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OTHER IMMIGRATION WAIVERS



Waiver I-212: Application for Permission to Reapply for Admission into the United States following a Deportation or Removal

This I-212 "waiver" is for an inadmissible immigrant or non-immigrant that's seeking permission to reapply for admission into the U.S., (also called "consent to reapply") after they were been excluded, deported, or removed from the U.S. or had been unlawfully residing within the U.S. for an aggregate amount of over one year, and afterwards entered or tried to reenter the us without being properly and legally admitted.

Aliens who are deported from the U.S. are usually barred for a period of time. The amount of time that the alien is barred are often either five, ten or twenty years depending on the circumstances of and reasons for the deportation. In order to be readmitted before completion of this time period, a I-212 waiver for Reapplication for Admission should be filed.

In some cases, the I-212 waiver is filed in conjunction with an I-601 waiver application (for those who remained within the us illegally for a time of greater than six months). Or let's say, somebody who has been ordered deported from the U.S. when an Immigration judge has determined a finding of fraud under INA § 212(a)(6)(C)(i), that imposes a bar to getting into the U.S., will require an I-212 waiver application and either an I-601 waiver application (for an immigrant visa) or an I-192 waiver application (for a nonimmigrant visa).

The I-212 application, once granted, would waive the previous removal. The I-601 or I-192 application, if approved, would waive the fraud grounds of inadmissibility.

Section 212(h) waiver for some Crime

Section 212(h) of the Immigration and Nationality Act provides that the Attorney General may, in his discretion, waive effect of crimes involving moral turpitude, multiple criminal convictions), vice crime and commercial vice,

certain aliens who have asserted immunity from prosecution, and an offense of simple possession of thirty grams or less of marijuana.

This waiver is often used for the following crimes:

(I) a criminal offense involving moral depravity (other than a strictly political offense or an attempt or conspiracy to commit such a crime), or

(II) a violation of (or a conspiracy or plan to violate) any law or regulation of a State, the U.S., or a foreign country regarding a controlled substance (as outlined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), is inadmissible.

Multiple criminal convictions. -Any alien condemned for two or more offenses (other than strictly political offenses), in spite of whether or not the conviction was during a single trial or whether or not the offenses arose from one scheme of misconduct and in spite of whether or not the offenses involved moral depravity, that the aggregate sentences to confinement were five years or more is inadmissible .

SECTION 212(i) FRAUD AND MISREPRESENTATION

Under section 212(a)(6)(C)(i) of the Act, an alien who, by fraud or willful untruth of a material fact, seeks to acquire, has sought to acquire, or has procured a visa, other documentation, or admission into the U.S. or other benefit provided in the Act, is inadmissible. However, the Attorney General may waive the application of section 212(a)(6)(C)(i) of the Act in the case of an immigrant who is the spouse, son, or daughter of a U.S. citizen or of an alien lawfully admitted for permanent residence if it's established to the satisfaction of the Attorney General that the refusal of admission to the U.S. of the alien would lead to extreme hardship to the citizen or lawful resident spouse or parent of the alien. INA 212(i).

VAWA - BATTERY OR CRUELTY BY THE ALIEN'S SPOUSE

This waiver was created by Congress to assist in uniting families and preserve family ties composed of U.S.citizens or lawful permanent residents.

To be eligible the alien must be a spouse, child, or parent of a U.S. citizen and also the alien or a child of the alien must have been battered or have been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse. The spouse or child of a lawful permanent resident of the U.S. is additionally eligible for a waiver where the alien or the alien's child has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

THE 212(d)(3) - waiver for non-immigrants

If you have violated the United States immigration laws and wish to enter the United States with a non-immigrant visa there is also an Immigration waiver available. The Immigration and nationality Act (I.N.A.) that provides for a waiver, 212(d)(3). Nonimmigrant visa holders are people who have entered the united states with permission, for a brief period. Examples include tourist for business or pleasure, students, H-1B visa holders and different temporary employees, treaty traders and investors, intra-company transferees, and foreign government officials.

An immigration waiver under this law permits visitors to temporarily enter the United States though they're found to be inadmissible. Some of the grounds that are covered by the immigration waiver include permanent grounds of inadmissibility, akin to fraud or criminal conduct, in addition as some grounds that are limited in length, such as previous unlawful presence.