

**What is the meaning of the new Obama
Administration's announcement:
Family Unity Waiver?**



Date of announcement: January 6th, 2012

IT IS NOT A LAW

- ◆ Is one of different measures taken by the Obama Administration that does not require the approval of Congress.
- ◆ Is only a change of the way the Waivers will be processed.
- ◆ **It is not a rule yet and there's nothing that people could apply for at this point.**
- ◆ It will only change the situation of immigrants whose immediate relatives are U.S citizens.



What happens under the current law?

- ◆ U.S citizens could file petitions on behalf of their spouses, parents and children (over or under 21).
- ◆ In most cases their relatives need to travel to the U.S embassies at their countries of origin to pick up their visas.

“But Be Aware”

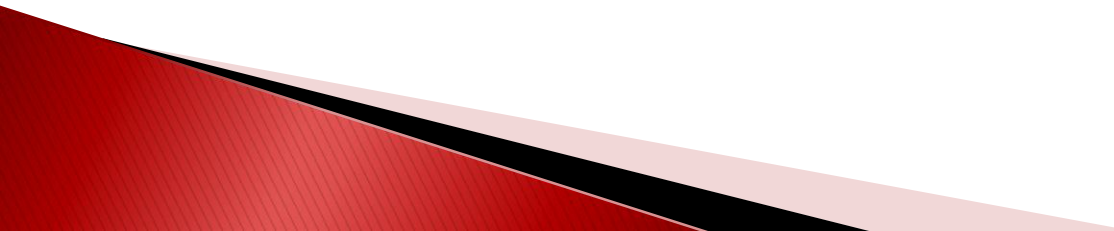
- ◆ As soon as they leave the U.S, they will automatically activate “THE 3 AND 10 YEAR BAR” and will not be allowed to come back for up to 10 years, unless they apply for a Waiver from the bars.

The 3 and 10 year BAR

- ◆ If an immigrant accumulates more than 180 days of illegal presence and leaves the country, they will be barred from coming back for up to 3 years.
- ◆ If they accumulate more than 365 days (1 year), then they could be barred for up to 10 years.
- ◆ Once they are outside the U.S, they could apply for a waiver from the bars with U.S.C.I.S and try to diminish the time outside the country.



Waiver

- ◆ To qualify for the Waiver, the immigrant needs to prove their absence will inflict “unusual and extreme hardship” on the U.S citizen.
 - ◆ The waiting time for the approval varies from a couple of months to a few years.
 - ◆ During this waiting time the families will remain separated.
 - ◆ In cases where the Waiver is denied, families could be apart for up to 3 or 10 years, depending on the illegal presence the immigrant had accumulated in the U.S.
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What will happen when USCIS starts implementing these changes?



- ◆ USCIS will allow immigrants to receive a provisional waiver before traveling to the U.S Embassy in their country of origin.
- ◆ With the waiver in hand, they will be able to come back to the U.S after picking up their visas.
- ◆ Thousands of families will be able to come out of the shadows they have been living in.

Things to remember:

1. This **IS NOT A LAW!** It just changes the procedure to receive a Waiver.
2. This change will only benefit spouses and children of U.S citizens.
3. The immigrant will still need to prove that his/her absence will cause “**extreme and unusual hardship**” on the U.S citizen.
4. USCIS will issue a **Provisional Waiver** and it should only be used to travel back to your country of origin to pick up the visa.

Still have questions?

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