U.S. Citizenship and Immigration Services
Office of Communications

USCIS Update

April 25, 2012

Proposed Provisional Unlawful Presence Waiver Is Not in Effect

USCIS Reminds the Public to Avoid Scams and Unauthorized Practitioners of Immigration Law

WASHINGTON—On March 30, 2012, the Department of Homeland Security (DHS) posted a Notice of Proposed Rulemaking (NPRM) in the *Federal Register* outlining its plan to reduce the time U.S. citizens are separated from their immediate relatives (spouses, children, parents) while those family members are in the process of obtaining an immigrant visa to become lawful permanent residents of the United States.

Since the announcement, USCIS has become aware of public misperceptions about the rule-making process and when the provisional unlawful presence waiver process will take effect. To address these issues, USCIS advises:

- **The Provisional Unlawful Presence Waiver is NOT in effect.** The provisional unlawful presence waiver will not be available to potential applicants **until** an effective date is specified in the final rule USCIS will publish later this year in the Federal Register. USCIS has published a notice of proposed rulemaking and will consider all comments received as part of that process before publishing a final rule.

- **Do not send an application requesting a provisional waiver at this time.** USCIS will **reject** any application requesting a provisional waiver and return the application and any related fees to the applicant. USCIS cannot accept requests for a provisional waiver **until** the process change takes effect.

- **Beware of notarios, or other individuals who are not authorized to practice immigration law, who claim they can help you get a provisional waiver.** These individuals also may ask you to pay them money upfront to file an application for a provisional waiver. **Avoid such scams.** Learn to protect yourself and your family against unauthorized practitioners and immigration scams by visiting www.uscis.gov/avoidscams.

- **If you have been scheduled for your immigrant visa interview with the U.S. Department of State, attend the interview**. The Department of State may cancel your immigrant visa registration if you fail to appear for your interview.

A detailed Web page addressing the proposed rule is currently posted to www.uscis.gov/provisionalwaiver.

For more information on USCIS and its programs, please visit www.uscis.gov or follow us on Twitter (@uscis), YouTube (/uscis) and the USCIS blog *The Beacon*.

– USCIS –

AILA InfoNet Doc. No. 12042641. (Posted 04/26/12)