

**From:** U.S. Citizenship and Immigration Services [mailto:uscis@public.govdelivery.com]  
**Sent:** Wednesday, July 15, 2015 4:28 PM  
**To:**  
**Subject:** USCIS Seeks Comments on Proposed Expansion of Eligibility for Provisional Unlawful Presence Waivers

USCIS is seeking public comments on a proposed rule that would expand eligibility for provisional waivers of inadmissibility based on the accrual of unlawful presence. The proposed rule would expand eligibility to all foreign nationals who are statutorily eligible for an immigrant visa and for a waiver of inadmissibility based on unlawful presence.

Read the advance version of the notice of proposed rulemaking: [Expansion of Provisional Unlawful Presence Waivers of Inadmissibility](#). Once the notice of proposed rulemaking is published in the Federal Register, the public will have 60 days from the date of publication to comment. To submit comments, follow the instructions in the notice.

The changes, proposed in the interests of family unity and to enhance customer service, would take effect on the date indicated in the final rule when the final rule is published in the Federal Register.

Currently, the Department of Homeland Security (DHS) allows certain immediate relatives – specifically certain parents, spouses and children of U.S. citizens -- who are in the United States to request a provisional unlawful presence waiver before departing for consular processing of their immigrant visas. The waiver currently is only available to those immediate relatives whose sole ground of inadmissibility would be unlawful presence under section 212(a)(9)(B)(i) of the Immigration and Nationality Act and who can demonstrate that the denial of the waiver would result in extreme hardship to their U.S. citizen spouse or parent.

Under the proposed rule, USCIS may grant a provisional waiver to foreign nationals if they are statutorily eligible for an immigrant visa and for a waiver of inadmissibility based on unlawful presence. The proposed rule also would expand who may be considered a qualifying relative for purposes of the extreme hardship determination to include lawful permanent resident spouses and parents.

These proposed changes do not take effect with the publication of the notice of proposed rulemaking. When the final rule is published, the final rule will indicate the date on which foreign nationals may begin to apply for provisional unlawful presence waivers under the changes.

At this time, foreign nationals should not submit applications requesting provisional unlawful presence waivers based on the proposed changes. USCIS may deny any such application filed before the effective date indicated in the final rule, once the final rule is published.

For more information, see the [Provisional Unlawful Presence Waivers](#) page.

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