

**Table of Changes – FORM  
Form I-601A, Application for Provisional Unlawful Presence Waiver  
12/21/2012**

Location	Previous Draft	Proposed Language
<p><b>Page 1 Attorney/ Representative</b></p>	<p><b>To Be Completed by an Attorney or Accredited Representative, if any.</b></p> <p>Fill in box if G-28...</p>	<p><b>To Be Completed by an Attorney or <b>BIA</b>-Accredited Representative, if any.</b></p> <p><b>Check</b> box if G-28...</p>
<p><b>Page 1-3 Part 1. Information About Applicant</b></p>	<p>...2. Applicant’s U.S. Social Security Number (optional)...</p> <p><b>24.</b> Are there other previous entries?</p> <p>If "Yes," include the place of entry, dates, and immigration status for previous entries in <b>Part 5</b> of this Form.</p> <p><b><i>Immigration or Criminal History Records</i></b></p> <p>Answer the questions in Item Numbers 25.a. through 32. by marking either “Yes” or “No” after each question. You must answer questions about criminal history records regardless of the country where the event occurred.</p> <p><b><i>NOTE: If you answer “No” to Items 25.b. or 26.b, or if you answer “Yes” to Items 27., 28., 29., 30. or 33., you are not eligible for a provisional unlawful presence waiver and your application will be denied.</i></b></p> <p>25.a. Are you in removal proceedings?</p> <p><i>Note: You may answer “No” if the removal proceedings have been terminated or dismissed.</i></p> <p><b>25.b.</b> If you answered “Yes” to Item 25.a, were your removal proceedings administratively closed but subsequently reopened for voluntary departure?</p> <p><i>Note: If you answered “Yes” to Item 25.b, you will need to provide a copy of the administrative closure notice and voluntary departure order.</i></p> <p><b>26.a.</b> Have you ever been issued a Notice to Appear (NTA)?</p>	<p>...2. <b>U.S.</b> Social Security Number (optional)...</p> <p><b>24.</b> Are there other previous entries?</p> <p>If "Yes," include the place of entry, dates, and immigration status for previous entries in <b>Part 5, Additional Information</b>, of this form.</p> <p><b><i>Immigration or Criminal History</i></b></p> <p><b>25. Are you currently in removal proceedings (this includes being subject to a final removal order or to a DHS order reinstating a prior removal order)?</b></p> <p><b><i>Note: If you answered "No," skip to Item Number 27.</i></b></p> <p><b><i>Note: If your case has been administratively closed, you are still “in removal proceedings” until the Department of Justice, Executive Office of Immigration Review (EOIR) terminates or dismisses your case. However, you are eligible to apply for a provisional unlawful presence waiver if EOIR has not recalendared your removal proceeding.</i></b></p> <p><b>26. If you answered “Yes” to Item Number 25., select the statement below that most accurately describes your current situation:</b></p> <p>I am in removal proceedings that are administratively closed and have <b>not</b> been recalendared <b>at the time of filing a Form I-601A.</b></p> <p><b><i>Note: Provide a copy of the administrative closure notice. You should seek termination or dismissal of your removal proceedings <b>before</b> you depart the United States if your application for a provisional unlawful presence waiver is approved.</i></b></p>

	<p>26.b. If you answered “Yes” to Item 26.a, was the NTA subsequently cancelled by DHS?</p> <p>27. Are you subject to a final order of removal, deportation, or exclusion, or to the reinstatement of a prior removal order?</p> <p>28. Have you ever given false or misleading information to a U.S. Government official while applying for an immigration benefit or to gain entry or admission into the United States?</p> <p>29. Have you ever assisted the entry of someone, even a family member, into the United States without the benefit of a valid travel document?</p> <p>30. Have you ever committed a crime for which you were not arrested?</p> <p>31. Have you ever been arrested, cited, or detained by a law enforcement officer (including immigration and military officers) for any reason other than traffic violations in the United States, your home country, and/or any other country?</p> <p>32. Have you ever been charged, indicted, imprisoned or jailed for any crime or offense?</p> <p>33. If you answered “Yes” to Item Numbers 31. or 32., were you ever convicted of a crime?</p> <p><i>Note: If you were convicted of a crime, you must answer “Yes” even if your records were expunged; you were placed in an alternative sentencing or rehabilitation program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication); your records were sealed or otherwise cleared; or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record.</i></p> <p>If you answered “Yes” to Item Numbers 31. or</p>	<p>I am now subject to a final order of removal, deportation, or exclusion, or to the reinstatement of a prior removal order.</p> <p>I am subject to a DHS order reinstating a prior removal order.</p> <p>I am currently in removal proceedings that are not administratively closed, or I am currently in removal proceedings that were administratively closed, but have been recalendared.</p> <p><i>Note: You may be ineligible for a provisional unlawful presence waiver and your application may be denied.</i></p> <p>27. Have you ever <b>knowingly and willfully</b> given false or misleading information to a U.S. Government official while applying for an immigration benefit or to gain entry or admission into the United States?</p> <p>28. Have you ever <b>knowingly</b> assisted <b>or attempted to assist</b> the entry of someone, even a family member, into the United States without the benefit of a valid travel document <b>in violation of U.S. law?</b></p> <p><b>[Deleted]</b></p> <p>29. Have you ever been arrested, cited, or detained by a law enforcement officer (including immigration and military officers) in the United States, your home country, and/or any other country for any reason other than traffic violations?</p> <p>30. Have you ever been charged, indicted, convicted, imprisoned or jailed <b>in the United States, your home country, and/or any other country</b> for any crime or offense?</p> <p><b>[Deleted]</b></p>
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	<p>32., provide the location and date of the event, and a brief description below for each event. If you require additional space, use <b>Part 5</b> of this Form. <b>You must provide all related court dispositions</b> to show that you were not convicted of a crime.</p> <p>34.a. City or Town</p> <p>34.b. State</p> <p>34.c. Country</p> <p>34.d. Date (mm/dd/yyyy)</p> <p>34.e. Brief description of arrest or detainment</p>	<p><b>Have you ever engaged in, ordered, incited, assisted or otherwise participated in any of the following:</b></p> <p>31.a. Acts involving torture, genocide, or human trafficking?</p> <p>31.b. Killing any person?</p> <p>31.c. Severely injuring any person?</p> <p>31.d. Any kind of sexual contact or relations with any person who was being forced or threatened?</p> <p><i>Note: If you answered “Yes” to any item in <b>Item Numbers 27.-31.d.</b>, you may be ineligible for a provisional unlawful presence waiver, and your application may be denied. For each “Yes” response, provide the location and date of the event, and a brief description in <b>Part 5., Additional Information</b>, of this form. For <b>Item Number 29.</b>, if you were not charged with any crime or offense, provide a statement or other documentation from the arresting authority or prosecutor’s office to show that you were not charged with any crime or offense. If you answered “Yes” to <b>Item Number 30.</b>, you must provide all related court dispositions.</i></p>
<p><b>Page 3, Part 2. Information About Immediate Relative Petition and Consular Visa Processing</b></p>	<p>Provide the following information about the approved immediate relative petition (Form I-130 or I-360) and your immigrant visa application...</p>	<p><b>Part 2. Information About Immediate Relative Petition and Immigrant Visa Processing</b></p> <p>Provide the following information about the approved immediate relative petition (Form I-130 or I-360) and the related immigrant visa application...</p>

	<p><b>Consular Visa Processing...</b></p> <p>5. Did the Department of State already schedule you to appear at a U.S. Embassy or consulate for an immigrant visa interview?</p> <p>If "Yes" you are not eligible to apply for a provisional unlawful presence waiver, even if you or the consulate cancelled or rescheduled your interview.</p>	<p><b>Immigrant Visa Processing...</b></p> <p>5. Did the Department of State initially act <b>before MM/DD/YYYY</b> to schedule you to appear at a U.S. Embassy or consulate for an immigrant visa interview based on the approved immediate relative petition listed in <b>Part 2., Item Number 1.</b>?</p> <p><b>Note:</b> USCIS may reject or deny your application if you answer "Yes," do not answer the question, or answer "No" but DOS records indicate that DOS initially acted prior to MM/DD/YYYY to schedule you for an immigrant visa interview.</p>
<p><b>Page 3, Part 3. Information About Qualifying Relative</b></p>	<p>Provide the following information about the qualifying relative (U.S. citizen spouse or parent) ...</p> <p>If "Yes," include the name and relationship of the other qualifying relatives in <b>Part 5</b> of this Form.</p>	<p><b>[Page 3]</b></p> <p>Provide the following information about the U.S. citizen spouse or parent (qualifying relative) ...</p> <p><b>[Page 4]</b></p> <p>If you answered "Yes" include the name, relationship and <b>evidence of the U.S. citizenship</b> of the other qualifying relative in <b>Part 5., Additional Information</b>, of this form.</p>
<p><b>Page 4 Part 4. Statement From Applicant</b></p>	<p>In the space provided, describe in detail all of the reasons that you believe support your request for a waiver, including information about the extreme hardship your qualifying relatives would experience if you were refused admission to the United States.</p>	<p>In the space provided, <b>explain</b> in detail <b>why</b> you believe your <b>application</b> for a <b>provisional unlawful presence</b> waiver should be approved as a matter of discretion. List all of the reasons you believe support your application for a <b>provisional unlawful presence waiver</b>, including information about the extreme hardship your qualifying relatives would experience if you were refused admission to the United States.</p>
<p><b>Page 5 Part 5. Additional Information</b></p>	<p>In the space provided, you may add additional information regarding any item in this form. In order to assist USCIS in reviewing your response, you must indicate the Part Number and Item Number of this form which relates to the additional information.</p>	<p>If you need more space to provide any additional information within this application, please use the space below. If you require more space than what is provided in this section, you may use a separate sheet(s) of paper. You must include your full name on each sheet of paper along with the page number, <b>Part Number</b> and <b>Item Number</b> related to your explanation.</p>
<p><b>Page 5 Part 7. Signature of Person Preparing This Application</b></p>	<p><b>NOTE:</b> If you are an attorney or representative, you must submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with this application....</p>	<p><b>Part 7. Signature and Contact Information of Person Preparing this Application (if Other Than the Applicant)</b></p> <p><b>NOTE:</b> If you are an attorney or <b>BIA-accredited</b> representative, you must submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with this <b>form</b>.</p>

		<p>Attorney or Accredited Representative: In the event of a Request for Evidence (RFE), may USCIS contact you by e-mail...</p>
<p><b>New Section</b></p>		<p><b>[Page 6]</b></p> <p><b>Part 8. Signature of Interpreter</b></p> <p>1. Language Used</p> <p>I certify that I am fluent in English and the language above. I further certify that I have read each and every question and instruction on this form, as well as the answer to each question, to this applicant in the above-mentioned language, and that the applicant has informed me that he or she has understood each and every instruction and question of the form, as well as the answer to each question on the form.</p> <p>2.a. Signature of Interpreter</p> <p>2.b. Date of Signature (mm/dd/yyyy)</p> <p>Interpreter's Information (Sub-heading)</p> <p>3.a. Interpreter's Family Name (Last Name)</p> <p>3.b. Interpreter's Given Name (First Name)</p>