

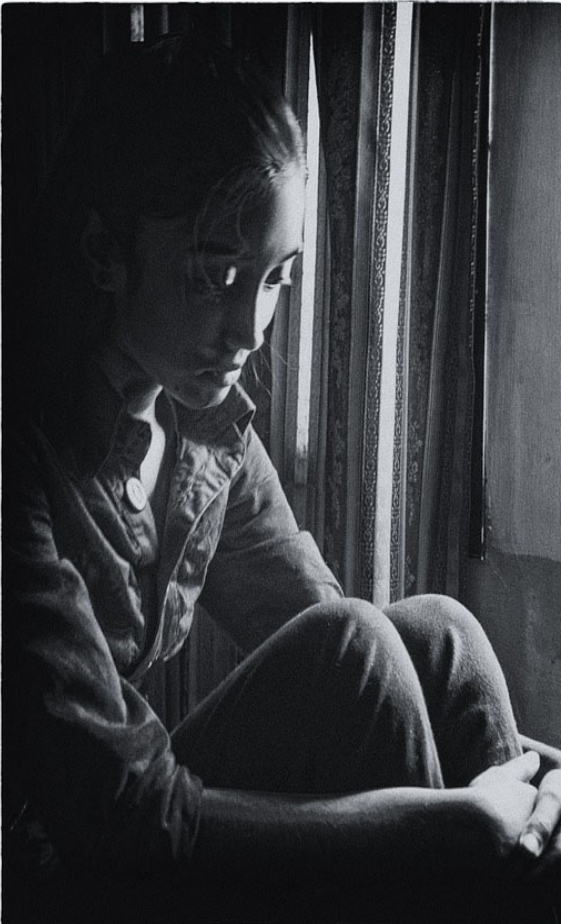


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Original page: [Not everyone can use an I-601 waiver](#)



When is a 601A Waiver Cannot be used to correct immigration problems.

Certain individuals cannot acquire an I-601 waiver because of information in their immigration records which prevent a waiver from being applied to their case. A person isn't always eligible for a waiver under the subsequent situations:

1. The individual is subject to the permanent bar because :

- a. Was illegally present within the US for more than one year after April 1, 1997 accompanied by a departure from the us and a return without a proper inspection; or
- b. Was removed (deported) from the united states after April 1, 1997 and returned to the united states with out inspection.

2. The person has falsely claimed to be a American citizen unless he or she falls into a limited exception. This very narrow exception to INA §212(a)(6)(C)(ii), which was vreated through the child Citizenship Act of 2000 applies, in the case of an alien making this type of representation, if:

- a. each natural parent of the alien (or, in the case of an adopted alien, every adoptive parent of the alien) is or became a citizen (whether or not through birth or naturalization);
- b. The alien permanently resided inside the u.s. prior to reaching the age of 16; and
- c. The alien reasonably believed at the time of making such representation that he became a citizen;

3. The individual has been a member of a criminal gang.

4. The individual has a controlled substance conviction or a guilty plea, even if eventually dismissed because of of completion of an ARD, etc., for any substance apart from simple possession of less than 30 grams of marijuana for personal use;

5. The person failed to to attend a removal hearing in the united states and has not been outside the us for 5 years;

6. The person has a finding of marriage fraud in a prior immigration application; or

7. The person previously filed for asylum and the application was found to be a frivolous asylum application.