Application for Provisional Unlawful Presence Waiver

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-601A
OMB No. 1615-0123
Expires 07/31/2018

For USCIS Use Only	Initial Receipt	Fee Stamp		Action Block
	Resubmitted	Relocated		
		Received	Sent	

To be completed by an attorney or BIA-accredited representative (if any).	☐ Select this box if Form G-28 is attached to represent the applicant.	Attorney State Bar Number (if applicable)	Attorney or Accredited Representative USCIS Online Account Number (if any)

► **START HERE - Type or print in black ink.**

Part 1. Information About You

Provide the following information about yourself.

1. Alien Registration Number (A-Number) (if any)
► **A-**

2. U.S. Social Security Number (if any)
►

3. USCIS Online Account Number (if any)
►

Your Full Name

4.a. Family Name (Last Name)

4.b. Given Name (First Name)

4.c. Middle Name

Other Names Used (if any)

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

6.a. Family Name (Last Name)

6.b. Given Name (First Name)

6.c. Middle Name

Your U.S. Mailing Address

7.a. In Care Of Name

7.b. Street Number and Name

7.c. ☐ Apt. ☐ Ste. ☐ Flr.

7.d. City or Town

7.e. State **7.f.** ZIP Code

8. Is your current physical address the same as your mailing address? ☐ Yes ☐ No

If you answered "No" to **Item Number 8.**, provide your physical address in **Item Numbers 9.a. - 9.e.**

Your U.S. Physical Address

9.a. Street Number and Name

9.b. ☐ Apt. ☐ Ste. ☐ Flr.

9.c. City or Town

9.d. State **9.e.** ZIP Code

Other Information

10. Gender ☐ Male ☐ Female

11. Date of Birth (mm/dd/yyyy)

Part 1. Information About You (continued)

12. City or Town of Birth

13. Country of Birth

14. Country of Citizenship or Nationality

15.a. Mother's Family Name (Last Name)

15.b. Mother's Given Name (First Name)

16.a. Father's Family Name (Last Name)

16.b. Father's Given Name (First Name)

Your Last Entry Into the United States

17. Date of Entry (On or about mm/dd/yyyy)

18.a. Place or Port-of-Entry (Actual or approximate city or town)

18.b. State

19. Immigration Status (At the time of entry)

Your Previous Entries Into the United States

You were previously in the United States as follows:

20.a. Place or Port-of-Entry (Actual or approximate city or town)

20.b. State

21.a. From (On or about mm/dd/yyyy)

21.b. To (On or about mm/dd/yyyy)

22. Immigration Status (At the time of entry)

23.a. Place or Port-of-Entry (Actual or approximate city or town)

23.b. State

24.a. From (On or about mm/dd/yyyy)

24.b. To (On or about mm/dd/yyyy)

25. Immigration Status (At the time of entry)

26. Are there other previous entries? ☐ Yes ☐ No

If you answered "Yes" to **Item Number 26.**, include the place of entry, dates, and your immigration status at the time of entry for any other prior entries in the space provided in **Part 9. Additional Information**.

Your Immigration or Criminal History

27. Are you currently in removal, exclusion, or deportation proceedings in which there is no final order issued by the immigration judge, the Board of Immigration Appeals, a DHS officer, or a Federal court yet? (This includes proceedings under INA section 239, an exclusion or deportation proceeding initiated before April 1,1997, a Visa Waiver Program removal proceeding under INA section 217, expedited removal under INA 235, and a request for a judicial removal order under INA section 238(c))? ☐ Yes ☐ No

If you answered “No” to **Item Number 27.**, go to **Item Number 29.a.** If you answered “Yes” to **Item Number 27.**, select the statement below (either **Item Number 28.a.** or **28.b.**) that most accurately describes your current situation.

28.a. ☐ I am in removal, exclusion, or deportation proceedings that are administratively closed and, at the time of filing my Form I-601A, have not been placed back on EOIR's calendar to continue my removal, exclusion, or deportation proceedings.

NOTE: You may be eligible for a provisional unlawful presence waiver. Provide a copy of the administrative closure order. Also, if U.S. Citizenship and Immigration Services (USCIS) approves your provisional unlawful presence waiver, you should seek termination or dismissal of your removal, exclusion, or deportation proceedings before you depart the United States for your immigrant visa interview.

Part 1. Information About You (continued)

28.b. ☐ I am currently in removal, exclusion, or deportation proceedings that are not administratively closed, or in removal, exclusion, or deportation proceedings that were administratively closed, but EOIR has placed my proceedings back on its calendar in order to continue them.

NOTE: You are ineligible for a provisional unlawful presence waiver unless your proceedings are administratively closed at the time you file your Form I-601A, and the proceedings have not been put back on EOIR's calendar to continue your removal, exclusion, or deportation after having been previously administratively closed.

29.a. Are you currently subject to a final order of removal, exclusion or deportation? (This includes an order entered in proceedings under INA section 239, an exclusion or deportation order entered in proceedings initiated before April 1, 1997, a Visa Waiver Program removal order under INA section 217, an expedited removal order under INA section 235, and a judicial order under INA section 238(c))? ☐ Yes ☐ No

NOTE: If you answered "Yes" to **Item Number 29.a.**, you are ineligible for a provisional unlawful presence waiver unless you applied for, and USCIS has already approved, an application for permission to reapply for admission under INA section 212(a)(9)(A)(iii) and 8 CFR 212.2 on Form I-212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal. If you have already applied for and if USCIS has already granted you permission to reapply for admission, provide the relevant information in **Item Number 29.b.** If you answered "No" to **Item Number 29.a.**, go to **Item Number 31.**

29.b. USCIS Receipt Number for Your Approved Form I-212:

► ☐☐☐☐☐☐☐☐☐☐☐☐☐

NOTE: You may also provide a copy of the approval notice that USCIS sent to you when it approved your Form I-212.

30.a. Has DHS served you with a DHS Form I-871, giving you notice that DHS intends to reinstate a prior deportation, exclusion, or removal order against you as permitted under INA section 241(a)(5)? ☐ Yes ☐ No

30.b. If you answered "Yes" to **Item Number 30.a.**, has DHS served you with a final decision reinstating a prior deportation, exclusion, or removal order under INA section 241(a)(5)? ☐ Yes ☐ No

31. Are you currently subject to a grant of voluntary departure that has not expired and that was granted to you by the immigration judge or the Board of Immigration Appeals during removal, exclusion, or deportation proceedings? ☐ Yes ☐ No

NOTE: If you answered "Yes" to **Item Number 31.**, you are ineligible for a provisional unlawful presence waiver.

If you were granted voluntary departure in the past, but then you withdrew your voluntary departure request or otherwise terminated voluntary departure you should not select "Yes" to **Item Number 31.** In this case you may be in removal proceedings or you may be the subject of a final order of removal, deportation, or exclusion. You should select the statements that apply to you in **Item Numbers 27. - 28.b.** or **Item Number 29.a.** If you filed a motion to withdraw your voluntary departure request, please submit a copy with your Form I-601A.

Answer **Item Numbers 32. - 38.** If you answer "Yes" to any question in **Item Numbers 32. - 38.**, your application for a provisional unlawful presence waiver may be denied as a matter of discretion. For each "Yes" response for **Item Numbers 32. - 38.**, provide the location and date of the event and a brief description in **Part 9. Additional Information**. For **Item Number 32.**, if you were arrested but not charged with any crime or offense, provide a statement or other documentation from the arresting authority, prosecutor's office, or court to show that you were not charged with any crime or offense. If you answer "Yes" to **Item Number 35.**, you must provide all related court dispositions.

32. Have you **EVER** knowingly and willfully given false or misleading information to a U.S. Government official while applying for an immigration benefit or to gain entry or admission into the United States? ☐ Yes ☐ No

33. Have you **EVER** been engaged in alien smuggling? ☐ Yes ☐ No

34. Have you **EVER** been arrested, cited, or detained by a law enforcement officer (including immigration and military officers) in the United States, your home country, and/or any other country for any reason other than traffic violations? ☐ Yes ☐ No

35. Have you **EVER** been charged, indicted, convicted, imprisoned, or jailed in the United States, your home country, and/or any other country for any crime or offense? ☐ Yes ☐ No

36. Have you **EVER** trafficked in or are you **NOW** trafficking in any controlled substance? ☐ Yes ☐ No

Part 1. Information About You (continued)

37. Are you **NOW** or have you **EVER** knowingly assisted, abetted, conspired, or colluded with others in the unlawful trafficking of any controlled substance?

☐ Yes ☐ No

38. Are you **NOW** or have you **EVER** been engaged in prostitution?

☐ Yes ☐ No

Answer **Item Numbers 39.a. - 45.** If you answer "Yes" to any question in **Item Numbers 39.a. - 45.**, your application for a provisional unlawful presence waiver may be denied as a matter of discretion. For each "Yes" response for **Item Numbers 39.a. - 45.**, provide a complete explanation in **Part 9. Additional Information**.

Have you **EVER** ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:

39.a. Acts involving torture or genocide? ☐ Yes ☐ No

39.b. Killing any person? ☐ Yes ☐ No

39.c. Intentionally and severely injuring any person?

☐ Yes ☐ No

39.d. Engaging in any kind of sexual contact or relations with any person who was being forced or threatened?

☐ Yes ☐ No

39.e. Limiting or denying any person's ability to exercise religious beliefs?

☐ Yes ☐ No

Have you **EVER**:

40.a. Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerilla group, militia, or insurgent organization? ☐ Yes ☐ No

40.b. Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons?

☐ Yes ☐ No

41. Have you **EVER** been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so?

☐ Yes ☐ No

42. Have you **EVER** assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person? ☐ Yes ☐ No

43. Have you **EVER** received any type of military, paramilitary, or weapons training? ☐ Yes ☐ No

44. Have you **EVER** recruited, enlisted, conscripted, or used any person under 15 years of age to serve in or help an armed force or group? ☐ Yes ☐ No

45. Have you **EVER** used any person under 15 years of age to take part in hostilities, or to help or provide services to people in combat? ☐ Yes ☐ No

Part 2. Biographic Information

1. Ethnicity (Select **only one** box)

☐ Hispanic or Latino

☐ Not Hispanic or Latino

2. Race (Select **all applicable** boxes)

☐ White

☐ Asian

☐ Black or African American

☐ American Indian or Alaska Native

☐ Native Hawaiian or Other Pacific Islander

3. Height Feet ☐ Inches ☐

4. Weight Pounds ☐ ☐ ☐

5. Eye Color (Select **only one** box)

☐ Black ☐ Blue ☐ Brown
☐ Gray ☐ Green ☐ Hazel
☐ Maroon ☐ Pink ☐ Unknown/Other

6. Hair Color (Select **only one** box)

☐ Bald (No hair) ☐ Black ☐ Blond
☐ Brown ☐ Gray ☐ Red
☐ Sandy ☐ White ☐ Unknown/ Other

Part 3. Information About Your Immigrant Visa Case

Provide the basis on which you are immigrating to the United States using the check boxes below. (Select **only one** box)

1.a. ☐ Diversity Visa Program Selectee or Derivative

1.b. ☐ Immediate Relative Petition (Form I-130)

1.c. ☐ Preference-Based Family Petition (Form I-130), including Derivatives

1.d. ☐ Employment-Based Petition (Form I-140), including Derivatives

1.e. ☐ Special Immigrant/Widow Petition (Form I-360), including Derivatives

If you selected **Item Number 1.a.** because you are a Diversity Visa (DV) Program selectee or derivative, provide information about your (or your spouse's or parent's) DV case:

2.a. DOS DV Case Number (KCC Case Number)

▶

DV Program Selectee's Full Name (If you are a derivative and your parent or spouse is the DV Program Selectee)

2.b. Family Name (Last Name)

2.c. Given Name (First Name)

2.d. Middle Name

If you selected **Item Numbers 1.b.**, **1.c.**, **1.d.**, or **1.e.** provide the following information about the approved immigrant visa petition (Form I-130, Form I-140, or Form I-360) that was filed on your (or your spouse's or parent's) behalf, or that you used to self-petition on your behalf, that is your basis to immigrate and the related Department of State (DOS) immigrant visa application.

3.a. USCIS Receipt Number

▶

3.b. DOS Consular Case Number (NVC Case Number)

▶

Petitioner Name (Provide the full name of the family member or the company who petitioned for you (or your spouse or parent).)

3.c. Family Name (Last Name)

3.d. Given Name (First Name)

3.e. Middle Name

3.f. Company or Organization Name

Part 4. Information About Your Qualifying Relative

Provide the following information about the qualifying relative (the U.S. citizen or Lawful Permanent Resident (LPR) spouse or parent) who would experience extreme hardship if you were refused admission to the United States.

Your Qualifying Relative's Full Name and Relationship to You

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2.a. ☐ U.S. Citizen Spouse

2.b. ☐ U.S. Citizen Parent

2.c. ☐ LPR Spouse

2.d. ☐ LPR Parent

Your Other Qualifying Relative

3. Do you have more than one qualifying relative (U.S. citizen or LPR spouse or parent)? ☐ Yes ☐ No

If you answered "Yes" to **Item Number 3.**, provide the other qualifying relative's name and your relationship to the qualifying relative in **Item Numbers 4.a. - 5.d.** Also provide evidence of the U.S. citizenship or LPR status of the other qualifying relative with your application. See the **What Evidence Must I Submit With Form I-601A** section of the Instructions.

Additional Qualifying Relative's Full Name and Relationship to You

4.a. Family Name (Last Name)

4.b. Given Name (First Name)

4.c. Middle Name

5.a. ☐ U.S. Citizen Spouse

5.b. ☐ U.S. Citizen Parent

5.c. ☐ LPR Spouse

5.d. ☐ LPR Parent

Part 5. Statement From Applicant

In the space provided, explain in detail why you believe USCIS should approve your application for a provisional unlawful presence waiver as a matter of discretion. Provide all of the reasons you believe support your application for this waiver, including information about the extreme hardship your qualifying relatives would experience if you were refused admission to the United States. If you need extra space to complete your statement, use the space provided in **Part 9. Additional Information**.

Part 6. Applicant's Statement, Contact Information, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-601A Instructions before completing this part. You must file Form I-601A while in the United States.

Applicant's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.

1.b. ☐ The interpreter named in **Part 7.** read to me every question and instruction on this application and my answer to every question in _____, a language in which I am fluent, and I understood all of this information as interpreted.

2. ☐ At my request, the preparer named in **Part 8.**, _____, prepared this application for me based only upon information I provided or authorized.

Applicant's Contact Information

3. Applicant's Daytime Telephone Number

4. Applicant's Mobile Telephone Number (if any)

5. Applicant's Email Address (if any)

Applicant's Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this application, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

Part 6. Applicant's Statement, Contact Information, Certification, and Signature (continued)

I understand that USCIS will require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, I will be required to sign an oath reaffirming that:

1) I reviewed and provided or authorized all of the information in my application;
2) I understood all of the information contained in, and submitted with, my application; and
3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that I provided or authorized all of the information in my application, I understand all of the information contained in, and submitted with, my application, and that all of this information is complete, true, and correct.

Applicant's Signature

6.a. Applicant's Signature

6.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may deny your application.

Part 7. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

1.b. Interpreter's Given Name (First Name)

2. Interpreter's Business or Organization Name (if any)

Interpreter's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State **3.e.** ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and _____, which is the same language specified in **Part 6.**, **Item Number 1.b.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

7.a. Interpreter's Signature (sign in ink)

7.b. Date of Signature (mm/dd/yyyy)

Part 8. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant

Provide the following information about the preparer.

Preparer's Full Name

1.a. Preparer's Family Name (Last Name)

1.b. Preparer's Given Name (First Name)

2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State **3.e.** ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)

Preparer's Statement

7.a. ☐ I am not an attorney or accredited representative but have prepared this form on behalf of the authorized individual and with the authorized individual's consent.

7.b. ☐ I am an attorney or accredited representative and have prepared this form on behalf of the authorized individual and with the authorized individual's consent.

NOTE: If you are an attorney or accredited representative, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the **Applicant's Certification**, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Preparer's Signature

8.a. Preparer's Signature (sign in ink)

8.b. Date of Signature (mm/dd/yyyy)

Part 9. Additional Information

If you need extra space to provide any additional information within this application, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this application or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2. A-Number (if any) ► **A-**

3.a. Page Number **3.b.** Part Number **3.c.** Item Number

3.d.

4.a. Page Number **4.b.** Part Number **4.c.** Item Number

4.d.

5.a. Page Number **5.b.** Part Number **5.c.** Item Number

5.d.

6.a. Page Number **6.b.** Part Number **6.c.** Item Number

6.d.

7.a. Page Number **7.b.** Part Number **7.c.** Item Number

7.d.