

# Spotlight: Immigration

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## Inside Issue 2

- We discuss the recent changes in the Provisional Unlawful Presence waiver, welcome new members of our staff, and discuss recent TPS re-registration deadlines.

## LSI STAFF

### Office Coordinator

Gloria Maldonado

### Attorneys

Barbara Graham

Gabriela Parra

Nancy Pomes

Jessica Woolever

Dan Marazan

### Paralegals

Brenna Cass

Elisa Sipols

## Table of Contents:

Provisional Unlawful Presence Waiver	1-2
By the Way	2

## Provisional Waiver Expansion

In this article, we will discuss recent changes that the Department of Homeland Security made to the Provisional Unlawful Presence Waiver, form I-601A. First, we will review what form I-601A is used for.

The waiver is applied for after you file the petition for your relative, but before your relative leaves the United States to go to the consulate in their home country for their visa interview.

What is the waiver trying to forgive? If you have spent 6 months to a year in the United States without permission and you leave the United States, you must wait 3 years before you can re-enter. If you have spent more than a year in the United States without permission and you leave the United States, you must wait 10 years before you can re-enter.

The provisional unlawful presence waiver is used by those who are eligible to get a green card through a family member, but who must leave the country to finish their visa processing because of time that they have spent here unlawfully and the 3 and 10 year bars.

When they leave the United States to go to the consulate for the interview, they will be barred from re-entering for 3 years or 10 years. The waiver allows a person to re-enter despite the 3 and 10 year bars because it shows that them being outside the United States would cause extreme hardship to their US citizen parents or spouse.

Now, you can apply for provisional unlawful presence waiver, form I-601A, if you have a US Citizen or Lawful Permanent Resident spouse (green card holder), or a



US Citizen or Lawful Permanent Resident parent. These are called qualifying relatives. As before, you must show that if you were not allowed to re-enter the United States, there would be extreme hardship to that parent or spouse.

It is very important to note that **children are still not qualifying relatives for the waiver**. That means that though your US citizen child that is over 21 may be able to petition for you, you are unable to leave and re-enter the United States unless you have an approved waiver through your US citizen or Lawful Permanent Resident spouse or parent.

Also, if you have the “lifetime bar” or “permanent bar” because you have crossed the border illegally more than once and have spent more than one year total in the United States, you cannot apply for this waiver.

**Qualifying Relatives for a Waiver =  
US Citizen Spouse, Mother or Father  
AND  
Lawful Permanent Resident Spouse, Mother or Father.  
NOT CHILDREN!**

**CATHOLIC CHARITIES OF THE  
ARCHDIOCESE OF MILWAUKEE,  
LEGAL SERVICES FOR  
IMMIGRANTS**

731 W. Washington St.  
Milwaukee, WI 53204

Phone: 414-643-8570

Fax: 414-643-6726

www.ccmke.org

www.facebook.com/ccmkeLSI



*The information presented in this newsletter should not be considered legal advice. Please remember that immigration laws and regulations can change at any time. If you have a question about immigration law, you should speak with an immigration attorney. To schedule an intake appointment at Catholic Charities, please call (414) 643 8570 x. 4418.*

## By the Way...

We are excited to welcome three new members of our staff! We have hired two new immigration attorneys as well as a new paralegal. Read on to learn more about them.

- Attorney Dan Marazan is a 2016 graduate of Marquette University Law School, and a former intern at Catholic Charities.
- Attorney Jess Woolever is a 2014 graduate of Marquette University Law School, and also interned at Catholic Charities previously. She comes to LSI from Bender, Levi and Larson Associates SC.
- Elisa Sipols is a 2016 graduate of Boston College, and will be working as a paralegal for Catholic Charities. She graduated with a double major in elementary education and applied psychology.

Welcome to all of our new staff members!

## Waivers of Inadmissibility.....(continued)

Another important change is that all classes of family petitions are able to apply for the waiver. So, that means that if you have a petition filed through your US Citizen sibling, parent or spouse, or your Lawful Permanent Resident spouse or parent, you can now apply for the waiver as long as you have a qualifying relative.

It is important to remember that you can only apply for this type of waiver if the only thing you need to waive is your time spent in the United States without permission. You cannot apply for this kind of waiver if you have any criminal problems, false claims to United States Citizenship, smuggling, or any other inadmissibility issues.

Before, immigration would tell you if you were unable to apply for this waiver because of other problems such as smuggling. Now, your lawyer must determine if you can apply or not.



Because of this change, be sure to consult with an immigration attorney, especially before departing from the country for any type of consular processing. Waivers are very complicated and can have very serious effects if done incorrectly. Notaries public are **not** attorneys and often don't have the experience needed for complicated cases. Make sure that you have a qualifying relative before working on any type of waiver, especially when working on consular processing.

### TPS Re-Registrations

TPS (Temporary Protected Status) applications for re-registration have been recently opened for the following countries:

- El Salvador—deadline to reapply is September 6, 2016 ; work permits extended until March 9, 2017.
- Syria—deadline to reapply is September 30, 2016; work permits are extended until March 31, 2017.

Make sure you re-register for TPS by the deadline listed above if you want to continue under temporary protected status. If you have any questions about your TPS Status or want to re-apply, please contact our office.