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To be eligible for a provisional unlawful presence waiver (601A) , you must meet ALL of the following conditions:

1. Be physically present in the United States to file your application and provide biometrics.
2. Be 17 years of age or older.
3. Be in the process of obtaining your immigrant visa and have an immigrant visa case pending with Department of State (DOS) because you: Are the principal beneficiary of an approved Form I-130, Petition for Alien Relative; an approved Form I-140, Petition for Alien Worker; or an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant who has paid the immigrant visa processing fee; Have been selected by DOS to participate in the Diversity Visa (DV) Program (that is, you are a DV Program selectee); Are the spouse or child of a principal beneficiary of an approved immigrant visa petition who has paid the immigrant visa processing fee to DOS; or Are the spouse or child of a DV Program selectee (that is, you are a DV Program derivative)
4. Be able to demonstrate that refusal of your admission to the United States will cause extreme hardship to your U.S. citizen or Legal Permanent Resident spouse or parent.
5. Believe you are or will be inadmissible only because of a period of unlawful presence in the United States that was: More than 180 days, but less than 1 year, during a single stay (INA section 212(a)(9)(B)(i)(I)); or 1 year or more during a single stay (INA section 212(a)(9)(B)(i)(II)).