U.S. Citizenship and Immigration Services

USCIS Reminds Chilean Nationals of Immigration Benefits Available

Introduction

In light of the recent natural catastrophes in Chile, U.S. Citizenship and Immigration Services (USCIS) reminds Chileans of U.S. immigration benefits available to eligible Chilean nationals upon request.

USCIS understands that a natural catastrophe can affect an individual's ability to establish or maintain lawful immigration status. In addition to the March 10 Update, the following Questions and Answers address temporary relief measures available to nationals of Chile.

Questions and Answer

Q1. I am a Chilean national and cannot return to Chile at this time due to the earthquake. My allowed time to stay in the United States is expiring or about to expire. What are my options? Can I work during my stay in the US?
A1. If you wish to change or extend your nonimmigrant status, you may request an extension if you meet the existing criteria for your specific nonimmigrant category. If you are a B-1 or B-2 visitor, you may apply for a six-month extension on the basis that the events of Feb. 27, 2010 earthquake and its aftermath make you unable to return to Chile at this time. Although B-1 and B-2 visitors may receive an extension under these special considerations, they are not authorized to work in the United States. Normally, an extension application must be filed before the authorized stay expires. According to existing guidelines, USCIS may accept applications for change of status or extension of stay after the period of authorized admission has expired. The filing fee for Form I-539 is $300. No waiver of this filing fee is available.

If you are a Chilean national and wish to receive special consideration for a late filed extension or change of status application, you must include evidence with Form I-539 that you were unable to return to Chile before the February 27 earthquake. If you were in lawful, nonimmigrant status on March 27, you will be excused for filing late up to May 27, 2010. After May 27, 2010, eligibility for delayed filing will be determined on a case-by-case basis.

Q2. I am a Chilean national granted parole to enter the United States temporarily, but I am unable to return to Chile due to the earthquake and my parole has expired or is about to expire. What are my options? Can I work during my stay in the US?
A2. If you are a Chilean national who has already been paroled into the United States, you may apply for an extension of your parole ("re-parole"), by making an InfoPass appointment at your local USCIS field office. The length of the extension is at the Director's discretion, but normally will not exceed six months. To qualify for re-parole, you will need to demonstrate that you were or are currently prevented

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from returning to Chile before the expiration of your current or last authorized parole. You will also need to present a genuine, expired or unexpired Form I-94, which contains an expiration date between February 27, 2010 and May 27, 2010.

Once your parole has been extended, you may apply for employment authorization by filing Form I-765, Application for Employment Authorization. For instructions on how to apply, please refer to the filing instructions on the Form I-765.

Q3. I am a Chilean national granted advance parole to travel outside of the United States and cannot return to the United States from Chile due to the recent natural disasters, and my allowed time is expiring or about to expire. What are my options?
A3. Due to disruption of consular services following the earthquake, and in recognition of the humanitarian needs of affected individuals, an automatic extension of advance parole until May 27, 2010 is granted to those aliens, who are currently in Chile and who are outside of the United States if their advance parole authorization, Form I-512, Authorization for Parole of Aliens into the United States, expires between Feb. 27, 2010 and May 27, 2010. Ports of entry have been instructed to accept these auto-extended Form I-512s. Affected individuals do not need to bring any additional documentation with them to the airport.

Q4. I am a Chilean national F-1 student currently enrolled in school in the United States. Due to the recent natural catastrophes in Chile, I can no longer cover the cost of my education. What are my options? Can I work during my stay in the United States?
A4. If your family in Chile is funding your studies, you may be eligible for work authorization based on severe economic hardship. According to the regulations at 8 CFR 214.2(f)(9)(II)(C) and (D), F-1 academic students may request off-campus employment authorization based on severe economic hardship caused by unforeseen circumstances beyond their control, such as changes in the financial condition of their source of support. If your family is encountering difficulties with funding your studies in the United States due to the recent earthquakes in Chile, you may apply for employment authorization based on severe economic hardship. To qualify, you must establish that: a) you have been an F-1 academic student for at least one full academic year; b) you are in good academic standing and carrying a full course load; and c) employment authorization is needed to avoid severe economic hardship.

You will need to obtain a recommendation from your Designated School Official (DSO). That recommendation must be placed on your Form I-20. Once you obtain this recommendation, you must file Form I-765, Application for Employment Authorization, with your properly endorsed Form I-20, according to the filing instructions on the form. The filing fee for Form I-765 is $340 and you may apply to have that fee waived due to your inability to pay. For guidance on fee waivers, please visit www.uscis.gov/feewaiver.

Q5. I am a Chilean national whose case is pending with USCIS. I need my case expedited due to the earthquake in Chile. What are my options?
A5. Given the need for immediate relief, USCIS will expedite certain applications and petitions. Standard requirements for security checks remain in place under expedited procedures.

If a U.S. citizen or lawful permanent resident requests expedited processing of a Form I-130, Petition for Alien Relative, the case will be expedited where a visa number is readily available.

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Chilean nationals with benefit applications pending in the United States may need to travel quickly for emergent reasons and will need to apply for advance authorization for parole to return to the United States. USCIS will expedite the Form I-131, Application for Travel Document, in such cases and where we have been advised of the emergent need to travel.

Q6. Where can I find more information about immigration relief benefits?

A6. For more information on USCIS humanitarian programs, visit www.uscis.gov or call the National Customer Service Center at 1-800-375-5283.

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