



# Expanded Eligibility for Provisional Waivers of Inadmissibility

Written by [Lesley Irizarry-Hougan](#), Seattle Immigration Lawyer

On November 20, 2014, President Obama announced changes to the I-601A waiver process, which expands eligibility for certain individuals seeking provisional waivers of unlawful presence. Please consult an attorney for your particular situation.

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## ***Background***

On March 4, 2013, the government began accepting applications for provisional waivers of inadmissibility for unlawful presence. This meant that individuals who had to return to their countries of origin to apply for lawful permanent residence at the consulate could apply for waivers of unlawful presence in the United States before departing the U.S. This application was filed using the Form I-601A.

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## ***What is the eligibility to become a U.S. citizen?***

In order to qualify for this provisional waiver, you must meet the following criteria: 1) Be 17 years of age or older; 2) Be the spouse, child, son or daughter, or parent of a U.S. citizen OR the spouse, son, or daughter of a lawful permanent resident; 3) Have an approved Form I-130 (Immigrant visa petition) or Form I-360; 4) Have a pending immigrant visa case with the Department of State and have paid your immigrant visa fee; 5) Be able to show that your U.S. citizen spouse or parent will suffer extreme hardship if you are unable to return to the United States; 6) Be physically present in the United States at the time that you file your I-601A application and are scheduled for a fingerprint appointment; and 7) Not be scheduled for an immigrant visa interview at the consulate before January 3, 2013. In order to apply for this waiver, your only ground of inadmissibility must be unlawful presence in the United States. Because inadmissibility can be a complex area of immigration law, you should consult with an Immigration attorney before filing an application for this waiver.

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## ***When can I apply?***

Applications are currently being accepted for spouses, children, and parents of United States citizen. The government will be issuing new guidance and regulations for sons and daughters of U.S. citizens, as well as spouses, sons, and daughters of lawful permanent residents. However, at this time, these individuals are not eligible to apply. In the meantime, you can consult with an immigration attorney about your eligibility and begin gathering documentation for your case.



## **Additional Resources**

[Immigration Law Blog - Obama's Changes to the I-601A Waiver Process: Expanded Eligibility for Provisional Waivers of Inadmissibility](#)

<http://www.immigrationlawseattle.com/blog/2014/12/30/obamas-changes-to-the-i-601a-waiver-process-expanded-eligibility-for-provisional-waivers-of-inadmissibility>