

PROVISIONAL UNLAWFUL PRESENCE WAIVER

The provisional unlawful presence waiver process is for certain immigrant visa applicants who are spouses, children and parents of U.S. citizens (immediate relatives). If you are an immediate relative who needs a waiver of inadmissibility for unlawful presence only, and meet other requirements, you can

apply for a provisional unlawful presence waiver while in the United States and before you depart for your immigrant visa interview at a U.S. embassy or consulate abroad.

If your provisional unlawful presence waiver is approved, you depart the U.S. to attend your immigrant visa interview abroad, and you are otherwise eligible, the consular officer will issue your immigrant visa. A pending or approved provisional unlawful presence waiver will not allow you to receive interim benefits while in the United States, protect you from removal, or grant you lawful status. Approval does not guarantee visa issuance or admission to the United States.



Am I Eligible?

The bullets below outline general guidelines:



- You must be physically present in the United States to file your application and to provide biometrics.
- You must be 17 years of age or older at the time of filing.
- You must be the beneficiary of an approved immigrant visa petition classifying you as the immediate relative of a U.S. citizen.
- You must have an immigrant visa case pending with the Department of State (DOS), for the approved immediate relative petition and have already paid your DOS immigrant visa processing fee.
- You must only be inadmissible to the United States because of unlawful presence and for no other reason.

Please read the Form I-601A instructions for full details on eligibility before applying.

How do I file?



Ensure that you meet the eligibility requirements.



Complete Form I-601A.



Mail your form, supporting documents, and required fees to USCIS.



USCIS will schedule you for a biometric services appointment.



U.S. Citizenship and Immigration Services

For more information visit www.uscis.gov/provisionalwaiver or call USCIS Customer Service at 1-800-375-5283 or 1-800-767-1833 (TDD).

