

Provisional Unlawful Presence Waiver – Notifying the National Visa Center

[Translation - Español \(.pdf\)](#)

Important Instructions for Provisional Unlawful Presence Waiver Applicants

About the new waiver

On January 2nd, 2013, U.S. Citizenship and Immigration Services (USCIS) announced that certain immediate relatives of U.S. citizens present in the United States, who are in the process of seeking immigrant visas with the Department of State to become lawful U.S. permanent residents, may apply and be approved for provisional unlawful presence waivers before departing the United States to attend their immigrant visa interviews. USCIS will begin accepting provisional unlawful presence waivers on March 4th, 2013.

If you would like to apply for a provisional unlawful presence waiver, please take the following steps:

STEP A - Review the Provisional Unlawful Presence Waiver News Release on the [USCIS Website](#) to decide if you might meet the requirements. If you meet the requirements, you may choose to apply for the provisional unlawful presence waiver in accordance with the instructions on the USCIS webpage.

STEP B - Notify the National Visa Center (NVC) or Post: Before applying for the I-601A, you **must** notify NVC if you choose to seek a provisional unlawful presence waiver and have a pending immigrant visa case at NVC. If you do not notify NVC, your case may be scheduled for interview at a U.S. embassy or consulate abroad. If NVC has scheduled your immigrant visa appointment, you must notify the immigrant visa processing post where your appointment has been scheduled before applying for the provisional waiver.

NOTE: Applicants with an interview appointment letter from the National Visa Center dated before January 3rd, 2013 are **not eligible** to file the I-601A. Only applicants scheduled by the National Visa Center on or after January 3rd, 2013 for an upcoming initial immigrant visa interview **are eligible** to apply for the I-601A. "Scheduled" means the date on which NVC took the action to schedule the case – **not** the date of the visa interview appointment. NVC dates interview appointment letters on the day it schedules a case, so refer to the appointment notification letter to see when NVC took the scheduling action.

1. When do I notify the NVC or post?

Notify NVC immediately after you have paid the immigrant visa processing fee and before you apply for the provisional unlawful presence waiver. NVC will schedule your immigrant visa interview after USCIS has finished processing your provisional waiver

application.

For cases at the U.S. Embassy or consulate: If NVC has scheduled you for an immigrant visa appointment and you are eligible to apply for the I-601A, you must notify the immigrant visa processing post where your appointment has been scheduled before applying for the provisional waiver. Once USCIS finishes processing your provisional waiver, you may contact post to reschedule your immigrant visa appointment.

2. **How do I notify the NVC?**

If you need to contact the National Visa Center, please email NVCi601a@state.gov

- Enter your NVC Case Number or USCIS Receipt Number in the Subject Line of the email.
- Provide the applicant's name and date of birth and the petitioner's name and date of birth.
- Provide the attorney of record's name, law firm, and address (if applicable).
- Include a statement that the applicant is applying for the provisional unlawful presence waiver with USCIS.
- **NOTE:** Applicants with an interview appointment letter from the National Visa Center dated before January 3rd, 2013 are **not eligible** to file the I-601A. Only applicants scheduled by the National Visa Center on or after January 3rd, 2013 for an upcoming initial immigrant visa interview **are eligible** to apply for the I-601A. "Scheduled" means the date on which NVC took the action to schedule the case – **not** the date of the visa interview appointment. NVC dates interview appointment letters on the day it schedules a case, so refer to the appointment notification letter to see when NVC took the scheduling action.

3. **What does my notification to the NVC do?**

Your notification directs the NVC not to schedule your immigrant visa interview appointment until USCIS has processed your provisional unlawful presence waiver application.

4. **What happens if I forget to notify the NVC?**

If you do not notify NVC, your case may be scheduled for interview at an overseas post, which will delay processing of your immigrant visa application once USCIS has finished processing your provisional unlawful presence waiver application.

5. **What will happen during the visa interview at the U.S. embassy or consulate if the consular officer determines that I have other visa ineligibilities?**

If the consular officer determines at your immigrant visa interview that you have other ineligibilities (grounds of inadmissibility or are otherwise not eligible for the visa) beyond unlawful presence, the USCIS approved provisional waiver is automatically revoked. Learn more on the USCIS Website, www.uscis.gov/provisionalwaiver.