

# Waivers

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## Waivers of Inadmissibility

Non-Immigrant Visas



- INA Section 212(d)(3) waives many sections of inadmissibility for non-immigrant visa (NIV) applicants
- INA Section 212(d)(13) for T Visas (public chargeability doesn't apply, but other sections would need to be waived)
- INA Section 212(d)(14) for U Visas (all can be waived except Nazi persecution)
- Applications may be presented at Consulate or for Canadians at Port of Entry.

## Waivers of Inadmissibility

### Immigrant Visas



- Waivers of Inadmissibility may be included with applications for Adjustment of Status (AOS) filed with the CIS and when consular processing.
- Waivers of Inadmissibility may be a form of relief in defending removal proceedings (sometimes filed with AOS)

## Waivers of Inadmissibility

### 212(a)(9)(B)



- “Unlawful Presence Waiver” under Section 212(a)(9)(B) of the INA
  - For aliens subject to the 3 or 10 year bar when departing the United States after being “unlawfully present” for over 180 days or 1 year
  - Generally for consular processing (also, “stateside” waivers for immediate relatives)
  - Requires showing extreme hardship to a qualifying relative (USC or LPR spouse or parent..NOT child)
- Caveat regarding the “permanent” bar, under 212(a)(9)(C) (But see exception and VAWA waiver)

## Who is inadmissible under 212(a)(9)?



- Aliens with prior expulsion orders seeking readmission (212(a)(9)(A))
- Aliens with accrued unlawful presence seeking readmission (212(a)(9)(B))
- Aliens with more than one year of unlawful presence who departed and reentered or attempted to reenter illegally (212(a)(9)(C))
- Aliens with a prior removal order who reentered or attempted to reenter illegally (212(a)(9)(C))

## I-601A Process for 3/ 10 year bar



\$420

- I-130 Petition to USCIS
- 6-8 month processing time
- Notice of approval sent to NVC

\$445

- NVC Fee Bill received after I-130 approval
- Submit Visa Fees
- Advise that beneficiary will be applying for I-601A waiver

\$400

- IV interviewed scheduled (8-12 wks from IP submission)
- Medical (must schedule) and biometrics completed
- Interview conducted

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Title search: Waivers

Also available as part of the eCourse

[Immigration Law: Adjustment versus Consular Processing; plus Waivers](#)

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