

## AMENDED 601A PROVISIONAL WAIVER SUMMARY

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Full Text of Final Rule: <https://www.federalregister.gov/articles/2016/07/29/2016-17934/expansion-of-provisional-unlawful-presence-waivers-of-inadmissibility>

### Who is Eligible for 601A Waiver under Amended Rule?

Any person who is physically present in the United States who:

1. Is over the age of 17;
2. Has any Approved Immigrant Visa (Family Preference, or Employment based) *or* is the derivative beneficiary of an approved immigrant visa petition;
3. Has USC *or* LPR parent/spouse (child still not qualifying relative for Hardship);
4. Is otherwise admissible to the US; and
5. Can establish Good Moral Character for exercise of favorable discretion.

### Additional Changes to Eligibility Worth Noting:

1. An individual with a **final removal or deportation order** is no longer barred from seeking an I-601A waiver. If subject to a final order an individual may seek an I-212 and thereafter an I-601A under certain circumstances.
2. An individual subject to **reinstatement** of removal is eligible for a 601A waiver so long as CBP or ICE have not actually reinstated the prior order prior to filing or while the application is pending.
3. The **Reason-to-Believe Standard** has been abolished. A 601A waiver can no longer be denied on the grounds of “reason to believe” the applicant may be subject to another ground of inadmissibility other than unlawful presence.
4. **DOS action before January 3, 2013**, will no longer be a restriction that bars an applicant from filing a 601A waiver.

### When can Newly Eligible Applicants begin to Apply?

The new 601A form will be available on August 29, 2016 and may be file starting that day. Eligible individuals should begin the process immediately as to be avoid being caught in a backlog of newly filed cases.

Currently 601A waivers are taking over 10 months to be processed. This new rule will make the number of people eligible for a 601A waiver expedientially larger, which will likely result in an even larger back log of 601A waiver cases.

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You can [submit any questions you may have here](#) or feel free to email [nyimmigrationesq@gmail.com](mailto:nyimmigrationesq@gmail.com).

If you believe you may be eligible under the amended rule you should [contact an experienced immigration attorney](#) as soon as possible.

Please note that contacting us in anyway does not establish an attorney client relationship. Written and posted by Joseph B. Caraccio.  
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