fight your case. You cannot apply for asylum, cancellation of removal, adjustment of status, or any other defenses.
- Pay for your trip home. You must buy your own, open-ended ticket.

► You cannot qualify for voluntary departure if you have been convicted of an aggravated felony

(Aggravated felonies include: murder, rape, sexual abuse of a minor, drug trafficking, firearms trafficking, violent crimes with a sentence of at least 1 year, theft with a sentence of at least one year, and others)

► In addition, you must convince the judge he should give you voluntary departure. You must show the judge you are a good person and deserve the opportunity to return to the U.S. legally in the future.

It is a good idea to present evidence at your hearing, for example:

- letters of support from family, friends, religious leaders, or employers (all letters must be translated into English)
- birth certificates, copies of green cards, and other papers showing members of your family are US citizens or legal permanent residents
- copies of your marriage certificate if your spouse is a U.S. citizen or legal permanent resident
- proof that a family member has filed an "I-130 petition" for you to get lawful permanent residency
- certificates from any classes you have completed
- proof that you support your family
- any other evidence showing you are a good person

Family members, friends, or anyone who supports your case may come to court to testify for you, or they may testify by telephone

If you need time out of detention before you depart, you must pay your bond

What to write in a letter of support

You may bring letters of support from your family, friends, employers (if you were legally working), and religious leaders, among others.

The letters of support must:

- (1) Be written in English (or translated into English).
- (2) Begin with “Dear Honorable Immigration Judge ____”
- (3) State YOUR full name and A number:
 - [Full Name] (A#____ - ____ - ____)
- (4) Include the writer’s address and immigration status (if naturalized citizen, include date of naturalization; if LPR, include green card number).
- (5) Explain:
 - The writer’s relationship to you
 - How long the writer has known you
 - Why you are a good person (including specific things s/he’s done, if possible)
 - How the writer knows that you are a responsible person
 - Why the writer believes that you can be trusted to comply with the ruling of the immigration court, no matter the outcome
 - If the writer will be providing help with your housing and food when you are released, they must state so in the letter.
- (6) Mail the letters to you, NOT to the court. If you have legal representation, then the letter should be mailed to your representative.