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Original page: [Can The Parent of a U.S. Citizen Who Entered The U.S. Illegally be granted a 601A Waiver?](#)

Is a 601A Waiver For A Parent of A U.S. Citizen Who Entered The U.S. Illegally, Possible?

Please wait

The immigration law permits U.S. citizens children - over the age of 21- to petition for parents to come and live permanently in the United States. This is called an "immediate relative" petition.

The problem: Those who have been unlawfully present in the United States for a continuous period of more than 180 days (6 months), but no more than one year, and who voluntarily depart the U.S. is punished by a three-year bar to re-entry into the U.S. Just by leaving U.S. triggers the bar, even if the trip is to a consular process to obtain an immigrant visa.

The ten-year bar to re-entry into the U.S. applies to individuals unlawfully present in the U.S. for an cumulative period of one year or more who depart voluntarily Unlawful presence begins to accumulate when the period of authorized stay elapses or after an entry to the U.S. without inspection

There is a 601A waiver that helps certain relative to eliminate this 10 year bar to reentry, but this waiver is specifically limited to spouses of U.S. citizens and Lawful Permanent Residents (Green card) and to the children of U.S. citizens and Lawful Permanent Residents (Green card) parents.

Parents with U.S. citizen children cannot use their child as Qualifying Relatives, necessary to establish for "extreme hardship" for a 601A waiver applications. But any 'hardship' felt on their part can also be taken into account and mentioned in so far as they negatively affect **the spouse or parent Qualifying Relative**. These children adds even more to the "extreme hardship" suffered by the Qualifying Relative in question. But understand the child cannot be the Qualifying Relative him/herself.

In other cases parents of U.S. Citizens can obtain their permanent status relatively easy.

How A Parent Can Get a Green Card While Inside the United States

One Step Process

Only certain relatives of a U.S. citizen are qualified to request a green card (permanent residence) while inside the United States. An immediate relative relationship permits you to submit on Form I-485, Application to Register Permanent Residence or Adjust Status, to become a permanent resident at the same time that your U.S. citizen petitioner files Form I-130 Petition for Alien Relative. For more information on filing for permanent residence in one step, see [**Filing both the Petition and**](#)

[Application Concurrently page.](#)

Two Step Process

You always have the choice to file your I-485 application any time after your petitioner files a Form I-130, for you. Of course if the I-130 is denied, you I-485 will also be denied. You normally need to submit a copy of Form I-797, Notice of Action, with your Form I-485, that shows the Form I-130 petition is either pending or approved.

- Step A - Your U.S. citizen immediate relative files the Form I-130 on your behalf and it must be either pending or approved.
- Step B - After you receive the Notice of Action (Form I-797), indicating that the Form I-130 has either been received by USCIS or approved, then you may file Form I-485. Don't forget to include a copy of the Form I-130 receipt or approval notice (the Form I-797) when you file your I-485 application package. Also, you must include a copy of the Form I-130 receipt or approval notice (the Form I-797). For more information on filing for permanent residence, [see our Adjustment of Status page.](#)

How a Parent Can Get a Green Card While Outside the United States

If you are currently residing outside the United States and you are the parent of a U.S. citizen over the age of 21, you can become a permanent resident through the consular processing system at a U.S. Consulate. Consular Visa processing is when USCIS and the Department of State work together to issue a visa on an approved Form I-130 petition. Normally this happens when a visa is available, however, for immediate relatives there is always sufficient visas available. Once the consulate approves your visa application, you may travel to the U.S. without any problem.