

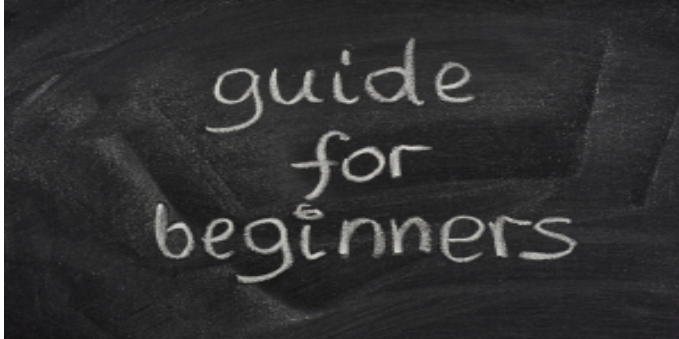


**Dr. Moises Apsan**  
30 Anos de Experiência  
Licenciado em 50 Estados \*

1-(877) 8738510  
Agende uma Consulta

Apsan Law Offices, LLC.

Original page: [I-601A Provisional Waiver: A Step by Step Guide](#)



The new provisional unlawful presence waiver (I-601A) process facilitates the issuance of immigrant visa for immediate relatives of U.S. citizens and spouse and children of Lawful Permanent Residents, who are otherwise admissible to the United States except for the 3-year and 10-year unlawful presence bars, which are triggered upon departure from the United States.

The waiver applicant must be either a child, son or daughter or spouse of a U.S. citizen or a lawful permanent resident. Note carefully that the waiver applicant cannot be the parent of a U.S. citizen or of a lawful permanent resident.

The waiver process allows eligible immediate relatives to apply for a provisional unlawful presence waiver while they are still in the United States and before they leave to attend their immigrant visa interview abroad.

Once abroad the process takes only 3 weeks. You may remain in your country for up to 4 weeks to visit family and take care of business.

### **WHAT ARE THE STEPS NECESSARY TO PROCESS THE WAIVER.?**

**STEP 1:** A person who intends on filing for the waiver must first obtain an approved immigrant petition. It can be -130, I-140, or even a selection in the DV lottery.

**STEP 2:** The approved petition is sent to the National Visa Center (NVC). The National Visa Center (NVC) is part of the U.S. Department of State that plays the role of holding United States immigrant visa petitions approved by the United States Citizenship and Immigration Services until an immigrant visa number becomes available for the petition, at which point it arranges for the visa applicant(s) (the petition beneficiaries) to take the visa interview at a consulate abroad. It is located in Portsmouth, New Hampshire.

The NVC will send a letter requesting payment for processing and the applicant has to pay the Immigrant Visa and Affidavit of Support Fees (when necessary)

**STEP 3:** At this point the applicant submits form I-601A to USCIS with a filing fee and supporting documents. Form I-601A is mailed to the Chicago Lockbox facility.

**For U.S. Postal Service (USPS):**  
USCIS

P.O. Box 4599  
Chicago, IL 60680

**For FedEx, UPS, and DHL deliveries:**

USCIS

Attn: I-601A

131 S. Dearborn, 3rd Floor

**STEP 4:** Once the waiver is approved, USCIS informs NVC about the approval, the applicant has to submit electronically DS 260 immigrant visa form and supporting documents.

You can access the DS-260 from the [Consular Electronic Application Center \(CEAC\)](#) website, by going to [Immigrant Visas.state.gov](#) and clicking on "Submit Visa Application and Civil Documents," or on the website of the [U.S. embassy or consulate](#) where you will apply. You may wish to preview a [sample](#) DS-260 (6.4MB) before beginning.

The applicant must now wait for the visa interview; schedule the medical exam overseas and plan for the departure.

**STEP 5:** The applicant must travel overseas for their visa interview. The process out of the country takes about 3 weeks. The first week the applicant takes a medical exam, the second week there normally is a short interview. The third week, by mail, the applicant receives his passport with an immigrant visa stamp along with a sealed envelope containing official documents. He is given up to four weeks to enter the U.S. Upon arriving in the US, the applicant will receive the actual "green card" mailed to their U.S. address.

These are the usual steps for those who have never been in an immigration court proceeding and do not have other inadmissibility issues.