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Original page: [I was deported but never went back to my country. Can I apply for 601A Waiver?](#)

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## **I applied for Political Asylum and was ordered deported, but I never left. Can I apply for a 601A waiver?**

Under the final restatement of the I-601A Waiver, those subject to final orders of removal, deportation, or exclusion may now apply for the provisional waiver (601A) , provided, of course, that certain eligibility requirements are met.

In a case where the individual was ordered deported or removed, the applicant has to obtain an additional waiver before leaving the U.S. This would be an I-212 waiver.

### **What is the I-212 Waiver?**

The I-212 is the application that requests permission to reapply for admission into the US after Deportation or Removal. If the person is in the U,S, he is applying for a *conditional* approval of the application. The person still must the depart the US in order for the approved I-212 to take effect. This waiver is specifically used to permit a person to return to the U.S> after a deportation or removal.

Understand that when you are deported the following punishment applies :

- 10 years from the date of departure or removal, if only removed once
- 20 years from the date of departure or removal, if removed two or more times
- Forever, if convicted of an aggravated felony.

So, once a person departs the US, the deportation or removal order goes into effect. If a person leaves the U.S. without an approved I-212, he or she will not be allowed to return to the U.S. for the specified time.

### **Now comes the I-601A waiver**

When the I-212 waiver is approved, the individual still needs to get an I-601A waiver approved to avoid the 10 year punishment for his overstay.

Once establishing of extreme hardship to a USC/LPR spouse or parent, an approved I-601A waiver would remove the 3 or 10-year unlawful presence bar. This conditional approval removes a major part of the pressure in returning to the home country for the immigration interview.

Simply stated, the I-212 speak to the removal (deportation) order and the I-601A speaks to the unlawful presence bar. These two waivers remove major impediments that would normally prevent a person from immigrating for at least 10 years.

It is important to remember that even if you were ordered deported and never left you have a way to resolve the problem.

## **In Absentia Deportation/ Removal Orders**

If the person failed to show up at an immigration court hearing, then there is another significant problem. Under the current law, anyone who fails to appear for any court date is deported in absentia. What this means is that , the person must remain outside the U..S. for a period of 5 years BEFORE he can make use of the 601A waiver.